

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

July 20, 2010

The City Council meeting of the City of Costa Mesa, California met in regular session July 20, 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.

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 Attorney Harold W. Potter
Administrative Services Director Stephen N. Mandoki
City Clerk Julie Folcik

(Council Member Foley entered at 5:10 p.m.)

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

1. Pursuant to Government Code Section 54957, Public Employment: Police Officer, Request for Special Leave of Absence.
2. Pursuant to Government Code Section 54957.6, conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).

The Mayor recessed the meeting at 5:03 p.m. to Conference Room 1B for the Closed Sessions. The Mayor reconvened the regular meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Council Member Gary Monahan

MOMENT OF SOLEMN EXPRESSION - Pastor Dale Fitch, Church of the Nazarene Lighthouse of Costa Mesa

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
Assistant City Attorney Harold W. Potter
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
Police Chief Christopher Shawkey
Police Lieutenant Mark Manley
City Clerk Julie Folcik

CLOSED SESSION REPORT

The Assistant City Attorney reported that for Closed Session No. III-1 that the recommended action was approved on a 4-0 vote; Council Member Foley absent. No action was taken on Closed Session No. III-2.

PRESENTATIONS -

The Mayor presented a certificate of appreciation to Bob Ooten, Mary Ellen Goddard, Donna Stapleton, Marcy Olsen, and Darlene Young of the Friends of the Costa Mesa Libraries, and thanked them for their hard work and efforts in fundraising for the existing and future Costa Mesa libraries.

The City Manager recognized Council Members Foley and Bever for their five years of service on the Council, and presented them with their service pins.

IV PUBLIC COMMENTS:

Martin Millard, Costa Mesa, suggested purchasing some of the apartment buildings to put in pocket parks in neighborhoods, and questioned the priorities of the city.

Mary Ellen Goddard, Costa Mesa, spoke about the Costa Mesa Library Foundation and requested that the City prepare a library services master plan as

the basis for determining current and future needs for the new central library.

Sandra Genis, Costa Mesa, referred to past litigation relative to the Pacific Ampitheater and suggested that language be included in the lease regarding the noise restrictions of the settlement agreement and its applicability to the subleasees. She suggested a requirement of a master schedule be included in the lease as she expressed concern relative to traffic in the event of a double booking the fairgrounds.

Allen Beak, Newport Beach, expressed his concern regarding the application of Measure C with the approval of the lease and the authority of the Joint Powers Authority with respect to the general plan for the fairgrounds.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Wendy Leece extended her condolences to the family of Anne Hogan-Shereshevsky and recognized her for her contributions particularly to the seniors within the community; and announced a future meeting to address the concerns of the homes purchased through a federal program aimed at preventing homelessness; expressed appreciation to former mayor Sandra Genis for her insight regarding the Fairgrounds; and asked the Assistant City Attorney to clarify Measure C and the Joint Powers Authority (JPA).

The Assistant City Attorney noted that the JPA's authority would not affect the authority provided by the voter approved Measure C relative to the Orange County Fair and Event Center.

Council Member Katrina Foley requested that the meeting be adjourned in memory of Ms. Ann Hogan-Shereshevsky.

VI CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 5, except for Consent Calendar Item Nos. 6 and 7, and continued the meeting minutes for the regular meeting of May 4, 2010. 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 for processing by the City Clerk: Nicole Okoturoh of AAA Insurance on behalf of Michael Debb; Juan

Vazquez The following Request for Alcoholic Beverage Control Licenses was received for processing by the City:

For Manijeh Kholghi dba Pizza Land Italian, located at 103 East 17th Street, Costa Mesa, for on original Type 41 license (on-sale beer and wine for a bona fide eating place).

The following Letter of Notification was received from Southern California Edison – Application for Summer Discount Plan (SDP) Program, Application No. A.10-06-017.

2. Regular Meeting of May 4, 2010, Regular Meeting of May 18, 2010, Regular Meeting of June 1, 2010, and Regular Meeting of June 15, 2010.

ACTION: Continued the Regular Meeting minutes for May 4, 2010 and approved the meeting minutes for May 18, 2010 and June 1, 2010.

3. Warrant Resolution 2326, funding City operating expenses for \$665,068.12.

ACTION: Adopted resolution.

4. Warrant Resolution 2327, funding Payroll No. 10-14 for \$2,511,641.06 and City operating expenses for \$1,565,229.63 including payroll deductions.

ACTION: Adopted resolution.

5. Sole source purchase of cardiac resuscitation system consisting of eight (8) monitor-defibrillators and associated accessories, from Zoll Medical Corporation, 269 Mill Road, Chelmsford, in the amount of \$229,129.60.

ACTION: Approved.

ITEMS REMOVED FROM CONSENT CALENDAR

6. Memorandum of Understanding with Newport-Mesa Unified School District (NMUSD) for the School Resource Officer Program to reduce the number of School Resource Officers from four (4) to two (2) and extend the term through August 21, 2011.

Mayor Pro Tem Leece expressed her support in the School Resource Officer (SRO) program, noted the decrease of officers due to budget cuts, and encouraged the presence of officers on the elementary schools. Police Chief Shawkey and Lieutenant Mark Manley responded to questions regarding operational changes and officer coverage at the school sites.

Hank Panian, Costa Mesa, shared what students had told him about

the need for police officers on campus, and reported on the results of a survey conducted on a high school youth group in which students indicated strong support of the SRO program.

David Stiller, Costa Mesa, stated that teachers and students deserve a safe environment, and expressed his support in the SRO program.

Martin H. Millard, Costa Mesa, expressed support in maintaining the School Resource Officers.

Sue Lester, Costa Mesa, spoke in support of the program.

Robin Leffler, Costa Mesa, opined that maintaining the SRO program would save the City money in the long run as it was a positive influence on the youth.

MOTION: Approve

Moved by Mayor Pro Tem Wendy Leece, 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.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 1, 2010, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

Sandra Genis, Costa Mesa, requested clarification regarding language in the resolution that implied that the Joint Powers Authority had the authority to approve land uses that were neither consistent with the general plan nor approved by the voters.

The City Manager noted language was included in the MOU as an additional protection, and ensured that the details would be incorporated in the ground lease that would express compliance with the general plan, zoning code and with Measure C.

Robin Leffler, Costa Mesa, expressed support of Measure C although expressed some concern regarding Section 11(a) of the MOU that she felt was in conflict with Measure C.

MOTION: Adopt Resolution No. 10-56.

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

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.

As it was not yet time for the scheduled hearings pursuant to Resolution No. 05-55, Old Business Item No. VIII-1 was taken out of order.

VIII OLD BUSINESS

1. From the meeting of July 6, 2010, second reading and adoption of Ordinance 10-8: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THIRD AMENDMENT TO HOME RANCH DEVELOPMENT AGREEMENT DA-00-01 FOR HOME RANCH PROPERTY LOCATED NORTH OF THE INTERSTATE I-405, EAST OF HARBOR BOULEVARD, AND SOUTH OF SUNFLOWER AVENUE.

MOTION: Adopt Ordinance No. 10-8, to be read by title only and 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: 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. Appointments to the Costa Mesa Senior Corporation Board.

Management Analyst Donna Theriault presented the report.

Bruce Garlich, Costa Mesa, President of the Costa Mesa Senior Corporation Board of Directors recommended that Kathleen Eric, Kenneth Rider and Agnes Dubberly for appointment.

Aviva Goelman, Executive Director of the Senior Center, concurred with the suggested appointments mentioned of the previous speaker.

Martin H. Millard, Costa Mesa, expressed support for the appointment of Kathleen Eric, Judi Berry and Gary Peacock.

Agnes Dubberly, Costa Mesa, shared her experience, qualifications, and community involvement with the Council, and expressed her desire for

more active involvement with the Senior Center.

MOTION: Appoint Kenneth Rider, Agnes Beverly and Kathleen Eric to the Costa Mesa Senior Center Board.

Moved by Council Member Katrina Foley. Motion died for lack of second.

MOTION: Appoint Judi Berry, Agnes Dubberly and Kathleen Eric to the Costa Mesa Senior Center Board.

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

SUBSTITUTE MOTION: Appoint Judi Berry, Kathleen Eric, and Agnes Dubberly as regular members to the Board of Directors.

Moved by Council Member Gary Monahan. Motion died for lack of second.

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.

VII PUBLIC HEARINGS

1. PUBLIC HEARING: Broadway Safe Route to School Grant

(a) Option 4 "concept" for the proposed Safe Route to School (SRTS) improvement project on Broadway between Fullerton Avenue and Irvine Avenue.

The Public Services Director made the presentation.

The following public speakers spoke in support of the project and of Option 4: James White, Costa Mesa; Noel Perkins, Costa Mesa; Jim Fitzpatrick, Costa Mesa; Denise Moon, Costa Mesa; Mary McKenna, Costa Mesa; Kristen Burkenfield, Costa Mesa; Kathy Fitzpatrick, Costa Mesa; Valentina (last name inaudible), Costa Mesa; Brad Stoker, Costa Mesa; Steven DeJuan, Costa Mesa; Catherine Messerschmidt, Costa Mesa; Carrie (no last name given), Costa Mesa, Director of the Eastside Costa Mesa Neighborhood Group; Katie Arthur, Costa Mesa, Director of the Eastside Costa Mesa Neighborhood Group; Danielle Bartman, Costa Mesa; Herb Natale, Costa Mesa; Melissa Windberry, Costa Mesa; Jeff Grand, Costa Mesa;

Mike Moon, Costa Mesa, shared a video regarding pedestrian safety on Broadway.

Jeff McCondle, Costa Mesa, spoke in support of the project and Option 4,

and expressed concern regarding parking.

Peter Campbell, Costa Mesa, expressed concerns regarding the loss of trees and plants in Option 4.

Greg Montgomery, Costa Mesa, expressed opposition in the project based on the the proposed choker and was not supportive of the narrowing of the street.

Barbara Beck, Costa Mesa, recommended extending the sidewalks and bike lanes, complained of the mailbox locations, suggested undergrounding utilities, and the relocating the old-growth trees.

Dean Abernathy, Professor of Architecture at Orange Coast College, provided his professional opinion of the proposed project, and expressed support in the project.

Beth Refakes, Costa Mesa, expressed concern regarding the reduced parking under Option 4, and suggested the bus stop be moved to Broadway.

Cindy Neyland, Costa Mesa, spoke in support of sidewalks on both sides of the street, and provided a 3-D video rendering of improvements created by the Orange Coast College architecture students.

Jeff Chapman, Costa Mesa, spoke in support of the project, however expressed opposition to the removal of the current trees and suggested that the sidewalks be made to run around the trees.

Steve Lefleur, Costa Mesa, encouraged Council to take other streets into consideration for improvements.

Mayor Pro Tem Leece addressed concerns about the mailboxes, utility lines and meters, bus stop and parking spaces. Mr. Naghavi responded that any mailboxes in the way of the proposed sidewalk would be moved behind the sidewalk, some meters and utility lines may need to be relocated, and bus stop location and parking issues will also be looked at during the design phase.

MOTION: Approve the Option 4 “concept” to include medians, and authorized the initiation of design and continuation of the public outreach process during the design phase.

Moved by Council Member Katrina Foley, 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.

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

Budget and Research Officer Bobby Young presented the report.

Don Campbell, Costa Mesa, asked the City for financial assistance in paying his code violation fines.

Steve Fodor, Costa Mesa, spoke to dispute the fines owed for trimmings and tropical foliage at his property.

The Development Services Director Kimberly Brandt and the Budget and Research Officer Bobby Young responded to questions from the Council regarding the Administrative Hearing process, judicial review, fee waivers, the fine amounts, payment plans for fines, the citation process and notices, the 30-day period to contest the citation, and the accrual of fines.

The City Manager responded to a question from Council Member Foley regarding payment of the loan and indicated that although, payments could not be delayed for an indefinite period of time, a payment plan could be structured.

Discussion ensued regarding the possible payment installments of the fines with the speakers who had received violations.

MOTION: Adopt Resolution No. 10-57: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTING DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS. Moved by Council Member Gary Monahan, seconded by Council Member Eric R. Bever.

SUBSTITUTE MOTION: Adopt Resolution No. 10-57, as amended, removing from the list 854 Congress and 961 Union and to accept and establish a payment plan with Mr. Campbell, of \$500 down with the balance to be paid over the next 12 months, and with Mr. Foder of \$50 down with the balance to be paid over the next 12 months.

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Katrina Foley, Mayor Pro Tem Wendy Leece
Noes: Mayor Allan R. Mansoor, Council Member Gary Monahan,
Council Member Eric R. Bever
Absent: None.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Gary Monahan,
Council Member Eric R. Bever, Mayor Pro Tem Wendy Leece
Noes: Council Member Katrina Foley
Absent: None.

X REPORTS

ADJOURNMENT - The Mayor declared the meeting adjourned at 9:12 p.m. in memory of Anne Hogan-Shereshevsky.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa