

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

August 03, 2010

The City Council meeting of the City of Costa Mesa, California met in regular session August 03, 2010, at 5:03 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

(Council Member Foley entered at 5:04 p.m.)

II PUBLIC COMMENTS

There were no public comments.

III CLOSED SESSION

1. 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).
2. Conference with Legal Counsel - Existing Litigation: Neumeyer v. Richoux; and related cross-actions, Orange County Superior Court, Court Case Numbers 30-2009-00305079 and 30-2009-00307894 pursuant to Government Code Section 54956.9 (a).
3. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California and Facilities Management West, Under negotiation:

price, terms of payment. Pursuant to Government Code Section 54956.8.

The Mayor recessed the meeting at 5:05 p.m. to Conference Room 1B for the closed sessions.

The Mayor reconvened the regular meeting at 6:20 p.m.

PLEDGE OF ALLEGIANCE - Council Member Eric Bever

MOMENT OF SOLEMN EXPRESSION EXPRESSION Pastor Chris Warner, OC Crosspoint

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
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

CLOSED SESSION REPORT

The City Attorney reported that no action was taken on Closed Session Item No. 1 and 3, and reported that the following action was taken on Closed Session Item No. 2:

MOTION: Approve tentative settlement subject to other parties in the case. Motion 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.

IV PUBLIC COMMENTS

Robert Lange, Costa Mesa, encouraged Council to consider a self-service fuel dock near the John Wayne Airport for the small general aviation aircraft.

Cynthia Blackwell, Costa Mesa, expressed concern regarding bicycle laws and citations for bicycle violations and suggested the bicycle safety program be expanded.

Michelle Ramirez, Costa Mesa, expressed concerns with the safety ramps and how they are designed for wheelchair accessibility and safe maneuvering.

Jay Photoglou, Costa Mesa, requested the Council to direct the Police Department to meet with him regarding an alleged false police report.

Eloise Ott, Costa Mesa, suggested that there be greater attention to trash pick-up in the City, and that signs be placed close to the schools to alert drivers to slow down due to the children.

Charlene Ashendorf, Costa Mesa, acknowledged the fundraising efforts in support of the R.O.C.K.S. program and complimented Recreation Manager Jana Ransom for her years of service with the City.

Richard Johnson, Costa Mesa, expressed his dissatisfaction of the Police Department in the investigation of a case that he was familiar with.

Vita Velez, Costa Mesa, commented regarding administrative hearings requesting that hearings be recorded and available to the public, requested civil citations notate citizens' rights for preliminary review, and asked that the location of the appeals be updated on the citations.

James Lusk, Costa Mesa, asked questions about jurisdiction and noise standards for the Orange County Fairgrounds.

John Feeney, Costa Mesa, expressed opposition to the Neighborhood Stabilization Program and requested that Council reevaluate the program.

Robert Gross, Costa Mesa, announced the reimaging of EZ Lube and invited the public to attend the grand opening to be held on August 13, 2010.

Ryan Hollander, representing the Orange County Directors' Alliance, expressed the organizations' desire to working with the city to create a medical cannibus ordinance that is "fair and reasonable."

Sandra Genis, Costa Mesa, expressed her discern with the lack of record from administrative hearings, and commented on the noise and parking restrictions at the Fairgrounds and its applicability to the change of ownership to the Joint Powers Authority, the authority of the managing company, and the preservation of the buildings left from the Santa Ana Air Base that remain on the property.

Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society, suggested that the remaining buildings of the Santa Ana Army Air Base be

preserved at the Orange County Fair and Event Center.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Wendy Leece requested staff to follow-up on several items to include bicycle safety rules on the City's website, the administrative hearings, to research the general aviation gasoline issue as it relates to John Wayne Airport; supported the request to preserve the remaining buildings on the Santa Ana Air Base; commended the late Ann Hogan-Shereshevsky' and her contributions to the community; announced the "National Night Out" and the Orange County Classic Jazz Festival; and presented a summary report of the meeting she attended of the Newport Beach Aviation Committee.

Mayor Allan Mansoor in response to a speakers' comments praised the Police Department for doing a good job with the resources they have.

Council Member Katrina Foley reported on the trip to Sacramento, along with the City Manager, to meet with State officials regarding the process and the legislation necessary to move forward with the purchase of the Fairgrounds; announced the start of the Pop Warner football season; and encouraged the public to attend the Maloof Money Cup at the Fairgrounds.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 8

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8.

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.

1. Reading Folder.

There were no items for the reading folder.

2. Regular Meeting of May 4, 2010.

ACTION: Approved.

3. Warrant Resolution 2328, funding City operating expenses for \$739,686.17.

ACTION: Approved resolution.

4. Warrant Resolution 2329, funding Payroll No. 10-15 for \$2,283,030.34

and Payroll No. 10-14A for \$2718.66 and City operating expenses for \$508,534.84 including payroll deductions.

ACTION: Approved resolution.

5. Final Map for Tract No. 17176 located at 351 West Bay Street, Costa Mesa, for seven (7) residential numbered lots and one (1) lettered lot for a common interest residential development.

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

6. Authorize refund of cash deposit in the amount of \$5,333 to VR Mason, 16371 Gothard Street, Suite B, Huntington Beach, in connection with Encroachment Permit No. PS07-00763 for street improvements located at 1643 Placentia.

ACTION: Approved.

7. Release of Performance and Labor and Materials Bonds (Certificate No. 4363913) in the amount of \$10,321 each for street improvements, to 227 Monte Vista, LLC (Developer), 1421 N. Wanda Road, Unit 160, Orange, in connection with Encroachment Permit No. PS07-00655 for Parcel Map 2006-258, located at 227 Monte Vista Avenue, Costa Mesa.

ACTION: Approved.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE ADMINISTRATION DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: Adopt Resolution No. 10-58

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO IMPLEMENT THE ADVANCED LIFE SUPPORT COST RECOVERY PROGRAM, to maintain the current level and quality of pre-hospital Emergency Medical Services (EMS).

Fire Chief Mike Morgan presented the report and responded to questions from the Council regarding billing of the first responder fee and the Advanced Life Support Transport charge, residents that are between jurisdictions, and about a dispute resolution process. Bill Weston, Operations Director, CARE Ambulance Service, responded to the billing of residents, and assured that insurance with Kaiser would cover the benefit.

Sandra Genis, Costa Mesa, asked for clarification regarding out-of-pocket expenses for paramedic services to the residents.

John Feeney, Costa Mesa, opined that the property taxes pay already for emergency services.

Beth Refakes, Costa Mesa, supported the fee if there is no additional cost to the residents, and inquired as to how the program could be impacted by the Health Care Reform.

Sue Lester, Costa Mesa, spoke in favor of the ALS cost recovery program and she supported the maintaining of the EMS Coordinator position.

Cindy Brenneman, urged Council to support the cost recovery program and to save the EMS Coordinator's position.

**MOTION: Adopt Resolution 10-59.
Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

Council Member Bever noted his lack of support of the motion as he did not agree with the approach to the billing.

The motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever

Absent: None.

VIII OLD BUSINESS

1. From the meeting of July 6, 2010, Rehearing Request by Mayor Pro Tem Leece relative to the determination regarding Planning Application PA-09-18 for a Master Plan to construct a three (3)-story, 53-unit senior housing project over a one (1)-story, 4,980-sq. ft. retail building (four [4] stories total) with up to 10% compact parking spaces (seven [7] total) in the SoBECA Urban Plan, located At 845 Baker Street.

Mayor Pro Tem Leece in expressing her reason for requesting a rehearing noted concerns regarding the accuracy of the measurements of the noise study conducted in 2007 for a different project site, and that the noise levels could be more than what is projected.

The following individuals spoke in support of the project and the need for affordable senior housing: Charlene Ashendorf, Costa Mesa; Dennis Aschendorf, Costa Mesa; Jeff Butcher, Costa Mesa; Maria Carmen Gonzales, Costa Mesa; Nilsa Gonzales, Costa Mesa; Mercinda Schaefer, Costa Mesa; Diane Russel, Costa Mesa;

Margaret Thibidou, Costa Mesa, spoke in opposition of the proposed

project noting quality of life concerns, with noise and the lack of senior friendly amenities.

The following individuals spoke in opposition to the senior housing project: Margaret Vanderschoff, Costa Mesa,

Linda Sadeghi, Costa Mesa, owner of the Little American Business, also known as the LAB, opined that the project was "in violation" of the SoBeca Urban Plan, and expressed her and other area business owners' opposition to the senior housing project.

Chris Bennett spoke in opposition of the senior housing project and expressed that the project did not fit into the intent of the SoBECA urban plan, supported the rehearing as to the parking ratio.

John Hanour, owner of the Shark Club, inquired as to how the City's noise ordinance would be applied to the Shark Club once a residential development is permitted next to their existing business.

Gordon Bricken, President of Gordon Bricken and Associates, indicated that there was not a noise study conducted to address the City's noise ordinance as it related to the Shark Club, and also inquired as the responsible authority for any mitigation, noting that the responsibility typically falls on the project and not the surrounding businesses, and expressed concern that without the proper noise study that the burden may ultimately fall on the Shark Club to mitigate.

Meredith Chelemi, Life Steps, supported the project and USA Properties, and spoke to resident quality of life concerns.

Ken Robertson, on behalf of the non-profit group working with USA Properties, spoke in support of the project and of USA Properties, felt that all mitigation concerns can be addressed with staff and encouraged Council to move forward with the project.

Mark Maguire, USA Properties legal counsel, referring to the City's municipal code regarding rehearsings and encouraged the Council to consider the justification for the rehearing of the item.

Peter Buffa, Costa Mesa, authorized representative for USA Property, commented that the request for rehearing was limited in scope but addressed comments made by the public relative to what he noted was inaccurate information regarding noise, and setbacks of the project.

Chris McEvoy, Costa Mesa, expressed concerns regarding the parking for the project.

MOTION: Approve the rehearing request.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member

Katrina Foley.

**SUBSTITUTE MOTION: to deny the rehearing request.
Moved by Council Member Eric R. Bever, seconded by Council
Member Gary Monahan.**

Council Member Foley expressed her reasons for supporting the request for rehearing noting sight view, felt the noise study was inadequate, information regarding the parking as it relates to the interaction with the Shark Club Patrons and the density of building was lacking, and that there was not discussion as to how the noise ordinance would apply to the Shark Club, or to protections as to odor or vibrations.

Council Member Bever and Council Member Monahan expressed their support for the project and the substitute motion noting it was a good project and felt that no new information had been provided.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council
Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Absent: None.

The Mayor recessed the meeting at 8:35 p.m.

The Mayor reconvened the meeting at 8:55 p.m.

IX. NEW BUSINESS

1. Planning Commission recommendations for Zoning Code Amendments.

Assistant Planner Rebecca Robbins presented the staff report and she along with Development Services Director Kim Brandt responded to questions from the Council regarding granny flats and accessory apartments, conditional use permits, and block wall, driveway and street banners in the public right-of-way.

Chris McEvoy, Costa Mesa, suggested that the City consider making some of the illegally built structures legal to encourage residents to pull permits for future projects.

Beth Refakes, Costa Mesa, expressed concern regarding the enforcement of accessory units and the existence of double walls, and supported gates on properties.

MOTION: Direct staff to proceed with the items as recommended by the Planning Commission for recommendation of amendments:

1. Minor Conditional Use Permits for Accessory Uses in Residential Zones
2. Block Wall Requirement in Residential Zones

3. Street Banners in the Public Right-of-Way, and

4. Granny Units/Accessory Apartments.

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

Council Member Foley suggested that each item be voted on individually.

SUBSTITUTE MOTION: Direct staff to bring forward a zoning code and council policy amendment regarding street banners in the public right-of-way and to include consideration of the length of time and locations.

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

The substitute 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.

MOTION: Direct staff to bring forward an increase level of review to the Planning Commission as it relates to bathrooms in detached residential structures.

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

Council Member Bever and Council Member Monahan each expressed their concern of the specificity of the motions which could impede a comprehensive review by the Planning Commission of each topic.

The Mayor withdrew his original motion made previously.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Noes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Absent: None.

MOTION: Authorize the Planning Commission to review and make recommendations relative to the Minor Conditional Use Permits for Accessory Uses in Residential Zones.

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, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece

Absent: None.

MOTION: Direct staff to work with the Planning Commission relative to Block Wall requirements in Residential Zones for possible recommendations for amendments to the Zoning Code.

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

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.

MOTION: Direct staff to work with the Planning Commission relative to Granny Units/Accessory Apartments for possible recommendations for amendments to the Zoning Code.

Moved by Council Member Gary Monahan, seconded by Council Member Eric R. Bever.

The motion carried by the following roll call vote:

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

Noes: Mayor Pro Tem Wendy Leece

Absent: None.

2. Planning Commission recommendations for Code Enforcement Activities and Code Amendments.

Senior Planner Mel Lee presented the staff report.

Council Member Monahan suggested electronic filing and payment options for temporary banners and signs, and mobile access to pertinent records for code enforcement officers and building inspectors.

David Kinkade, Costa Mesa, commented that early staff intervention to address a code violation or problem is a good solution.

Chris McEvoy, Costa Mesa, spoke in regards to the storage of inoperable vehicles and noted that residents who restore cars may be affected.

Beth Refakes, Costa Mesa, supported the time limit on temporary signs and banners, the ban of inoperable vehicles, and opposed the suggested moving of the oversight of the Code Enforcement Division under the Assistant City Manager.

MOTION: Direct staff to proceed and work with the Planning Commission for recommendations for the following items:

- 1) Amend Title 13, Chapter VIII (Zoning Code, Signs)
- 2) Amend Title 20 (Property Maintenance Standards)
- 3) Prepare a Pilot Enhancement Program for a designated neighborhood;
- 4) Reassign the supervision of the Code Enforcement Section to the Assistant City Manager; and
- 5) Modify Code Enforcement procedures for issuance of citations for Municipal Code violations by allowing the immediate issuance of "fix-it ticket type" citations for first-time Property Management violations and to immediately issue regular citations for repeat Property Maintenance violations.

Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.

In response to an by Council Member Monahan, Planning Commissioner Steve Mensinger indicated that the placing Code Enforcement under the Assistant City Manager would hopefully elevate the department to a level where outside interference would be limited. The vision was not to move anything or anyone structurally, but allow the Assistant City Manager to oversee operations. Planning Commissioner Jim Fitzpatrick added that there had been a lot of discussion on the scope of the pilot program, and therefore, options were available.

SUBSTITUTE MOTION: Direct staff to proceed and work with the Planning Commission for recommendations for the following items:

- 1) Amend Title 13, Chapter VIII (Zoning Code, Signs)**
- 2) Amend Title 20 (Property Maintenance Standards)**
- 3) Prepare a Pilot Enhancement Program for a designated neighborhood; and**
- 5) Modify Code Enforcement procedures for issuance of citations for Municipal Code violations by allowing the immediate issuance of "fix-it ticket type" citations for first-time Property Management violations and to immediately issue regular citations for repeat Property Maintenance violations.**

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

The substitute 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.

3. Street Sweeping Services

Maintenance Services Manager Bruce Hartley presented the staff report.

Beth Refakes, Costa Mesa, expressed concern regarding posting of new street sweeping signs and the potential for loss of revenue if the sweeping

were done bi-weekly.

Chris McEvoy, Costa Mesa, asked for clarification regarding the current street sweeping schedule and suggested that opposite streets be swept on different days to accommodate parking.

Council Member Bever suggested that staff looking into offsetting the hours for street sweeping.

MOTION: Authorized staff to restore street sweeping to weekly service; approved rehire of two (2) full-time employees (Public Services Department) and two (2) part-time employees (Police Department)

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.

X. REPORTS

ADJOURNMENT - The Mayor declared the meeting adjourned at 10:20 p.m.

meeting adjourned at 10: 20 p.m.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa