

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

**October 05, 2010**

The City Council Meeting of the City of Costa Mesa, California met in regular session October 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/Authority Members  
Present:

Mayor/Chair Allan R. Mansoor  
Mayor Pro Tem/Vice Chair Wendy Leece  
Council/Authority Member Gary Monahan  
Council/Authority Member Katrina Foley

Council Members Absent:  
Officials Present:

Council/Authority Member Eric R. Bever  
City Manager/Executive Director Allan Roeder  
City Attorney/Authority Counsel Kimberly Hall  
Barlow  
City Clerk/Secretary Julie Folcik

**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 - one case (involving the City of Costa Mesa).
2. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - one case (involving the Orange County Fairgrounds Authority).
3. 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).
4. 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/Chair recessed the Special Joint meeting at 5:05 p.m. to Conference Room 1B for the Closed Sessions.

The Mayor convened the regular meeting of the City Council at 6:30 p.m.

**PLEDGE OF ALLEGIANCE - Mayor Mansoor**

**MOMENT OF SOLEMN EXPRESSION**

**ROLL CALL**

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

Council Members Absent: Council Member Eric R. Bever

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

**CLOSED SESSION REPORT**

The City Attorney reported that no action was taken on the closed session items.

**PRESENTATIONS - Mesa Consolidated Water District 50th Anniversary Proclamation**

The Mayor presented a proclamation to the Mesa Consolidated Water District in recognition of its 50th Anniversary.

**IV PUBLIC COMMENTS:**

Nicole Duran, Costa Mesa, opined that "Costa Mesa is a safe place to live," and therefore did not support the reductions in public safety and the Fire Department.

Winston Ochsenein, Costa Mesa, opposed reductions in the Police Department due to budget cuts.

Julie Ochsenein, Costa Mesa, cautioned and opposed the reduction in public safety personnel due to the budget cuts.

Kathleen Daly, Costa Mesa, felt that public safety and housing should be priority

commenting that everyone deserves a place to live.

Gary Parkin, Costa Mesa, thanked Council for their hard work during tough economic times, stated he felt safe in his neighborhood, thanked staff for removing the trees along Fairview Road, and asked what the City could do regarding the excessive number of handbills in the mail.

Eloise Ott, Costa Mesa, expressed concern regarding litter on the freeway.

Celeste Ames, Costa Mesa, complained of an increase of business deliveries in her neighborhood at hours outside of what is permitted by code. She also reported parking in the red zone at the shopping area located at 17th Street and Tustin Avenue, which causes unsafe conditions when exiting the parking area.

Walter O. Garcia, Costa Mesa, expressed support for the police department.

Jay Photoglou, Huntington Beach, referred to an incident he was involved in and requested the Council direct the City to conduct an investigation of his complaint and to submit the results.

Chris McEvoy, Costa Mesa, inquired as to what would happen to the Council seat if Council Member Foley is elected to the school board.

Sue Lester, Costa Mesa, expressed concern regarding access to resources for seniors.

Sandra Genis, Costa Mesa, encouraged voters to support the Transient Occupancy Tax increase (Measure C).

Beth Refakes, Costa Mesa, requested an update regarding the Fairgrounds, and inquired on the availability of the City Attorney's report regarding the DUI check-point incident that had occurred a few weeks prior.

Cindy Brenneman, Costa Mesa, spoke about breast cancer awareness and the Race for the Cure, and thanked Costa Mesa Police Department personnel for their participation, representation, and support.

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

Mayor Mansoor corrected a statement made by a public speaker relative to an alleged salary increase by the Council and addressed a public speaker's concerns regarding recusal for decisions relative his case.

Council Member Foley acknowledged the Costa Mesa High School cheer squad for their involvement with breast cancer awareness; announced her attendance at the Costa Mesa High School Aquatics Center opening; asked for donations to assist in equipping the snack bar at the Tewinkle Sports Complex for fundraising opportunities; noted meetings with Caltrans where trash on the freeways were addressed with little response due to budget constraints; and requested an update and options of legal remedies regarding the sale of the Fairgrounds.

The City Manager indicated that there was not legislation at this time moving forward in the City's bid in the sale of the Fairgrounds. He noted that the governor again authorized the Fairgrounds to be placed up for bid and that the State had receive multiple bids at the close of the process. He noted the States intent to proceed with the sale of the Fairgrounds in a process that did not require legislation in order to sell it.

Council Member Monahan requested staff to provide a full written report regarding Mr. Photoglou's concerns and any public records requests made.

Mayor Pro Tem Leece announced the upcoming Fire Station open house; recognized the Costa Mesa Women's Club 100th year anniversary; reported her involvement with the Orange County Division of the California League of Cities and expressed the collective interest to protect local control; commented about public safety and urged residents to contact Council with any concerns regarding public safety; acknowledged homeless issues; and responded to public speakers' concerns regarding code enforcement of the trucks, distribution of flyers, and of litter.

## **VI CONSENT CALENDAR ITEM NOS. 1 THROUGH 6**

**MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 6.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

1. Reading Folder.

ACTION: The following Claims were received by the City Clerk for processing: Roger B. Palley, Scott Thomas Walsh

2. Regular meeting of July 20, 2010.

ACTION: Approved.

3. Warrant Resolution 2337, funding Payroll No. 10-19 for \$2,218,242.45 and Payroll No. 10-18A for \$2,597.05 and City operating expenses for \$945,428.29 including payroll deductions.

ACTION: Adopted resolution.

4. Warrant Resolution 2338, funding City operating expenses for \$995,990.61.

ACTION: Adopted resolution.

5. Release of Performance and Labor and Material Bonds (Certificate No. 4369673), in the amount of \$8,054 to Bahman and Farideh Bahrami, 24722 Mandeville Drive, Laguna Hills, in connection with Encroachment Permit No. PS08-00362 for street improvements for Parcel Map 2007-150 located at 150 Rochester Street, Costa Mesa.

ACTION: Approved.

6. Amendments to the Professional Services Agreements with Scott Fazekas & Associates, 9 Corporate Park, #200, Irvine, Bureau Veritas, 1565 MacArthur Blvd, Costa Mesa, and CSG Consultants Inc., 801 Park Center Dr # 230 Santa Ana, for contract plan check and inspection services, in an amount not to exceed \$175,000.

(a) Budget Adjustment for \$125,000.

Action: Approved; authorized the City Manager and City Clerk to sign and approved Budget Adjustment and authorized the Mayor to sign.

The Mayor recessed the regular meeting and convened the Special Joint Meeting of the Orange County Fairgrounds Authority and the City Council at 7:30 p.m.

### **I ROLL CALL**

Council/Authority Members  
Present:

Mayor/Chair Allan R. Mansoor  
Mayor Pro Tem/Vice Chair Wendy Leece  
Council/Authority Member Gary Monahan  
Council/Authority Member Katrina Foley

Council Members Absent:  
Officials Present:

Council/Authority Member Eric R. Bever  
City Manager/Executive Director Allan Roeder  
City Attorney/Authority Counsel Kimberly Hall  
Barlow  
City Clerk/Secretary Julie Folcik

**II CLERKS STATEMENT - The Costa Mesa City Council and Orange County Fairgrounds Authority Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, on Thursday, September 30, 2010 at 1:00 p.m.**

### **III MEETING MINUTES**

There were no minutes to approve.

#### IV PUBLIC COMMENT

Sandra Genis, Costa Mesa, commented on the unfair position the City is in due to the State's actions regarding the sale of the Fairgrounds.

John Feeney, Costa Mesa, requested information regarding an alleged Attorney General investigation of the Fair Board Members regarding the original sale of the Fairgrounds.

#### V OLD BUSINESS

1. Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority adoption on September 7, 2010 of Resolution No. 10-2: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, A JOINT POWERS AUTHORITY FINDING THE PROPOSED LEASE AGREEMENT FOR THE ORANGE COUNTY FAIR AND EVENT CENTER TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

The City Attorney introduced the request for rehearing and indicated that there was language added to the draft lease, in which the tenants expressly acknowledges that no demolition of any structures identified on Exhibit "L" shall occur on the premises except in an emergency until the tenant has processed and obtained approval of a master plan or specific plan for the site with the City, and demolition of other structures may require discretionary review.

Sandra Genis expressed concerns regarding the 22 mitigation measures, and felt that without all of the mitigation measures included in the lease, there would be an impacts. She also noted that while CEQA review is necessary for all new development that it should not be done in a "piece-meal" manner.

**MOTION: Deny request for rehearing.  
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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: Council Member Eric R. Bever

2. Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority approval on September 7, 2010 lease agreement between the Orange County Fairgrounds Joint Powers Authority (JPA) and the OC Fair and Event Center, L.P., for the 150-acre property located at 88 Fair Drive, Costa Mesa.

The City Attorney addressed items of concern listed in the request for rehearing and responded to questions from the Council regarding the Exclusive Negotiating Agreement (ENA), confirmed that indeed the lease or the Memorandum of Understanding did not include language restricting Facilities Management West who was in exclusive negotiating agreement with the City in the lease and operation of the Fairgrounds, from submitting a bid in response to the State's Request for Proposals in the sale of the Fairgrounds, as well as protections of the "historical" buildings of the property and thereby re-read the new language into the record included in Exhibit "L" regarding any demolition of those structures.

Sandra Genis, Costa Mesa, opined that the lease should have been finalized when it was initially submitted and approved, and expressed concern regarding not only the outstanding details but also of the Quitclaim deed, felt that it inadequately addressed the use of the grounds by the Federal in the a state of an emergency and felt that community uses should be occurring at a time that is agreeable to all parties.

**MOTION: Deny request for rehearing.**

**Moved by Authority Member Gary Monahan, seconded by Chair Allan R. Mansoor.**

The motion carried by the following roll call vote:

Ayes: Chair Allan R. Mansoor, Vice Chair Wendy Leece, Authority Member Gary Monahan

Noes: Authority Member Katrina Foley

Absent: Authority Member Eric R. Bever

## **VI NEW BUSINESS**

There was no new business scheduled.

The Chair adjourned the Special Joint Meeting of the Orange County Fairgrounds Authority and the City Council and reconvened the regular City Council Meeting at 7:45 p.m.

## **VII PUBLIC HEARINGS**

1. PUBLIC HEARING: Continued from the meeting of September 7, 2010, Request for Review by Mayor Pro Tem Leece of the Planning Commission's approval of Zoning Application ZA-10-39, for an amendment to an existing planned signing program for Triangle Square

(ZA-00-28) to allow two (2) signs with electronic Light Emitting Diode (LED) screens on the northeast (former Niketown dome) and southwest (Sutra Lounge) sides of the building, approximately 10-ft. high by 96-ft. long, and 20-ft. high by 150-ft. long, respectively, at the property located at 1870 Harbor Blvd. and 1875 Newport Blvd, in a PDC (Planned Development Commercial) zone. Environmental determination: exempt.

It was noted that the application had been withdrawn.

**MOTION: Receive and file.**

**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, Mayor Pro Tem Wendy Leece

Noes: None.

Absent: Council Member Eric R. Bever

2. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 1 OF TITLE 8 OF THE COSTA MESA MUNICIPAL CODE REQUIRING THE USE OF CITY PERMITTED SOLID WASTE HAULERS FOR COLLECTION SERVICES IN THE CITY OF COSTA.

Management Analyst Jocelyn Schamber presented the staff report.

**MOTION: Introduce Ordinance No. 10-11 for first reading, to be read by title only, and waive further reading.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

## **VIII OLD BUSINESS**

No Old Business scheduled.

## **IX NEW BUSINESS**

1. Appointments to various Council-appointed committees

Assistant City Manager Tom Hatch presented the staff report.

- a. Cultural Arts Committee



- b. Historical Preservation Committee
- c. Redevelopment and Residential Rehabilitation (3R) Committee

**MOTION: Appoint Beverley Walker, Eduardo Iniestra as regular members and Jeffrey Harlan as an alternate to the Cultural Arts Committee. Moved by Council Member Katrina Foley, 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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Appoint Christian L. Olson, Bob Wakeham and Jeff Mathews as regular members to the Historical Preservation Committee. Moved by Mayor Pro Tem Wendy Leece, 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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Appoint Christian Eric, Jeff Mathews, Diane McCardle, Christian Olson, Yvonne Rowden and Keith Scheinberg as regular members and Lisa Locke and Jeffrey Harlan as alternates to the Redevelopment and Residential (3R) Committee.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

- 2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 11 (OFFENSES - MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI, and graffiti vandalism.

Police Officer Jason Chamness and Elena Gerli, Deputy City Attorney presented the staff report.

John Feeney, Costa Mesa, thanked Police Officer Chamness and other police personnel for their hard work in fighting graffiti, and recommended

a citation option like that used in the City of Garden Grove. He also expressed opposition to the requirement that private property be cleaned up by the property owner who otherwise will be cited.

**MOTION:** Introduce Ordinance No. 10-12 for first reading, to be read by title only, and waive further reading. Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

Mayor Mansoor expressed concerns regarding cost recovery in those cases where there is financial hardship for the property owner.

Council Member Foley suggested adding to the motion direction to staff to come back in six months with a report regarding the collection of restitution. It was agreed by Mayor Pro Tem Leece.

**MOTION:** Introduce Ordinance No. 10-12 for first reading, to be read by title only, and waive further reading; and direct staff to report back to Council in six (6) months regarding the implementation of the collection of restitution.  
**Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.**

The motion carried by the following roll call vote:

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

## REPORTS

The City Manager reminded the Council that AB 1234 ethics training would be scheduled for the October Study Session, and announced that a special meeting and closed session would be held immediately following the training regarding labor negotiations.

**ADJOURNMENT - The Mayor declared the meeting adjourned at 8:17 p.m.**

---

Mayor of the City of Costa Mesa

ATTEST:

---

City Clerk of the City of Costa Mesa