

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

**January 19, 2010**

The City Council meeting of the City of Costa Mesa, California met in regular session January 19, 2010, at 5:06 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  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION:**

1. Conference with Legal Counsel - Pending Litigation: Morton v. City of Costa Mesa; Orange County Superior Court Case Number 06CC09363, pursuant to Government Code Section 54956.9(a).
2. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
3. 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 5:08 p.m. to the closed session in Conference Room 1B.

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

**PLEDGE OF ALLEGIANCE - O.W. "Bob" Bankston, U.S. Navy (Retired), World War II and Pearl Harbor Veteran**

**MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Furness, Costa Mesa Seventh Day Adventist Church**

**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  
City Attorney Kimberly Hall Barlow  
Acting Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
Senior Planner Minoo Ashabi  
Senior Planner Mel Lee  
Management Analyst Hilda Veturis  
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 presented a proclamation to the Wyndham (Sister City) Education Exchange 2010 and recognized the visiting delegation comprised of students, teachers, and adult chaperones of Hoppers Crossing Secondary College, Wyndham, Victoria, Australia, as well as the Estancia High School 2009 Youth Ambassadors to Wyndham. Coordinator Andrew Cordell and the students of Hoppers Crossing Secondary College introduced themselves and expressed appreciation of the program.

The Mayor announced the presentation of the Miocean Foundation - WHALES Education Program Donation

**IV. PUBLIC COMMENTS**

1. Reggie Mendekis, Orange, requested Council to initiate the investigation of conflict of interest issues surrounding the sale of the Orange County

Fairgrounds.

2. Stephen Craig and Dwight Manley, Craig Realty Group, winner of the state auction of the Orange County Fair and Event Center, expressed their shared vision with the City to maintain the fairgrounds, albeit with some improvements; and expressed a desire to work with the City in a fair, positive and constructive way to make improvements to the facilities.
3. Sandra Genis, Costa Mesa, reported on her efforts in Sacramento to stop the sale of the Fairgrounds, and urged residents to call or fax the Governor's office.
4. Lisa Sabo, Newport Beach, quoted Assemblyman Pedro Nava's comments regarding the legislative analysis of AB1590, which expressed concern over the use of public funds to lobby the Governor's office in the sale of the fairgrounds, and criticized the lack of openness and transparency in the sale.
5. Beth Refakes, Costa Mesa, reiterated the need to preserve the Fairgrounds "as-is", and encouraged the Council to take all the necessary steps to restrict the use of the property and to proceed with the ballot measure.

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

Mayor Pro Tem Wendy Leece encouraged the community to continue calling the Governor's Office to stop the sale of the OC fairgrounds; referring to comments from several public speakers she requested the City Attorney to "follow-up" relative to the alleged conflict of interest issues with respect to the sale of the fairgrounds; announced the upcoming Police Department Citizens' Academy, and Citizens Emergency Response Team (CERT) recruitment; and noted the passing of Linda Pfeffer, a longtime Costa Mesa resident, volunteer, and past member of several local committees.

Mayor Allan Mansoor recognized and expressed appreciation to Mr. Craig for attending the Council meeting; reported on the outcome of the state auction of the Orange County Fair and Event Center, noting for the public that as part of the process that the State would evaluate the outcome of the auction pointing out that the Governor could still reject the bid and call off the sale; and informed that the City would be moving forward with its attempt to maintain the Fairgrounds.

Council Member Katrina Foley reported that ten dollar donations could be made to the American Red Cross via text message to help the Haiti earthquake relief effort; announced that the schools in the "Costa Mesa High School zone" were participating in a joint fundraiser titled "Mardi Gras Celebration" to take place at the Fairgrounds; and stated the Council is working diligently to try to encourage the Governor to stop the sale, and also encouraged the public to continue communicating with the Governor's office to "stop the sale of the fairgrounds."

As requested the City Manager reported as to the resources available in helping residents weather the storm, including the availability of sandbags and the activation of the Emergency Operations Center (EOC).

**VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6, except for Consent Calendar Item Nos. 7 and 8.  
Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.**

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.

1. Reading Folder.

ACTION: The following claims were received by the City Clerk for processing: Michele St. John on behalf of Bryan Paul Calderon; Jeff Henderson; Ronald E. Norman on behalf of Kimberly Olson.

2. Regular Meeting of January 5, 2010; and Special Meeting Minutes of January 4, 2010.

ACTION: Approved.

3. Warrant Resolution 2300, funding City operating expenses for \$474,512.37.

ACTION: Adopted Resolution.

4. Warrant Resolution 2301, funding Payroll No. 10-01 for \$2,854,023.56 and Payroll No. 926A for \$1,127.28 and City operating expenses for \$466,709.99 including payroll deductions.

ACTION: Adopted Resolution.

5. Adopt plans and specifications, and working details for Roadway Rehabilitation of Santa Ana Avenue (from 17th Street to 22nd Street), Federal Project No. ESPL-5312(074), City Project No. 09-14, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$1,018,375.95.

(a). Budget Adjustment No. 10-016 for \$1,400,000.

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

approved Budget Adjustment No. 10-016.

6. Adopt plans and specifications, and working details for CDBG-R Street Improvements Project (Ralcam Place from Thurin Avenue to Cul-De-Sac, and Knowell Place from Meyer Place to Maple Avenue), City Project No. 09-27, and award a construction contract to Hardy and Harper, Inc., 1312 East Warner Avenue, Santa Ana, in the amount of \$313,000.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. **Budget Adjustment #10-017 for costs associated with the purchase of the Orange County Fairgrounds, 88 Fair Drive.**

City Manager Allan Roeder explained the proposed budget adjustment, revising the estimated cost to that of \$200,000, with City and County of Orange's loss of the bid for purchase of the Orange County Fair and Event Center.

Council Member Foley, referring to the proposed ballot initiative for the June 2010 ballot, informed the public that money could be donated to raise funds to help cover the cost of the election.

Reggie Mendekis, Orange, expressed gratitude to the Council for their support of maintaining the fairgrounds.

Lisa Sabo, Newport Beach, expressed her support and gratitude to the Council.

Sandra Genis, Costa Mesa, expressed gratitude to the Council for their efforts.

**MOTION: Approve Budget Adjustment #10-17, as revised to \$200,000. Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.**

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.

8. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, EXECUTING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT.**

**MOTION: Approve Adopt Resolution No. 10-3; and authorize the Mayor to execute the amended and restated Joint Powers Agreement.**

**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.

**VII. PUBLIC HEARINGS**

1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-14 TO AMEND TITLE 13, CHAPTER VII OF THE COSTA MESA MUNICIPAL CODE REGARDING WATER EFFICIENCY IN LANDSCAPE STANDARDS CONSISTENT WITH THE STATE MODEL ORDINANCE AND CONSIDERATION OF THE ADOPTION OF NEW WATER EFFICIENT LANDSCAPE GUIDELINES.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CITYWIDE WATER EFFICIENT LANDSCAPE GUIDELINES.

Senior Planner Mino Ashabi presented the staff report and responded to questions from the City Council.

**MOTION: Introduce Ordinance No. 10-2 for first reading, to be read by title only and to waive further reading.  
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.

**MOTION: Adopt Resolution No. 10-4.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

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.

## VIII. OLD BUSINESS

1. From the meeting of January 5, 2010, second reading and adoption of Ordinance 10-1: 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.

**MOTION: Adopt Ordinance No. 10-1, to be read by title, and waive further reading.**

**Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.**

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

1. Authorization of staff time to prepare a one (1)-year Development Impact Fee Deferral Program.

Senior Planner Mel Lee made the presentation of the staff report, and answered questions from the City Council.

Chris McEvoy, Costa Mesa, expressed concern over over-development.

**MOTION: Approve authorization of staff time to prepare a one (1)-year Development Impact Fee Deferral Program.**

**Moved by Council Member Gary Monahan, 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.

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE CITY OF COSTA MESA AS A RECOVERY ZONE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986.

Hilda Veturis made the presentation of the staff report. She responded to questions from the Council regarding the grant funding opportunity, designation of the city as a recovery zone, acceptable use of funds, how the award if the grants would be calculated, and clarification of the benefit to the city.

Council Member Monahan expressed his support for declaring the city as a recovery zone to and suggested that the availability of the funds be publicized, as well as, to look for a potential public project.

Laura Frankey, Principle of Clean Energy Advocates, encouraged the Council to approve the resolution.

**MOTION: Adopt Resolution No. 10-5, and direct staff to identify South Coast Auto Plaza and Triangle Square as potential projects for the use of the City's Recovery Zone Facility Bonds (RZFB) allocation, to inform the public of the RZFB allocation, and to determine if there is an appropriate public project for the Recovery Zone Economic Development Bonds (RZEDB); and designate the City of Costa Mesa as a Recovery Zone.**

**Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

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.

## **X. REPORTS**

The City Manager noted his attendance, along with Assistant City Manager Thomas Hatch, to long time Costa Mesa resident and veteran, Bud Hohl's 90th birthday party.

## **XI. ADJOURNMENT - Next Regular City Council Meeting February 2, 2010. at 7:53 p.m.**



Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa