

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

January 05, 2010

The City Council meeting of the City of Costa Mesa, California met in regular session January 05, 2010, at 5:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. ROLL CALL

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

Council Members Absent: None

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

Council Member Foley entered the meeting at 5:10 p.m.

II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION:

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (two cases).
2. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

Mayor Mansoor recessed the meeting at 5:04 p.m., to the Closed Session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:10 p.m.

PLEDGE OF ALLEGIANCE - Sergeant John R. "Jack" Cole, U.S. Army (Retired),

Korean War Veteran

MOMENT OF SOLEMN EXPRESSION

The Mayor requested the audience to remain silent for a moment of solemn expression and to remember those who are serving in the Armed Forces and protecting our Country overseas.

ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Acting Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

CLOSED SESSION REPORT

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

PRESENTATIONS

Mayor Mansoor congratulated Gaetano Russo, Senior Maintenance Worker, and Jorge Silva, Maintenance Worker of the Public Services Department's Graffiti Removal Team on being named Employees of the Month of January, 2010. They were recognized for removing graffiti in a thorough and timely manner. The Mayor expressed appreciation for their dedication in providing exemplary service and reducing signs of blight within our community.

IV. PUBLIC COMMENTS

1. Marshall Krupp, Costa Mesa, reiterated his complaint of the traffic and safety issues on Susan Avenue, noted that he had met with the Segerstrom Group, California Department of Transportation, and the City's Transportation Division to address the problems. He reported of his concerns relating to use of Susan Street by contracted trucks of the U.S. Postal Service (USPS) and location of the current USPS parking lot and

requested that the Council direct the City Manager to initiate a meeting with the parties involved for a solution.

2. Ed and Barbara Freeman, Costa Mesa, also commented on the traffic impact and safety concerns of Susan Street, informing of accidents or near misses that have occurred on the street. He hoped that the Council would address the matter to control the speed and redirect the truck traffic.
3. Terry Shaw, Costa Mesa, speaking on behalf of the Costa Mesa Historical Society, invited the community to the Annual Installation Dinner to be held at the Captain's Table at Orange Coast College on January 20, 2010, at 6:00 p.m. He announced that the guest speaker would be Richard Kimball, speaking on the subject matter entitled *Native Sons of the Golden West*.
4. Beth Refakes, Costa Mesa, thanked the Council for meeting with the Governor and expressed disappointment of the Governor's response. She encouraged the City to proceed with a ballot measure for the June election, as well as the completion of the Specific Plan, relative to the O.C. Fair and Event Center.
5. Chris McEvoy, Costa Mesa, commended the Council for their efforts regarding the Fairgrounds and suggested to the City Manager to encourage other cities to adopt resolutions against the sale of the O.C. Fair and Event Center.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Eric Bever wished everyone a happy new year.

Mayor Pro Tem Wendy Leece recognized the Employees of the Month and commended their work on removing graffiti; informed of the City's use of Tracking and Automated Graffiti Reporting System (TAGRS) new technology used in the tracking of graffiti and the offenders; expressed appreciation of comments made by public speaker concerning traffic on Susan Street and hoped to resolve the matter; thanked the Public Services Department for improvements on 18th Street/Anaheim Avenue and 16th Street/Tustin Avenue; and expressed concern for the businesses connected with the O.C. Fair and Event Center and the impact of the sale of the Fairgrounds to thousands of family.

Mayor Allan Mansoor wished everyone a happy new year; announced that the trial of the Benito Acosta vs. the City of Costa Mesa had come to a successful conclusion; expressed appreciation to those involved in the trial and thanked the community for their support; reported on a cordial meeting with Governor Schwarzenegger the day before noting that while the outcome was not as was hoped in stopping the sale of the fairgrounds, it was, a good opportunity to present information to him. He stressed the importance for the community to contact their legislators (Governor, State

Assembly, and Senators) to voice support for keeping the fairgrounds.

Council Member Katrina Foley referred to the concerns of public speaker Marshall Krupp and expressed interest in scheduling a meeting with representatives of the post office and office of Congressman Rohrabacher. At the request of Council Member Foley, Public Services Director Peter Naghavi noted the issues of the parking lot location of the Post Office and was willing to accommodate a meeting; spoke about the truck traffic on Susan Street explaining the purpose of opening the off ramp and the placement of use restrictions and speed reductions. He reported on the number and type of accidents occurred pointing out it was a fair distribution of traffic movement and recommended no further changes.

Council Member Foley announced the Costa Mesa United Golf Tournament to be held on January 18, 2010, at Mesa Verde Country Club to support improvements of youth sports facilities in the City and noted that Ed Fawcett of the Cost Mesa Chamber of Commerce will be honored at the dinner event; reported that the University of Alabama Football Team had rented the Farm Sports Complex to practice for the BCS National Championship Game to be held on January 7, 2010, in Pasadena; and thanked Assistant City Manager Thomas Hatch for his efforts on facilitating the process. She commented on trip to Sacramento and the meeting with the Governor, noting the disappointing outcome; expressed gratitude to all Council Members and City staff for their efforts relative to the Fairgrounds; noted the multiple levels in which the City was doing what it could, from attempting to stop the sale, to continuing to prepare the general plan amendment, the submitting of a bid with the County of Orange, she shared that she would be testifying in support of Assemblyman Jose Solorio's bill to cancel the sale, and encouraged the public to continued support to stop the sale of the fairgrounds by faxing letters to the Governor at 916-558-3160.

Council Member Gary Monahan echoed comments of Council Members relating to the Fairgrounds but further expressed that if the grounds were to be sold he would encourage the Governor to sell the Fairgrounds to County of Orange and Costa Mesa; and with regard to the public speakers' complaints of the Susan Street truck traffic, requested that a letter be sent to the City of Santa Ana for a joint meeting with the Post Office.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 10.

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 10.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following claims were received and processed by the City Clerk: Bethany P. Allen (Claim 1 of 2); Bethany P. Allen (Claim 2 of 2); Harvey McKnight (Claim 1 of 2); Harvey McKnight (Claim 2 of 2); Allan Vondra on behalf of Connell Nissan; Philip Rodriguez; Mark Schechter; Susan Schuttenhelm; John Townsend.

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

For Luis Pasta Connection Inc., Pasta Connection located at 1969 Harbor Boulevard for a person-to-person transfer of an existing type 41 (on-sale beer and wine).

For Legend Beverage Inc., Legends Beer located at 3100 Airway Avenue for type 17 (beer and wine wholesaler) and type 09 (beer and wine importer).

2. Special Meeting Minutes and Regular Meeting Minutes of December 1, 2009, Special Meeting Minutes and Regular Adjourned Meeting/Study Session Minutes of December 8, 2009, Special Meeting Minutes of December 15, 2009.

ACTION: Approved.

3. Warrant Resolution 2295, funding Payroll No. 924 for \$2,432,695.04 and Payroll No. 923A for negative \$210.39, and City operating expenses for \$1,410,618.71 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2296, funding City operating expenses for \$247,353.73.

ACTION: Resolution adopted.

5. Warrant Resolution 2297, funding Payroll No. 925 for \$2,453,175.89 and Payroll No. 924A for \$4,994.48, and City operating expenses for \$987,305.50 including payroll deductions.

ACTION: Resolution adopted.

6. Warrant Resolution 2298, funding City operating expenses for \$398,427.90.

ACTION: Resolution adopted.

7. Warrant Resolution 2299, funding Payroll No. 926 for \$2,622,231.48 and Payroll No. 925A for \$11,123.38 and City operating expenses for \$2,338,296.66 including payroll deductions.

ACTION: Resolution adopted.

8. Professional Services Agreement with CorVel Corporation, 10750 Fourth Street, Suite, 100, Rancho Cucamonga, for Third Party Workers' Compensation Claims Administration Services, per Request for Proposal (RFP) 1134, from January 1, 2010 through December 31, 2013, with the option of extending for two additional one-year terms.

ACTION: Approved; authorized the Mayor and Clerk to sign; and authorized the City Manager to extend the contracts upon recommendation from the Administrative Services Department.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS.

ACTION: Adopted Resolution No. 10-1.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF COSTA MESA.

ACTION: Adopted Resolution No. 10-2; authorized the City Manager to execute an Energy Partnership Agreement.

As it was not yet 7:00 p.m., the time set for Public Hearings, it was unanimously agreed to proceed to Old Business Item No. 1.

VIII. OLD BUSINESS

1. From the meeting of December 1, 2009, second reading and adoption of Ordinance 09-15: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-13, AMENDING CHAPTER V OF TITLE 13, OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODWAY AND FLOODPLAIN DISTRICTS.

Senior Planner Mino Ashabi reported no changes to the ordinance and Acting Development Services Director Kimberly Brandt responded to a question from Council Member Foley relating to flood plan and insurance

requirements.

MOTION: Adopt Ordinance No. 09-15, read by title only, and waive further reading.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. NEW BUSINESS

There were no New Business items scheduled.

The following item was taken out of order due to the time set for public hearings.

X. REPORTS

The City Manager noted that the contact fax number of the Governor will be posted on the City's website for the public to express support for maintaining the Fairgrounds; commended on the meeting with the Governor at the State Capitol Building held on January 4, 2010, he expressed appreciation and complimented the Council Members' efforts in representing the City. He also reported that the early retirement incentive closed at the end of December except for sworn-fire personnel and reported that 54 employees opted for the incentive and that goal preempted any layoffs of personnel. He commented on City services and the reduction of workforce by 15 percent, and requested consideration when contemplating new projects and programs.

The Mayor expressed appreciation and gave special recognition to the City Manager for the amount of time and his commitment to the issues relative to the Fairgrounds.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Continued from the meeting of November 17, 2009; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-07 TO AMEND TITLE 13, CHAPTER IX, ARTICLE 16, OF THE COSTA MESA MUNICIPAL CODE REGARDING LIQUOR STORES, CONVENIENCE STORES, AND MINI-MARKETS.

Senior Planner Minoo Ashabi presented the staff report regarding the proposed code amendment. She, along with Acting Development Services Director Kimberly Brandt, responded to questions from the

Council regarding the definitions of the various types of license transfers and that of a public nuisance, clarification of the conditions, the applicability of the proposed code amendment to virtual and grocery stores; the responsible authority for the suspension and revocation of licenses, the length of time for a suspension, and the ABC's communication with the city.

Council Member Monahan explained the importance of the Conditional Use Permit as it applies in particular to the person-to-person transfer of liquor licenses.

Terry Shaw, Costa Mesa, felt that it was a step in the right direction and was hopeful that it would alleviate drunk driving issues.

MOTION: Introduce Ordinance No. 10-1 for first reading, read by title only, and waive further reading; and direct staff to provide a follow-up report within six to 12 months.

Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 7:26 p.m., to January 12, 2010, 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on January 19, 2010.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa