

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

JUNE 7, 2005

The City Council of the City of Costa Mesa, California, met in regular session June 7, 2005, 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.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Gary Monahan
Council Member Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Deputy City Clerk Julie Folcik

REQUEST FOR
CLOSED SESSION

The City Attorney presented the following request for closed session:

Anticipated Litigation

Conference with legal counsel, Kimberly Hall Barlow, City Attorney, regarding significant exposure to litigation pursuant paragraph (1) of subdivision (b) of California Government Code Section 54956.9: One (1) case.

PUBLIC COMMENT

No speakers were present.

ADJOURNMENT TO
CLOSED SESSION

At 5:04 p.m., Mayor Mansoor adjourned the City Council meeting to a closed session in first floor Conference Room B to discuss the items previously announced by the City Attorney.

MEETING
RECONVENED

Mayor Mansoor reconvened the Council meeting at 6:30 p.m., followed by the Pledge of Allegiance to the Flag led by Council Member Dixon, and a moment of solemn expression led by Joan Iden Bowie, First Church of Christ Scientist.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Gary Monahan
Council Member Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager
Steve Hayman
City Attorney Kimberly Hall Barlow
Development Services Director
Donald Lamm
Public Services Director
William Morris
Finance Director Marc Puckett
Legislative and Public Affairs
Manager Ann Shultz
Lieutenant David Anderson
Deputy City Clerk Julie Folcik

CLOSED SESSION REPORT	The City Attorney announced that no action had been taken in closed session.
PRESENTATION Employee of the Month	The Mayor Mansoor congratulated Gary Hook, Building Inspector, from the Building and Safety Division of the Development Services Department, naming him Employee of the Month. He commended Gary Hook for his assistance and expertise to the residents and business owners of Costa Mesa, as well as their contractors. He added that his commitment and dedication was an integral part of the City's Building Division.
PRESENTATION Costa Mesa Community Foundation Report	Cindy Brenneman, Costa Mesa Community Foundation, Chairperson, gave a presentation reviewing the Committee history, accomplishments and upcoming activities. She commended Ann Shultz, liaison to the foundation; Mayor Mansoor, Council liaison; and the Finance Department for their assistance, advice and direction. She encouraged the public to become board members and welcomed participants to attend their monthly meeting held on the fourth Thursday of every month in first floor Conference Room "A". She shared pictures of the Costa Mesa Fire Explorer Post Scholarship Recipients, KOCE Butterfly Initiative, Baja Fresh Fundraising Event, Chalk Art Festival, CostaMazing Donation; and she invited the public to visit their website www.cm-fund.org .
PUBLIC COMMENT Chain-link Fencing, Westside Revitalization, Fireworks	Mildred Nicholson, Costa Mesa, inquired as to the reason that chain link fences are prohibited and believed this type of fencing is inexpensive, practical and durable; pointing out that wrought iron and wood fencing require more maintenance than chain link fencing. She requested that the efforts involved in the Redevelopment plan for the Westside be re-channeled to improvements on the Eastside of Costa Mesa. She reported that the setting off of fireworks for the fourth of July had already begun in her neighborhood.
Overcrowded Residence at 1782 Iowa Street	Eric Kreis, Costa Mesa, cited the definition of a single-family residence from the Costa Mesa Municipal Code, Chapter 1, Article 1, Section 13.6. He reported multiple families living in a single-family dwelling located at 1782 Iowa Street, stating that Code Enforcement has visited the location numerous times. He believed his quality of life had been affected and the value of his home was being compromised. The City Manager reported that Council would receive an update on the code enforcement activity as well as legal updates in terms of the City's authorities on the issue of overcrowding.
Overcrowded Residences, Police Response	Martin Millard, Costa Mesa, in relation to multi-families residing in a single-family residence, Mr. Millard concurred with Mr. Kreis, and reported the same situation on his street with several residences. He reported receiving a telephone call from a Costa Mesa resident who observed vendors with presumed stolen shopping carts selling food on the Westside of Costa Mesa, and who felt they had been treated unfairly when reporting the incident to the Police Department. He also recalled several instances when he had made inquiries to the Police Department stating he was unsuccessful in receiving a response.
Overcrowded Residence at 1782	Brenda Arnett, Costa Mesa, relative to 1782 Iowa Street, cited the definition of a single-family dwelling from the Costa Mesa

Iowa Street	Municipal Code, Chapter 1, Article 1, Section 13-6. She reported that the referenced residence houses five families and a single man residing in the garage. She expressed concern regarding noise disruption and congested parking and noted that the Police Department and Code Enforcement had been to the residence on a few occasions. She also stated that she felt her property value was being compromised.
Street Sweeping; Multi-families	Donald Nicholson, Costa Mesa, expressed concern in relation to run-off water entering the sewers, storm drains and/or the ocean. He expressed concern with the Holiday schedule in relation to trash pick-up and street sweeping days, and believed that the pick-up day after the holiday conflicts with the normal street sweeping day; and requested collaborative efforts. He also echoed the comments made by Ms. Arnett and Mr. Kreis relative to multi-families residing in single-family dwellings.
Illegal Immigration	<p>Tim Lewis, Costa Mesa, relative to the correspondence to President Bush that the Federal Government strictly enforce laws on illegal immigration, Mr. Lewis cited a letter expressing his gratitude for taking a stand against illegal immigration.</p> <p>Mayor Mansoor expressed belief in the importance of enforcing immigration laws and protecting our borders.</p>
Westside Police Substation	<p>Beth Refakes, Costa Mesa, relative to the renovation of the Westside Police Substation, which also includes the Veterans Hall, expressed concern about postponed events as a result of construction and reported difficulty in finding locations to hold the pancake breakfast. She requested an update.</p> <p>The City Manager reported that an update would be provided on the renovations at the Westside Substation and the Veterans Hall. In relation to upcoming events sponsored by the Veterans Hall, he pointed out that accommodations would be made if needed.</p>
Pot Holes; Bus Routes; Fireworks; Seniors	Anne Hogan-Shereshevsky, Costa Mesa, suggested implementing a sinkhole hotline similar to the pothole hotline. She reported two potholes located at the corner of Fairway Drive and Monte Vista; potholes located in the alley behind Bethel Towers from Pomona Avenue to Anaheim Street; expressed difficulty in accessing the bus routes on Pomona Avenue and Park Avenue; reported a problem with the water at the Senior Center. She reiterated her request to ban fireworks in the City; thanked her sponsors who are supporting her trip to Washington D.C.; shared a story of woman who celebrated her 106 th birthday from Mesa Del Mar and requested help from citizens in locating other seniors over age 100, whom she would interview for upcoming articles she would be writing.
July 4 th Celebrations	William Polder, Costa Mesa, shared photos of previous July 4 th celebrations, and encouraged Council to continue allowing residents to enjoy and participate in fireworks.
Non conforming uses	<p>Igal Israel, Costa Mesa, reiterated his request for information relating to the zoning of businesses located at 2250, 2274 and 2278 Newport Boulevard. He stated the current businesses were commercial uses within an R2 medium - density zone, which he believed to be illegal non-conforming uses.</p> <p>The City Attorney responded that those particular buildings are considered legal non-conforming uses because they pre-existed</p>

prior to the change in zoning.

Mr. Israel cited a section of the Municipal code, Title 20, Article 2, Section 20-7, referencing the illegal use of tarps; and shared a picture of a blue tarp covering the sign in front of a police substation, stating he was cited for the same violation and believed it was a double standard.

MINUTES
April 5, 2005

On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, the minutes of the regular meeting of April 5, 2005, were approved as distributed.

CONSENT
CALENDAR

The following items were removed from the Consent Calendar: Item No. 7, Award of Bid Item No. 1082, Purchase of 275 New Dell Optiplex GX280 Workstation Computers.

MOTION/Approved
Except Item No. 7

On motion by mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, 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: Kim Haina; Michael K. Kuhar and Christine M. Small-Shook; George Madsen; Ralph McDowall; Eric Mendel; Dominic J. Recchia; Cynthia Stewart; Zoren Tulab; Kym G. Torrence; Arthur Vanderree, Jr.; and Cesar Zamarripa.

Alcoholic Beverage
Control Licenses

Requests for Alcoholic Beverage Control Licenses were received from:

Karim Nikbakhsh Kimiai, DBA: Alvand Market, 3033 Bristol Street, Suite G, Costa Mesa, for a person-to-person transfer of a type 20 license (off-sale beer and wine).

TSG21 Corporation, DBA: Sake Bomb Dining, 1907 Harbor Boulevard, Costa Mesa, for a person-to-person transfer of a type 41 license (on-sale beer and wine for a bona fide eating place).

Jason Woong Chong, DBA: Sunshine Liquor, 724 West 19th Street, Costa Mesa, for a person-to-person transfer of a type 21 license (off-sale general).

Public Utilities
Commission

In accordance with General Order 159-A (G0-159-A) of the California Public Utilities Commission, Cingular Wireless has provided notification that all requisite land use approval has been obtained for a site at Crystal Court, 333 Bear Street, Assessor Parcel No. 412-492-06.

Follow-Up Report

The following concern received a follow-up report from staff:

Response to concerns voiced by Ms. Leonila G. Claveran, 2282 La Playa Drive South, regarding a sinkhole discovered at her residence.

WARRANTS

The following warrants were approved:

Approved Warrant
2058

Warrant Resolution 2058, funding City operating expenses for \$1,491,715.97.

Approved Warrant 2059	Warrant Resolution 2059, funding Payroll No. 510 for \$2,046,771.03, Payroll No. 509A for \$372.08, and City operating expenses for \$1,004,524.36, including payroll deductions.
Approved Warrant 2060	Warrant Resolution 2060, funding City operating expenses for \$1,701,682.46.
ADMINISTRATIVE ACTIONS/Awarded Bid Item No. 1081, Root Pruning and Installation of Root Barriers	Bids received for Bid Item No. 1081, Root Pruning and Installation of Root Barriers, are on file in the City Clerk's office. Award of the contract to United Pacific Services, 120 East La Habra Boulevard, Suite 107, La Habra, for an amount not to exceed \$98,345.00 for a three-year period, was approved.
Awarded Contract for Gisler Avenue Bicycle Trail, Project No. 05-07	Bids received for Gisler Avenue Bicycle Trail, Project No. 05-07, are on file in the City Clerk's office. Award of the contract to All American Asphalt, P.O. Box 2229, Corona, for \$237,069.60 (base bid plus additive items 3a, c, d, and e), was approved.
Approved Budget Adjustment No. 05-100	Budget Adjustment No. 05-100, for \$80,000.00, was approved to transfer the Measure "M" funds into the project account.
Approved Agreement with Michael Balliet Consulting	Agreement with Michael Balliet Consulting, 26351 Tarrasa Lane, Mission Viejo, for \$30,525.00, for administration of the City's Source Reduction and Recycling Element (SRRE), from July 1, 2005, to June 30, 2006, was approved. The Mayor and Clerk were authorized to sign on behalf of the City; and the Public Services Director was authorized to extend the agreement on July 1 of each fiscal year, up to a maximum of five years, if the contract adjustment is equal to or less than the annual Consumer Price Index.
Accepted Work for TeWinkle Park Landscape Irrigation Mainline Rehabilitation, Project No. 04-10, by P&D Landscape Management Services	TeWinkle Park Landscape Irrigation Mainline Rehabilitation, Project No. 04-10, was completed to the satisfaction of the City Engineer and the Director of Public Services on April 1, 2005, by P&D Landscape Management Services, 999 Town & Country Road, 4 th Floor, 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 Off-Site Improvements at 2459 Elden Avenue, EP PS04-00757	Off-site improvements to curb and gutter, driveway approach, curb drain, and street cuts, for utility connections at 2459 Elden Avenue, by Jeff Day, 10 Rolling Brook, Irvine, in connection with Encroachment Permit No. PS04-00757. The work was accepted and authorization was given to refund the cash deposit of \$10,276.70.
Accepted Street Improvements at 1325 Sunflower Avenue by Standard Pacific Corp., EP PS03-00133	Street improvements associated with construction of new driveway entrance, landscape median, sidewalk, curb and gutter, storm drain, and utility trenches, at 1325 Sunflower Avenue, were completed to the satisfaction of the Public Services Department by Standard Pacific Corp., 15326 Alton Parkway, Irvine, in connection with Encroachment Permit No. PA03-00133 (Tract 16416). The work was accepted and the bonds were ordered exonerated.

<p>Approved Agreement with IXO</p>	<p>Participation in the Emission Reduction Strategy Option authorizing the transfer of credits from City vendor IXO to the South Coast Air Quality Management (SCAQMD) was approved. Agreement with IXO, P.O. Box 221. La Canada, for \$7,790.00, to purchase and transfer Vehicle Emission Reduction Credits to SCAQMD, was approved, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.</p>
<p>Adopted Resolution No. 05-37</p>	<p>Resolution No. 05-37 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE CITY ATTORNEY'S OFFICE OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.</p>
<p>Approved Sponsoring Legislation to Amend California Vehicle Code Section 21455.5 and 21455.6</p>	<p>Consideration of sponsoring legislation to amend California Vehicle Code Section 21455.5 and 21455.6 relating to red light camera systems to clarify legislative intent regarding required notices and warnings and operation of red light camera systems at jointly controlled intersections, was approved.</p>
<p>Bid Item No. 1082; Agreement with Dell Marketing L.P.</p>	<p>Item No. 7 on the Consent Calendar was presented: Award of Bid Item No. 1082, Purchase of 275 New Dell Optiplex GX280 Workstation Computers. The Finance Director reviewed the Supplemental Agenda Report dated June 7, 2005, with a revised recommended action. He pointed out that subsequent to the bid opening, Dell Marketing L.P. introduced a new workstation computer, Model GX620, that would better meet the needs of the City and possibly increase the use of the life of the equipment being purchased, adding that the new equipment under the new product line would cost an additional \$49.00 per unit, for a total increase cost of \$14,500.00. He reported that with the additional cost, Dell Marketing L.P. was still the lowest bidder under the initial bid and therefore recommended approval of the alternate model.</p>
<p>MOTION/Awarded Bid Item No. 1082, Purchase of 275 New Dell Optiplex GX620 Workstation Computers to Dell Marketing L.P.</p>	<p>On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon and carried 5-0, award of the contract for Bid Item No. 1082, to Dell Marketing LP, One Dell Way, RR8 M-S-8706, Round Rock, Texas, for the purchase of 275 New Dell Optiplex GX620 workstation computers for the revised total cost of \$192,946.88, was approved.</p>
<p>PUBLIC HEARING Business Improvement Area Assessment</p>	<p>The Deputy City Clerk announced the public hearing, continued from the meeting of February 22, 2005, to consider a resolution re-authorizing the Business Improvement Area assessment of two percent (2%) for certain City of Costa Mesa hotels and motels for fiscal year 2005-2006. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. A communication was received from Mr. Joe DeDio of the Costa Mesa Convention and Visitor's Bureau. The Legislative and Public Affairs Manager reviewed the Agenda report dated May 17, 2005. She pointed out that a request had been received by the Holiday Inn Express Hotel and Suites Costa Mesa, to be included in the Business Improvement Area (BIA); and introduced Diane Pritchett, Executive Director of the Conference and Visitors Bureau (CVB).</p> <p>Ms. Pritchett highlighted a few elements from the annual report, noting its purpose to market and promote Costa Mesa to leisure travelers, thereby increasing tourism, occupancy and the bed tax. She reviewed upcoming activities; and introduced Tom Smalley, acting President of the CVB and General Manager of the</p>

Wyndham Hotel. He commended the CVB for their marketing efforts, and noted that for the last twelve years, the Wyndham Hotel had led in occupancy, resulting in increased employee base.

Council Member Dixon inquired as to the process by which hotels and restaurants could become new BIA members, and suggested promoting Costa Mesa through support of the Fish Fry or being the naming sponsor for Concerts in the Park.

Ms. Pritchett stated that the CVB relies on the City's efforts through the public hearing process to "get the word out." She believed sponsorship opportunities could be considered if it resulted in occupancy; and provided examples of encouraging Costa Mesa as a destination such as marketing materials, attending trade shows and promoting Costa Mesa through their website, www.costamesa-ca.com. She indicated that they currently promote restaurants throughout Costa Mesa through the website.

Mayor Pro Tem Monahan pointed out that through the Bureau's Drive-n-Dine program, selected restaurants sign up for the program, consisting of a combination gift certificate, in which the restaurant gives a certain amount of food dollars donated to the bureau when the certificated is redeemed.

Council Member Bever, Council liaison to the CVB, pointed out the bureau's extensive magazine advertising showcasing the City of Costa Mesa as the best in Southern California in nationwide publications. He added that the bureau works closely with the Orange County Performing Arts Center in conjunction with their new hall opening to promote Costa Mesa.

Mayor Pro Tem Monahan commended the Bureau, noting the numerous awards they receive for their marketing efforts. He pointed out that the Bureau is involved in the Jazz Festival as well.

In response to a question from Council Member Foley, the Public Affairs Manager reported that there is one Council position and one staff position that has voting authority on the board.

Martin Millard, Costa Mesa, suggested promoting the Westside area to further attract visitors. He indicated that proposals were in progress working toward having a citywide contest to rename the portion of the Westside located south of 19th Street, giving the examples of West Bank, West Village, or Lower West Side. He suggested to treat market the area as an artists' colony with an ocean influence, to utilize funds to hold a contest or to place monuments in that section of town, and strongly suggested pursuing the attraction of the "ocean" as promotion for Costa Mesa.

Motion/Adopted
Resolution 05-38

On motion by Mayor Mansoor, seconded by Council Member Dixon, and carried 5-0, Resolution No. 05-38 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2005-06 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

NEW BUSINESS
Request from Friends
of the Library for Civic
Center Park as Site
for Future Central
Library

The Deputy City Clerk presented a request from Friends of the Library to set aside Civic Center Park for the next ten years as the site of a future Central Library. Two communications were received in support of the future library from Barbara Davia, Costa Mesa, and Margaret Brunning, Costa Mesa; one communication was received in opposition of the future library from an unknown Costa Mesa resident. The Legislative and Public Affairs Manager reviewed the Agenda Report dated May 13, 2005.

Dan Worthington, Friends of the Library Spokesperson, reviewed the proposal. In collaboration with Mike Dillon, California Library Association; and Richard Hall, Library Bond Act Manager, Mr. Worthington reported on discussions relating to criteria in which bonds are granted. He pointed out that in order to apply for a library grant, a parcel of land must be available; and reviewed key points in which a city would qualify for a \$20,000,000.00 bond from the State:

1. The City must identify a need for a library.
2. The applicant must own the site.
3. The site must be located in a high visible location.
4. The site must be in close proximity to performing art theaters.
5. The site must be in close proximity to a museum.
6. The site must be in close proximity to schools.
7. The site must have good accessibility to transportation.
8. The location must be a valuable site within the community.
9. The site must be in close proximity to a central park.
10. The site must be in close proximity to the Civic Center.

He emphasized that the City of Costa Mesa meets all the criteria needed to qualify for a bond. He quoted from the National Association Library Report, which indicates "there is a direct correlation between school test scores and the quality of the libraries in the same community". He noted that Costa Mesa had three libraries in the City, that total 16,300 square feet combined, which is the lowest ratio per capita of any City with a population of 15,000 or greater in California; adding that no other city in California with the population of 114,000 had a smaller size library system than Costa Mesa. He encouraged Council to approve the proposed resolution. He answered questions from Council regarding the proposal.

In response to a question from Council Member Dixon, Mr. Worthington stated that the fundraising goal was approximately \$50,000,000.00 to construct the library and pointed out that currently the Friends of the Library had no definitive fundraising plans.

Council Member Foley expressed concern that 27,000 square feet would not accommodate amenities that a central library would have and stated that she would be hesitant to move forward knowing the building limitations on the site. She pointed out that under the current floor area ratio, the library wouldn't be allowed to increase its square footage.

Mr. Worthington suggested underground parking in order to increase the square footage of the building.

The Development Services Director reported the current floor area ratio for this zone is 0.25 or basically 4 square feet of land for every square foot of building. He pointed out that a site-specific

general plan amendment would be needed in order to change the floor area ratio.

Mayor Mansoor echoed Council Member Foley's concerns. He stated his support of proceeding forward with the fundraising. He indicated he would not support changes to the general plan and pointed out that his support would be for regulations under the current zoning for this site.

Council Member Dixon expressed her support for libraries. She noted that she was a former member of the 1996 library foundation. She inquired if discussions took place with the school district for land at Costa Mesa High School or with the Orange County Fairgrounds, noting that the parcels were larger and would meet the criteria for grant application.

Mr. Worthington stated that discussions have not taken place with either the Orange County Fairgrounds or the Newport Mesa School District. He pointed out that there wouldn't be any cost to the City for setting aside the site, and the desired site was targeted for financial reasons, as the committee could not afford to purchase any available land.

Council Member Foley indicated that she and Council Member Dixon were liaison's to the Orange County Fair Board and suggested having discussions with the Board in order to determine possibilities in relation to the use of the Fairgrounds land. She expressed her concern of Mr. Worthington's intentions to expand the library further, regardless of the current zoning requirements for the site, and felt that 27,000 square feet was not adequate enough. She pointed out Mr. Worthington's statements from the study session, wherein he clearly indicated the goal was for 60,000 square feet of space, which is double the size that is allowed for the site.

Council Member Bever commended the Friends of the Library for their efforts in bringing this project forward; and believed that solutions could be made with the support of the community.

Mayor Pro Tem Monahan echoed Council Member Bever commendations; and expressed his enthusiasm in moving forward.

The following persons spoke in support of setting aside the site for a future library: Donald and Mildred Nicholson, Costa Mesa; Arthur Goddard, Costa Mesa; Mary Ellen Goddard, Costa Mesa; and John Rithouse.

The following persons spoke in opposition of setting aside the site for a future library: Darrel Neth, Costa Mesa; and Tim Gillis, Costa Mesa.

Beth Refakes, Costa Mesa, echoed Council Member Foley's concerns regarding the size of the site, and felt that the 2.5-acre site would not accommodate a 50,000 square foot building, as proposed by Mr. Worthington. In relation to the location of the proposed site, she felt the adjacent residents were already subject to the Police facility, City Hall and the Orange County Fairgrounds. She felt the fundraising goals weren't clear and that issues needed to be explored before making decisions. She suggested renovating existing libraries in the City; and encouraged Council to consider the General Plan before deciding.

MOTION/To Adopt Resolution	<p>A motion was made by Council Member Dixon, seconded by Mayor Mansoor, to adopt the resolution with the following stipulations:</p> <ol style="list-style-type: none"> 1. That the Friends of the Library be required to raise 30 percent of the anticipated cost of the construction by the 3rd year, 50 percent by the 5th year and 70 percent by the 7th year; that the Friends of the Library be required to report back to Council on the status of their fundraising in the 3rd, 5th and 7th year. 2. That if the fundraising goals have not been met, Council may withdraw the site from the project.
AMENDMENT TO MOTION/Title Search	<p>Mayor Mansoor requested that the motion be amended to include that staff be directed to proceed with title searches for reports for easements on the site. Council Member Dixon agreed to the amendment.</p>
AMENDMENT TO MOTION/School District and Orange County Fairgrounds to Discuss Feasibility of Alternative Sites	<p>Council Member Foley requested that the motion be amended to include discussions with the School District and Orange County Fairgrounds in relations to feasibility of alternative sites. Council Member Dixon agreed to amend the motion to include directing the respective Council liaison's for the Orange County Fairgrounds and Newport Mesa Unified School District place on their Board's agendas to meet and discuss the feasibility of alternative sites for the library.</p>
SUBSTITUTE MOTION/Adopt Recommended Action and Direct a Title Search	<p>A substitute motion was made by Mayor Pro Tem Monahan to approve the recommended action and that staff be directed to proceed with title searches for reports for easements on the site.</p> <p>In relation to the fundraising goals, Council Member Foley believed the stipulations made by Council Member Dixon would motivate the community and the committee members to meet their goals.</p> <p>Mayor Mansoor concurred with Council Member Foley, and believed the stipulations would allow Council to be updated with the progress of the fundraising.</p>
1:53:48	<p>Council Member Bever expressed his confidence that the committee would meet their fundraising goals; and believed the proposed site was a passive use area. He pointed out that if the committee did not meet their fundraising goals, the park would remain.</p>
SUBSTITUTE MOTION/FAILED	<p>The substitute motion failed 3-2, Mayor Mansoor, Council Member Dixon and Council Member Foley voting no.</p>
MOTION/Adopted Resolution 05-39	<p>The original motion carried 5-0. Resolution No. 05-39 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING ASIDE CIVIC CENTER PARK FOR A TEN-YEAR PERIOD FOR FUTURE CONSTRUCTION OF A CENTRAL LIBRARY BY THE COSTA MESA FRIENDS OF THE LIBRARY, with the following stipulations:</p> <ol style="list-style-type: none"> 1. That the Friends of the Library be required to raise 30 percent of the anticipated cost of the construction by the 3rd year, 50 percent by the 5th year and 70 percent by the 7th

year; that the Friends of the Library be required to report back to Council on the status of their fundraising in the 3rd, 5th and 7th year.

2. If the fundraising goals have not been met, Council may withdraw the site from the project.
3. Directed staff to proceed with title searches for reports for easements on the site.
4. Directed that the respective Council liaison's for the Orange County Fairgrounds and Newport Mesa Unified School District place on their Board's agendas to meet and discuss the feasibility of alternative sites for the library.

NEW BUSINESS
Ordinance Amending
Chapter 12 of Title 11

The Deputy City Clerk presented an ordinance, amending Chapter 12 of Title 11 of the Costa Mesa Municipal Code relating to regulations applicable to landlords renting property upon which specified illegal drug or gang activities are occurring. The City Attorney reviewed the Agenda Report dated May 26, 2005, and she and Lieutenant David Anderson from the Police Department answered questions from Council.

In response to a question from Council Member Dixon, Lieutenant Anderson believed the proposed amendments would be a beneficial tool in enhancing the enforcement of current ordinance, through community oriented policing.

The City Attorney pointed out that the goal of the amendments was to address the additional information to be provided to landlords. She noted that the Orange County Apartment Owner's Association, supported the amendments and believed the proposed changes would be useful to landlords, as it provides them the ability to evict a tenant engaging in unlawful activity on their property.

City Attorney confirmed for Council Member Bever that the ordinance does specify the types of crimes through which enforced pursuant to this ordinance, could be used.

On motion by Council Member Bever, seconded by Mayor Mansoor, and carried 5-0, Ordinance 05-10 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER 12 OF TITLE 11 OF THE COSTA MESA MUNICIPAL CODE RELATING TO REGULATIONS APPLICABLE TO LANDLORDS RENTING PROPERTY UPON WHICH SPECIFIED ILLEGAL DRUG OR GANG ACTIVITIES ARE OCCURRING, read by title only and further reading of the text was waived.

COUNCIL
COMMENTS

The City Manager reported on the receipt of the Grand Jury report in relation to red light cameras, and noted that the report requires a response from the City within ninety days of issuance. He reported that the City Attorney and the Police Department are collaborating on the response to recommendations and a report would be provided to Council for their consideration.

Council Member Foley congratulated Brian Sankey, a sophomore from Estancia High School, who was one of thirty students to raise more than \$500.00 towards the Costa Mesa United Athletic Facility; and Kayla Ortiz, a sixth grader from Davis Elementary School, who raised \$1200.00 in change and dollar bills. She requested a follow-up report in relation to street sweeping during

the Holiday schedule; and suggested street sweeping more than once per week on El Camino Drive and in other multi-family neighborhoods. She inquired as to the reason residents were not allowed to have temporary storage containers on their property while residents were remodeling their homes, and believed that temporary storage containers were convenient for residents during the remodel transition and therefore, suggested a permit process in order to allow for their use.

Council Member Dixon encouraged the residents to become members of the Costa Mesa Friends of the Library in order to support their efforts in constructing a central library.

Council Member Bever reported that the American Planning Association awarded the Westside Revitalization Oversight Committee (WROC) the education project award of merit, which was received on May 26, 2005, for their long-term efforts in citizen participation in the Westside Revitalization Plan; and requested that staff honor the committee at their next meeting to commemorate their achievement. In relation to street sweeping, he believed the issue were cars impeding the way for street sweepers and suggested enhanced parking enforcement. In relation to temporary storage containers on residential properties, he concurred with Council Member Foley and pointed out that there were no limits to the length that a resident can work on their construction remodel.

ADJOURNMENT

The Mayor declared the meeting adjourned at 9:30 p.m.