

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

**August 07, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session August 07, 2007, at 5:04 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 Mansoor  
Mayor Pro Tem Eric Bever  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Associate City Prosecutor Yolanda Summerhill  
City Clerk Julie Folcik

(Council Member Linda Dixon entered at 5:15 p.m.)

**II. PUBLIC COMMENTS**

There were no public speakers.

**III. CLOSED SESSION**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Properties at 791, 795 and 799 Shalimar Drive, Costa Mesa. Agency Negotiator: Allan Roeder, City Manager. Negotiating Party: Aurelio, Maria and Jesus Pimentel, pursuant to Government Code Section 54956.8.
2. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA), and Costa Mesa Police Management Association (CMPMA), Confidential Employees and Other Unrepresented Employees (Appointed At-Will Executives, Appointed

At-Will Sworn Department Directors, Appointed At-Will Department Directors; Department Directors in Classified Service, Sworn Division Managers in Classified Service, Division Managers in Classified Service).

Mayor Mansoor recessed the meeting at 5:06 p.m., to the closed session in Conference Room 1B.

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

**PLEDGE OF ALLEGIANCE - Mayor Pro Tem Eric Bever**

**MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Abbate, Calvary Chapel**

**ROLL CALL**

Council Members Present:	Mayor Allan Mansoor Mayor Pro Tem Eric Bever Council Member Linda Dixon Council Member Katrina Foley Council Member Wendy Leece
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Council Members Absent:	None
Officials Present:	City Manager Allan Roeder Assistant City Manager Thomas Hatch Associate City Prosecutor Yolanda Summerhill Assistant Development Services Director Mike Robinson Public Services Director William Morris Management Analyst Carol Proctor Administrative Intern Tony Evon Associate Planner Wendy Shih Finance Director Marc Puckett Chief of Police Christopher Shawkey Police Sergeant Philip Myers Assistant Planner Rebecca Robbins City Clerk Julie Folcik

**CLOSED SESSION REPORT**

The Associate City Prosecutor reported that there was no action taken on the closed session items.

**PRESENTATIONS**

Mayor Mansoor congratulated Carol Proctor, Management Analyst, and Tony Evon, Administrative Intern, City Manager's Office, as being named Employees

of the Month for August, 2007, in recognition for their efforts for Operation Stars and Stripes relative to the City's support of D Company, the 2-25<sup>th</sup> Aviation Regiment.

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

1. Elizabeth Langlois, Costa Mesa, expressed her concern regarding the the National Security Presidential Directive, which gives the dictorial authority to the President in the event of a catastrophic event and of an executive order where the administration has the authority to sieze property of those that who pose a significant threat to the peace and stability of the movement in Iraq.
2. Lin Anderson, Costa Mesa, complained of high noise levels produced by the use of highpressure tools by neighbors and encourage the Council to adopt an ordinance establishing restricted noise levels permitted in a neighborhood.
3. Kathie Curtiss, Costa Mesa, in reference to the loss of the Westside community garden, spoke of its benefits and encouraged the Council to look for an alternate site.
4. Mary Ellen Goddard, Costa Mesa, representative of the Costa Mesa Historical Society, invited the community to an open house at the Diego Sepulveda Adobe on September 15, 2007, from 10:00 a.m. to 3:00 p.m.
5. Hildegard Gonzalez, Costa Mesa, complained of the graffiti and trash problem in her neighborhood.
6. Anne Hogan Shereshevsky, Costa Mesa, questioned the need for a second skate park in the City and of expressed concern of the proposed location at Lions Park; and suggested Fairview Park for the location of a community garden, skate park, and fireworks display.
7. Linda Schwandt, Costa Mesa, expressed support of a skateboard park and dog park that she is looking forward to a new location and hopefully larger community garden.
8. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society and announced the annual Open House to be held on September 15, 2007. The theme event is "Pioneers and Pioneer Families", and invited families residing in Costa Mesa since the 1920's to participate.
9. Cindy Brenneman, Costa Mesa Community Foundation, reported on the Costa Mesa Veterans Memorial Dedication and Ribbon Cutting Ceremony and thanked all who were involved in the unveiling and dedication of the memorial.
10. Mike Berry, Costa Mesa, commented on a property located on Pomona

Street that was built by Habitat for Humanity and apparently has a history of problems.

11. Martin Millard, Costa Mesa, referring to a wall located in Mesa North commented it is an attractive nuisance and needs to be replaced.
12. Judi Berry, Costa Mesa, commented on the resurfacing of the tennis courts at Tewinkle Park, expressed concern of the user fee increases and hoped that the City would help fund for the repavement of courts.
13. Beth Refakes, Costa Mesa, spoke in appreciation of the Veteran's Memorial; noted the improvements along 17th Street; and suggested placement of a left-turn signal on Santa Ana Avenue and 17th Street.

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

1. Mayor Pro Tem Eric Bever announced the Cultural Artist Showcase event to be held at Triangle Square on August 11, 2007, from 6:00 p.m. to 10:00 p.m.; congratulated Video Production Coordinator Dane Bora and his staff on receiving top honor awards for outstanding local programming of CMTV Channel 24; thanked Planning staff for rapidly producing green building facts brochures; presented a proclamation to Floyd Levin, author of the official City song *Costa Mesa USA*, at the Costa Mesa Jazz Festival; requested the City Manager to investigate the noise ordinances of the surrounding cities and to communicate with the Habitat for Humanity on the maintenance of their property; expressed appreciation for volunteer efforts on the Costa Mesa Veterans Memorial Ceremony; and addressed a public speaker's comment relating to an arterial wall.
2. Council Member Wendy Leece spoke about the success of the Orange County Fair and the Cattle Drive; commented on the Costa Mesa Veterans Memorial Ceremony and encouraged the purchase of a brick to support the Veterans Memorial; and inquired on the status of finding another location for the community garden. City Manager Allan Roeder advised a report would be available at a future Study Session and that it would include alternative locations suggested by members of the community.
3. Council Member Katrina Foley suggested consideration of a resolution to change the order of business of the City Council meetings providing the Police and Fire Chiefs an opportunity to presentation updates, followed by rotation of presentations from City Department Directors, to inform the community of news and events. She suggested a Lion's Club Fish Fry parade to run along 19th Street and ending at Lions Park, and requested that the matter be placed on a Study Session agenda; suggested the Orange Coast College, Orange County Fairgrounds, Fairview Developmental Center, Rea Elementary School or Wilson Elementary School as alternative sites for a community garden; and addressed public speaker's comments relating to graffiti problems and improvements of

tennis courts.

4. Council Member Linda Dixon inquired on an ordinance relating to car or boat repair on residential property; thanked the Costa Mesa Community Foundation on the success of the Costa Mesa Veterans Memorial Ceremony.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR ITEMS NOS. 1 THROUGH 12**

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 11, except for Consent Calendar Items Nos. 6, 10, and 12.  
Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

#### **1. Reading Folder.**

The following request for Alcoholic Beverage Control License was received and processed: Shin Mee Hwha, for Sunshine Liquor, 724 W. 19<sup>th</sup> Street, Costa Mesa, for a type 21 (off-sale general) person-to-person transfer.

The following notification letter was received and processed: Royal Street Communications, LLC – Notification letter of having obtained requisite land approval to construct a cellular facility at 1901 Newport Boulevard.

#### **2. Regular Meeting Minutes of July 3, 2007 and Special Meeting Minutes of July 10, 2007.**

ACTION: Approved.

#### **3. Warrant Resolution 2171, funding Payroll No. 714 for \$2,349,918.87 and for funding City operating expenses for \$1,518,657.56.**

ACTION: Resolution adopted.

#### **4. Warrant Resolution 2172, funding City operating expenses for \$2,805,575.78.**

ACTION: Resolution adopted.

#### **5. Warrant Resolution 2173, funding Payroll No. 715 for \$2,401,039.92 and**

**Payroll No. 714A for negative \$278.33, and City operating expenses for \$1,268,115.60 including payroll deductions.**

ACTION: Resolution adopted.

7. **Accept Urban Area Security Initiative (UASI) funds, from the Fiscal Year 2006 Governor's Office of Homeland Security Grant Program, for the purchase of five (5) laptops for the Costa Mesa's Emergency Operations Center (EOC), in the amount not to exceed \$9,952.52.**

(a). Budget Adjustment No. 08-005 in the amount of \$9,953.

ACTION: Accepted and approved Budget Adjustment.

8. **Appropriation of Traffic Congestion Relief Revenue for the Arterial Highway Rehabilitation of Grant funded street improvement projects.**

(a). Budget Adjustment No. 08-004 in the amount of \$1,196,472.

ACTION: Approved.

9. **Completion of street improvements and setting corner monuments located at 535 Bernard Street by 1.7 Ocean Partners, P.O. Box 15126, Newport Beach, in connection with Encroachment Permit No. PS06-00185.**

ACTION: Approved and refunded \$8,480 cash deposit.

11. **From the meeting of July 17, 2007, purchase agreement for right-of-way acquisition and escrow instructions for a portion of property at 1726 Superior Avenue owned by Superior 17th LLC Ownership, 14500 Firestone Boulevard, La Mirada, for the Newport Boulevard Improvement Project.**

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

6. **Final Map for Tract No. 17133 located at 2550 Elden Avenue, Costa Mesa, to convert existing seven-unit apartment complex to condominiums.**

Mike Berry, Costa Mesa, urged Council to take a closer look at the condominium conversion, expressed concern regarding the impact of substandard conversions in the City and commented on requiring conditions for single family occupancy in the Covenants, Conditions and Restrictions (CC&R's).

**MOTION: Approve; authorize the City Engineer and City Clerk to sign.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Leece  
Noes: None.  
Absent: None.

**10. Reauthorize Residential Remodeling Incentive Program (RRIP) effective from September 4, 2007 to December 14, 2007.**

(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 INCENTIVE PROGRAM.

Mayor Pro Tem Bever announced that this would be the third year for the RRIP program and highlighted aspects of the incentive.

**MOTION: Approve.**

**Moved by Mayor Pro Tem Eric Bever, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.  
Absent: None.

**12. Renewal of lease agreement with the County of Orange for the Mesa Verde Library, located at 2969 Mesa Verde Drive E, Costa Mesa, from November 1, 2007 to October 31, 2017.**

The City Manager responded to an inquiry from Council Member Leece relating to the terms and the flexibility of the lease agreement, indicating that in the event the City does open a main library, the terms of the agreement relating to operations would be renegotiated.

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

**Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.  
Absent: None.

**VII. PUBLIC HEARINGS**

1. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real,

authorized agent for Aurelio Pimentel, for a residential common interest development conversion and parcel map of four apartment units into condominiums and a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone (Multiple-Family Residential District, High Density). Environmental Determination: exempt.

Associate Planner Wendy Shih presented the staff report and answered questions from the City Council.

George (*last name inaudible*), indicated that the applicant was enroute to the meeting.

**MOTION: Continue the item to the end of the agenda, after New Business.  
Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.

Finance Director Marc Puckett presented the staff report and responded to questions from the City Council.

Robert Kingaard, Costa Mesa, referring to the citations he was to be assessed for, advised that he had not received the citations nor the notices that provided the information to appeal the citation.

In response to the Mayor's inquiry the Finance Director advised that the citation includes information on the citee's right to request an administrative review; he reported that nothing was received from the citee.

The City Manager clarified that the matter of the hearing was on the assessments on the property and that the information on case violations could be made available. He recommended that the item could be continued for two weeks in order to provide the Council and speaker with the particular case files.

Mike Keeler, Costa Mesa, advised he received citations for construction noise and felt that they were wrongfully given. He requested from



Council an administration review hearing for the citations that he received.

The City Manager clarified that the suggested continuance of the item does not permit individuals to obtain an administrative hearing, but was for Council to consider the item based on the presented facts and record of the notification given.

Council Member Foley expressed reservation on the assessment of a property lien due to a citation and requested for more information.

Further discussion ensued among Council and staff relating to the administrative hearing process and the case information for the individuals that spoke this evening.

**MOTION: Continue to the meeting of August 21, 2007, at 7:00 p.m., and directed staff to return with additional information on properties located at 2260 Orange Avenue and 422 16th Place.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion and parcel map of four apartment units into condominiums and a

parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone (Multiple-Family Residential District, High Density).  
Environmental

Determination: exempt.

The Mayor suggested the continuance of Public Hearing No. 1, due to the absence of the applicant.

**MOTION: Continue to the meeting of August 21, 2007, at 7:00 p.m.  
Moved by Council Member Katrina Foley, seconded by Mayor Allan Mansoor.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## VIII. OLD BUSINESS

1. From the meeting of July 17, 2007, second reading and adoption of Ordinance 07-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 3 OF THE COSTA MESA MUNICIPAL CODE RELATING TO ANIMAL REGULATIONS AND SECTION 12-42 RELATING TO DOGS.

The Associate City Prosecutor briefed the staff report and she along with Police Sergeant Philip Myers responded to questions from the Council.

Bruce Krochman, Costa Mesa, thanked the City Council and staff for clarifying the definition of *reptile*.

Joann Curry, Costa Mesa, commented on the revisions relating to the number of animals allowed, suggesting a three pets policy with a maximum of two dogs.

Linda Schwandt, Costa Mesa, spoke about the feeding stations of feral cats and the attraction of other types of animals such as coyotes, racoons, possoms, and skunks.

Beth Refakes, Costa Mesa, expressed support of the ordinance and pointed out her concern for Section 3-55 suggesting language to address feeding stations.

Patricia Allen, Huntington Beach, opposed regulating the spaying or neutering of dogs to use the Bark Park.

Janice King, Costa Mesa Bark Park Foundation member, did not support the requirement for animals to be spayed or neutered in order to use the Bark Park, nor of the proposed five animal maximum, as it was too high.

Richard Detwiler, Costa Mesa, inquired if the dog barking restrictions would be suspended during the months of June and July due to the use of fireworks.

Al Malone, Costa Mesa, Costa Mesa Bark Park Foundation member, stated that he preferred the original language in the ordinance allowing three cats and three dogs. He expressed his support to require the spaying or neutering of pets to use the Bark Park however pointed out that currently female dogs are not permitted in the park if they are in heat.

Hel Evers, Costa Mesa, pointed out that dogs bark due to fireworks.

Discussion ensued amongst the Council regarding language relative

feeding stations, and the responsibilities of the Bark Park Foundation in enforcing the regulations.

Council Member Dixon expressed support of the ordinance as proposed.

**MOTION: Adopt Ordinance No. 07-16, read by title only, and waive further reading.**

**Moved by Council Member Linda Dixon, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:02 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:13 p.m.

## **IX. NEW BUSINESS**

1. Urban Master Plan UMP-07-04 screening request for 690 Randolph Avenue.

Assistant Planner Rebecca Robbins summarized the staff report and responded to questions from the Council.

Mayor Pro Tem Bever shared the concerns of staff commenting on the five phases of non-compliance.

The Mayor commented he was not interested in a storage facility at the location and would like compliance with open space.

Council Member Dixon felt that the project was not in compliance with the SoBeca Plan and stated that she was not interested in the project. Council Member Foley indicated that she supported green building effects but did not support another self-storage facility.

Rolly Pulaski, architect and representative of the owner, advised that the owner was willing to comply with all five conditions that staff had suggested. He explained the building is under-utilized and commented that the owner would entertain other uses.

Council Member Foley suggested that the owner work with staff and the surrounding property owners to discuss future plans of the area and architectural features of the property and possible uses.

Council Member Dixon was supportive of the architecture of the building however felt the area was inappropriate for a self-storage facility, and suggested a residential development.

Discussion ensued amongst the Council relating to the proposed use of the property. Council Member Foley stated she did not support self-storage and noted that she was satisfied with the proposed setback for the front of the building. Council Member Leece commented that she was supportive of the applicant working with staff to come up with some creative uses of the property.

Martin Millard, Costa Mesa, supported a concept of artist lofts for the area, agreed that a storage facility would not be appropriate, and stressed the need to provide the required amount of parking.

**MOTION: Receive and file.**

**Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. Consideration of a request to seek sponsorships for the Costa Mesa Bark Park facility.

Public Services Director William Morris presented the staff report and responded to questions from the Council.

Mayor Pro Tem Bever expressed concern on the visibility and the type of proposed sponsorship signage indicating that he did not want to see banners or billboards.

Patricia Allen, President of the Costa Mesa Bark Park Foundation, suggested subtle advertising pointing out possible locations within the Bark Park.

Dennis Grady, Treasurer of the Costa Mesa Bark Park Foundation, reported the foundation's current net income of the year is \$2,517.75 pointing out the need to supplement their income to meet operating expenses.

Al Malone, Secretary of the Costa Mesa Bark Park Foundation, inquired on the minimum sponsorship amount and sponsorship guidelines.

Sandra Genis, Costa Mesa, thanked the Bark Park Foundation and spoke

in support of the recommendation.

Terry Shaw, Costa Mesa Parks and Recreation Commissioner, supported the recommendation; and referred to the skate park sponsorship process as being long and drawn out and hoped that it would not be the same for the Bark Park sponsorship.

Council Member Dixon suggested that sponsorship be more than \$300,000 relative to the naming of the park with the inclusion of annual lawn remediation. She mentioned that sponsorship banners should face the interior of the park indicating the guidelines on size and color. She suggested that the City allow memorial plaques for lost pets within the park.

MOTION: Approved recommendations of the Parks and Recreation Commission to allow the solicitation of fundraising/sponsorship proposals for the Costa Mesa Bark Park facility; directed staff to work with the Bark Park Foundation to assure proposals meet City regulations in the following areas:

1. Advertising on the site;
2. Bark Park controlled by the City;
3. Liability coverage;
4. Sponsorship events;
5. Use of Arlington Drive parking lot; and
6. Agreement with sponsorships be consistent with the Volcom sponsorship program.

Directed staff to put together an estimate of annual maintenance cost for lawn remediation; that sponsorship be allowed the first-right-of-refusal for future parks, that sponsorship funds be earmarked for the Bark Park maintenance, operations, and future dog parks with the approval by the Bark Park Foundation and the City Council.

Moved by Council Member Foley, seconded by Council Member Dixon for discussion only.

Council Member Dixon requested the maker of the motion to add the allowance of sponsorship memorial plaques for lost pets within the park. Council Member Foley agreed.

Mayor Pro Tem Bever expressed support of the motion agreeing with the addition of memorial plaques within the park. He re-emphasized that he did not want to see any banners on the fence, but suggested locations within the park to accommodate different levels of sponsorship and a placement of a donation box at the Bark Park entrance.

Council Member Dixon commented on giving sponsors the opportunity to place banners on the fence, pointing out that it would be a limited amount, not permanent, with certain guidelines. Council Member Foley recommended proceeding forward with a sponsorship program. Mayor Pro Tem Bever opposed any type of banners within the park stating

that he would not support such recommendation. The Mayor expressed concern on commercialization; stated that the issue of sponsorship fund allocation needs to be addressed noting that it should be allocated to the City's general fund.

The motion resated:

**MOTION: Approve recommendations of the Parks and Recreation Commission to allow the solicitation of fundraising/sponsorship proposals for the Costa Mesa Bark Park facility; directed staff to work with the Bark Park Foundation to assure proposals meet City regulations in the following areas:**

- 1. Advertising on the site;**
- 2. Bark Park controlled by the City;**
- 3. Liability coverage;**
- 4. Sponsorship events;**
- 5. Use of Arlington Drive parking lot; and**
- 6. Agreement with sponsorships be consistent with the Volcom sponsorship progam;**

**Directed staff to put together an estimate of annual maintenance cost for lawn remediation; that sponsorship be allowed the first-right-of-refusal for future parks, that sponsorship funds be earmarked for the Bark Park maintenance, operations, and future dog parks with the approval by the Bark Park Foundation and the City Council; and to allow sponsorship memorial plaques for lost pets within the park.**

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Eric Bever

Absent: None.

3. Request of the City of Newport Beach for adoption of a resolution stating unifying principles pertaining to John Wayne Airport.

City Manager Allan Roeder presented the staff report pointing out the "Statement of Unifying Principles" relative to the impact and implications of the operation of John Wayne Airport (JWA) on the Corridor Cities. He recommended that a transmittal letter emphasizing the City's principles be communicated to the mayors of the Corridor Cities.

Mayor Pro Tem Bever expressed support of the principles; suggested that the City take a position on general aviation noise abatement and stated that funds should be made available for a lobbying effort on this matter.

Council Member Leece commented on the impacts of increased air travel

and pollution on school children, and requested a copy of the resolution be sent to the Newport Mesa Unified School District to get them actively involved.

Rachel Perez Hamilton, Costa Mesa, supporting the resolution was thankful to the Council for their efforts.

Martin Millard, Costa Mesa, suggested additional language pertaining to active pursuit of another location for an additional airport comparable to the size of Los Angeles Airport and suggested it be located on a portion of Camp Pendleton.

Mike Berry, Costa Mesa, felt that the resolution supports/represents the needs of Newport Beach and not that of Costa Mesa; pointed out that Costa Mesa does not have a noise meter for monitoring the general aviation noise and encouraged additional research on the matter.

Beth Refakes, Costa Mesa, expressed support for the resolution although felt that wording should be included to express opposition to the expansion of JWA; concerned of the general aviation traffic and felt there should be a noise ordinance adopted.

Bruce Krochman, Costa Mesa, expressed concern on the noise generated by general aviation over the City's air-space and felt that the resolution was serving the interests of Newport Beach, and that the impacts on Costa Mesa should be communicated and considered as well.

Council Member Dixon agreed that the principles should address the City's concerns and suggested referring the resolution back to staff.

Council Member Foley expressed support of the concept and commented on the necessity for unity of the Corridor Cities on this matter.

MOTION: Adopt Resolution No. 07-65; adopt the position statement regarding John Wayne Airport (JWA); and direct the City Manager to send a letter to the "Corridor Cities" outlining concerns of the Council.

Moved by Council Member Foley, seconded by Mayor Mansoor.

Mayor Mansoor requested the maker of the motion to include the establishment of a Memo of Understanding (MOU) with the other Corridor Cities. Council Member Foley agreed and suggested adding Council Member Leece's suggestion regarding the involvement of the Newport Mesa Unified School District.

Mayor Pro Tem Bever expressed support of the motion; suggested changes on page three of the staff report to read "oppose any increases to air carrier or general aviation noise ordinances" and to add, "and promote reductions." He agreed that language relative to a new alternate

airport should be included.

The motion restated:

**MOTION: Adopt Resolution No. 07-65; direct the City Manager to send a letter to the “Corridor Cities” outlining concerns of the Council, to include establishment of a Memo of Understanding (MOU) relative to a “Statement of Unifying Principles” pertaining to John Wayne Airport; and direct contact with the unified school districts to encourage adoption of similar resolutions and to be involved in the cities efforts.**

**Moved by Council Member Katrina Foley, seconded by Mayor Allan Mansoor.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. Request of Council Member Linda Dixon for placement of two measures on the February Primary election ballot:

(a). Placement before the voters the matter of a prohibition on the sale and discharge of safe and sane fireworks.

(b). Placement before the voters the matter of an increase in the Transient Occupancy Tax (TOT).

Council Member Dixon summarized the reasons for placing this item on the agenda. She stated that she was not in support nor oppose the sale of safe and sane fireworks in the City and indicated that it was time to give the community a voice to choose whether to continue or prohibit the sale of fireworks. She commented on the important role of fireworks stands relating to the City’s youth extracurricular activities and recommended a two prong approach to the ballot initiatives to be placed on the 2008 November General Municipal Election Ballot.

David Vill, Anaheim resident and President of Garden Grove Chapter of American Association of Retired Persons (AARP), reported that the membership had voted against the use/sale of fireworks.

Rosemary McQuinney, Garden Grove, advised of a neighbor’s home that had burned due to fireworks and informed the Council of the City of Fontana’s ban on fireworks and the alternatives by the City's non-profit organizations.

Bruce Crockman, Costa Mesa, asked Council to maintain the existing



codes and to not place the issue on the ballot.

Janet Lee Crockman, Costa Mesa, expressed opposition to placing the fireworks measure on the ballot. she advised she supports youth groups and suggested a reasonable transition time for finding and implementing alternative fundraising efforts for by the youth groups.

Jessica Jennings, Costa Mesa, supports the celebration with fireworks on the fourth of July.

Judy Lindsey, Costa Mesa, expressed support of banning fireworks and placing the measure on the ballot, but felt that the TOT tax increase needs further study.

Steve Shephard, Costa Mesa, spoke in support of maintaining the fireworks pointing out that the banning of fireworks will not keep the illegal fireworks from being discharged.

Linda Schwandt, Costa Mesa, relative to alternative fundraisers for youth groups suggested painting of addresses on city curbs.

Sandra Genis, Costa Mesa, supported the ban on fireworks and its placement on the ballot.

Terry Shaw, Costa Mesa, expressed support of placing the measure on the ballot and shared samples of illegal fireworks.

Beth Refakes, Costa Mesa, questioned the increase in the TOT tax and stated she would like to see the banning of fireworks and an alternative to youth funding.

Rich Detwiler suggested an increase in the fines for the regulation and use of fireworks and proposed a signed acknowledgement of fireworks condition when purchasing fireworks.

Bill Fifer, Costa Mesa, stated he is a fundraiser and supporter of fireworks. He indicated that 60% of their funds come from the money raised through the sale of fireworks.

Anne Hogan Shereshevsky, Costa Mesa, expressed support of banning fireworks and asked Council to give the community the advantage to decide.

Sherry Debeaumont, Garden Grove, spoke in support of the ballot measure on fireworks commenting on the safety issue.

Dennis Grady, Costa Mesa, spoke in support of placing the fireworks measure on the ballot for the community to vote.

Patricia Allen spoke about the impact of fireworks on pets and property.

Duke Noonan, Garden Grove, expressed support of the ban of fireworks and suggested inquiring of the other cities about their fundraising alternatives.

Helen Nevers, Costa Mesa, expressed support for placing the initiative of fireworks on the ballot.

Mayor Pro Tem Bever commented on the impacts and enforcement of fireworks, and finding alternative fundraising opportunities before banning fireworks. He recommended a fireworks survey rather than placing the measure on the ballot. He questioned the TOT increase proposal and expressed concern on the impacts on future travelers and the allocation of such funds into the community's youth groups.

Council Member Leece advised she was looking into fundraising alternatives, commenting that she was not ready to ban fireworks completely prior to establishing fundraising alternatives. She expressed reservation on placing the initiatives on the ballot.

Council Member Foley believed that the voters should decide on the issue and that there should be an alternative funding source in place. She suggested the Council give direction to staff to create a plan for a city-wide show and fireworks display as an alternative fundraiser for youth groups.

Council Member Dixon stated that she is neither for or against fireworks and indicated that it wasn't the Council's responsibility to find fundraising alternatives for sports groups and classroom activities. She hoped the Council would let the community decide on this issue.

MOTION: Place on the November 2008 ballot the opportunity for Costa Mesa residents to consider the prohibition on the sale and discharge of Safe and Sane Fireworks.

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

**SUBSTITUTE MOTION: Receive and file report.**

**Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

Mayor Mansoor expressed support of fireworks; commented on the need of an alternative source of youth fundraising and thought that a public venue for the community would reduce the desire for fireworks. He opposed the increase in taxes and noted that the Conference & Visitors Bureau and Business Improvement Area (BIA) should be included; and stated that he would not be supporting the item.

Council Member Foley asked if the Mayor would withdraw the substitute motion and direct staff to review the implementation of a plan for a public event, for next year. The Mayor expressed reservation. The City Manager confirmed that the matter of fundraising alternatives was agendaized for a future study session as requested by Council Member Leece.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

**X. REPORTS**

The City Manager acknowledged the retirement of Assistant Development Services Director Mike Robinson next month. He, along with the City Council, thanked him for his many years of service.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:55 p.m., to August 14, 2007, at 4:30p.m., for a Study Session. The next Regular City Council Meeting will be held on August 21, 2007.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa