

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

SEPTEMBER 20, 2004

The City Council of the City of Costa Mesa, California, met in regular session September 20, 2004, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by the Pledge of Allegiance to the Flag led by Council Member Scheafer, and a moment of solemn expression led by Pastor Dale Fitch, Church of the Nazarene, Light House of Costa Mesa.

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem Allan Mansoor
Council Member Chris Steel
Council Member Mike Scheafer

Council Members Absent: Council Member Libby Cowan

Officials Present: City Manager Allan Roeder
Senior Deputy City Attorney
Marianne Milligan
Development Services Director
Donald Lamm
Public Services Director William
Morris
Assistant City Manager Steve
Hayman
Police Captain Tom Warnack
Deputy City Clerk Julie Folcik

MINUTES
September 7, and
September 13, 2004

On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 4-0, Council Member Cowan absent, the minutes of the regular meeting of September 7, 2004, and the special meeting of September 13, 2004, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 4-0, to read all ordinances and resolutions by title only.

Sandy Genis, Costa Mesa, commented that the public was not privy to information which is received by Council at the last minute prior to the Council meeting, and suggested that ordinances receive a reading in full to ensure that "we are all on the same page." Mayor Monahan replied that the Acting City Attorney had previously addressed the section in the Government Code which provides for ordinances and resolutions to be read by title only, confirmed that this is the proper procedure, and stated that the alternative which is to read each document word for word would considerably delay the process. He further commented that the agenda reports distributed to the public were identical to those received by Council, recognizing that occasionally a supplemental report is submitted prior to the meeting.

PRESENTATION
Mayor's Award

Mayor Monahan congratulated Del Heintz on receiving the Mayor's Award for September, 2004. He commended Mr. Heintz for his outstanding volunteer service and devotion of time to organizations including the Orange Coast College Foundation, Costa Mesa Senior Center Corporation, Costa Mesa Chamber of Commerce,

and Vanguard University Foundation, and recognized the effort made by Mr. Heintz to balance professional and volunteer commitments with family life.

ANNOUNCEMENT Public Hearing No. 2, Temporary Signs for City-Sponsored Events	Mayor Monahan announced that Council Member Cowan, who was not in attendance, had been involved in refining the ordinance for Public Hearing No. 2, an ordinance amending Title 13 of the Costa Mesa Municipal Code regarding the use of temporary signs for City-sponsored events on public baseball and softball fields, and suggested that the item be continued until the next meeting when she would be in attendance.
MOTION/Approved Taking Out of Order	A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 4-0, to take Public Hearing No. 2 out of order.
MOTION/Continued Public Hearing No. 2 to October 4, 2004	A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 4-0, to continue Public Hearing No. 2 to the meeting of October 4, 2004.
PUBLIC COMMENT Pedestrian Safety	Rich Reiser, Newport Beach, reiterated his request that the Costa Mesa Police Department enforce Vehicle Code Sections 21950(a) and Vehicle Code 21953, which address the protection of pedestrians on the sidewalk.
Millard Comments	Martin Millard, Costa Mesa, observed that the quality of life of Costa Mesa citizens is dependent on decisions made by the City Council. He advised that Costa Mesa has the highest crime rate, the lowest median home prices, lowest education levels, and median household incomes than all of the surrounding cities except Santa Ana. He addressed the numerous charities, and observed that the City is overflowing with industrial buildings, gangs, illegal aliens, failing schools, and halfway houses.
Gisler Avenue Bike Lane	Dave Sperling, Costa Mesa, indicated that he resides on Gisler Avenue adjacent to where the City is intending to extend the bike lane. He asked to be involved in the development of the project citing additional issues which need to be addressed simultaneously such as the traffic on Gisler Avenue. He inquired why the speed monitors which are moved to different locations throughout the City do not contain a memory element which would pinpoint troubled areas. Mayor Monahan asked the Public Services Director to contact Mr. Sperling regarding the Gisler Avenue Bike Trail, and advised Mr. Sperling that he would receive a report from staff regarding the speed monitors.
Israel Comments	Igal Israel, Costa Mesa, complained that the "contracting out" of the City Attorney's office, discussed at the meeting of September 7, 2004, was not addressed until 11:30 p.m. He advised that he is a general contractor and believed that outsourcing is not always cost effective. He felt that the City's litigation problems were a result of not adhering to the government code. Mr. Israel asked if the City has a valid ordinance which covers "paying off large sums of money in settlements".
Talbert Regional Park	Robert Graham, Costa Mesa, reported that the contract for maintaining the grassy area in Talbert Regional Park expires in January, 2005, and the County does not plan to renew. He encouraged Council to provide adequate access to the park, as well as to the adjacent Fairview Park, by adding the lower parking lot, and supported the addition of bicycle trails in the park.

Underground Utilities	Sandy Genis, Costa Mesa, commented that handicap access in Fairview Park needs improvement. She commented on pine trees in her neighborhood which are growing into the overhead powerlines, and encouraged Council to consider undergrounding the utilities in Mesa Verde. Mayor Pro Tem Mansoor replied that relocating utilities underground had been discussed at a recent Council study session, and advised that he supports this action Citywide. The City Manager reported that staff is working with Southern California Edison Company, and noted that creating multiple underground utility districts for the entire City is an enormous undertaking.
CONSENT CALENDAR	The following item was removed from the Consent Calendar: Item No. 11, TeWinkle Park Skate Park, Project No. 04-19.
MOTION/Approved Except Item No. 11	On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 4-0, the remaining Consent Calendar items were approved as recommended.
READING FOLDER	The following Reading Folder items were received and processed:
Claims	Claims received by the Deputy City Clerk: Linda Boyd; Paul Errington (representing Minnie Rubalcava); Stacy Farinich; James Loughery; Masry & Vititoe Law Offices (representing John V. Grazulis); William Olivera; and Richard Stanford.
Alcoholic Beverage Control Licenses	Request for Alcoholic Beverage Control License from The Wrapper, 3333 Bristol Street, (located inside the South Coast Plaza building) for a premises-to-premises (suite-to-suite) transfer of an existing Type 20 ABC license (off-sale beer and wine).
Public Utilities Commission	<p>Southern California Edison Company filed Motion to Supplement Application No. A.04-07-012 with the Public Utilities Commission regarding low income assistance programs for Program Year 2005 (U-338-E).</p> <p>Southern California Edison Company filed Rate Application A. 04-08-008 with the Public Utilities Commission requesting a rate increase beginning January 1, 2005.</p>
WARRANTS	The following warrants were approved:
Approved Warrant 2022	Warrant Resolution 2022, funding City operating expenses for \$776,314.99.
Approved Warrant 2023/Payroll 419 and 418A	Warrant Resolution 2023, funding Payroll No. 419 for \$1,908,665.29, Payroll No. 418A for negative \$1,413.75, and City operating expenses for \$470,309.63, including payroll deductions.
ADMINISTRATIVE ACTIONS/Approved Agreement with KFM for Placentia Median Design	An agreement was approved with KFM Engineering, 26672 Towne Center Drive, Suite 300, Foothill Ranch, for \$84,470.00, for engineering services to design landscaped medians on Placentia Avenue from 16 th Street to Wilson Street, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.
Accepted Grant Funds for FY 2004-05; and Approved Budget Adjustment No. 05-015	An appropriation of \$30,946.00 in grant funds was accepted from the California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2004-2005, for the City's participation and promotion of the beverage container recycling program; and Budget Adjustment No. 05-015 was approved for \$30,946.00.

Accepted Grant Funds for Fire Drill Facilities; Approved No. 05-009 Approved Agreement with Rancho Santiago Community College	An appropriation of \$350,000.00 in grant funds was accepted from Rancho Santiago Community College to build a two-story, steel training tower at the Fire Drill Facilities; Budget Adjustment No. 05-009 was approved for \$350,000.00; an agreement was approved between the City of Costa Mesa Fire Department and Rancho Santiago Community College District, for certain improvements and lease of Fire Drill facilities located at 2300 Placentia Avenue, Costa Mesa, for vocational training purposes, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.
Accepted Work for Citywide Street Rehabilitation, Project No. 03-17, by R. J. Noble	Rehabilitation of Streets Citywide, Project No. 03-17, was completed to the satisfaction of the Public Services Director on August 3, 2004, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.
Accepted Work for Roadway Rehabilitation of Bristol and Bear Streets, Project No. 03-25 by R. J. Noble	Roadway Rehabilitation of Bristol Street from Bear Street to Randolph Avenue, and Bear Street from Baker Street to Paularino Avenue, Federal Projects Nos. STPL-5312 (045) and (044), Project No. 03-25, was completed to the satisfaction of the Public Services Director on August 20 , 2004, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.
Accepted Work for Hamilton Street Community Garden, Project No. 03-28, by L H Engineering	Construction of Site Improvements at Hamilton Street Community Garden, 523 Hamilton Street, Project No. 03-28, were completed to the satisfaction of the Public Services Director on July 22, 2004, by Paul H. Lee, doing business as L H Engineering Company, 708 North Valley Street, Suite Q, Anaheim. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 12 months thereafter.
Approved Extension of Fairview Park Plan Administrator Term	An extension of term for the Fairview Park Plan Administrator position was approved through June 30, 2008, and staff was directed to provide information as part of Fiscal Year 2008-2009 budget deliberations, outlining the status of the Fairview Park improvements, and to make a recommendation on the disposition of the Fairview Park Plan Administrator position.
TeWinkle Skate Park, Project No. 04-18	Item No. 11 on the Consent Calendar was presented: TeWinkle Park Skate Park, Project No. 04-19. Patricia Allen, Huntington Beach, representing the Costa Mesa Bark Park Foundation, addressed the contract for the Skate Park, advising Council to examine the bid documents to ascertain why only one bid was received. Mayor Monahan responded that the field is specialized, Channel Islands Paving was withdrawing their bid proposal, and that the City was interested in having the subcontractor, who was originally scheduled to perform 80 percent of the work, become the general contractor. He added that the subcontractor has completed skate parks in the area and is highly

	recommended by the skate community and the contracting community.
MOTION/Approved Withdrawal	On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 4-0, withdrawal of bid proposal submitted by Channel Islands Paving, Inc., was approved
MOTION/Gave Directions to Staff to Negotiate	On motion by Council Member Scheafer, seconded by Mayor Monahan, and carried 3-1, Council Member Steel voting no, staff was authorized to negotiate a contract with a qualified contractor within the existing budgeted amount.
PUBLIC HEARING COPS/SLESF	The Deputy City Clerk announced that this is the time and place set for the public hearing to consider recommended allocation of funds for the 2004-2005 Citizen's Option for Public Safety/ Supplemental Law Enforcements Services Fund (COPS/SLESF). The Affidavit of Publication is on file in the City Clerks office. No communications were received. The Police Captain reviewed the Agenda Report dated August 25, 2004. There being no speakers, the Mayor closed the public hearing.
MOTION/Approved Allocations	On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 4-0, the recommended allocations were approved.
OLD BUSINESS "Resident Only" Parking	The Deputy City Clerk presented from the meeting of August 16, 2004, consideration of "resident only" permit parking issues on Columbia Drive, Wake Forest Road, Amherst Place, Tulane Place, Dartmouth Place, Rutgers Drive and Fordham Drive.
MOTION/Continued to November 15, 2004	On motion by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, and carried 4-0, this item was continued to the meeting of November 15, 2004, and staff was directed to notify all affected residents and interested parties of the schedule change.
NEW BUSINESS Conflict of Interest Code	The Deputy City Clerk presented an ordinance amending the list of designated employees in the City's Conflict of Interest Code. The Senior Deputy City Attorney summarized the Agenda Report dated August 27, 2004. Martin Millard, Costa Mesa, addressing a recent occurrence wherein Council Member Scheafer had abstained from voting on an item due to a potential conflict of interest, asked for clarification. Council Member Scheafer replied that the Acting City Attorney had since determined that a conflict of interest relating to his business interests does not exist.
MOTION/Gave Ordinance 04-10 First Reading	On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 4-0, Ordinance 04-10 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER X OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE. Second reading and adoption are scheduled for the meeting of October 4, 2004.
NEW BUSINESS State Proposition 1A	The Deputy City Clerk presented State Proposition 1A, Local Taxpayers and Public Safety Services Protection Agreement. The Assistant City Manager reviewed the Agenda Report dated September 1, 2004. He clarified that the proposition would restrict the ability of the State Legislature to arbitrarily take local

government funding, including local government share of existing sales tax, property tax, and vehicle license fee revenues. The City Manager added that it is imperative that the public be well informed about this measure which is critical to the financial well-being of the City. He added that the League of California Cities has taken the position that Proposition 1A protects local government public safety, healthcare and other services as well as prevents the State from taking local funds. Council Member Steel pointed out that official proponents of Proposition 65, a similar measure, now support Proposition 1A. Mayor Pro Tem Mansoor stressed the importance of passing Proposition 1A and opposing Proposition 65. Council Member Scheafer encouraged voters to take a stand in support of Proposition 1A.

Terry Shaw, Costa Mesa, and Sam Clark, Costa Mesa, spoke in support of Proposition 1A.

MOTION/Adopted
Resolution 04-57

On motion by Council Member Scheafer, seconded by Council Member Steel, and carried 4-0, Resolution 04-57 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUPPORTING PROPOSITION 1A, LOCAL TAXPAYERS AND PUBLIC SAFETY SERVICES PROTECTION AGREEMENT.

COUNCIL
COMMENTS

Council Member Steel encouraged voters to support Proposition 1A.

ADJOURNMENT

The Mayor declared the meeting adjourned at 7:35 p.m.

