

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

September 05, 2006

The City Council meeting of the City of Costa Mesa, California met in regular session September 05, 2006, at 5:04 p.m., in the Council Chambers of City Hall, 77, Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. CLOSED SESSION

II. ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Clerk Julie Folcik
Assistant City Attorney Harold W. Potter
Assistant City Manager Thomas Hatch

PUBLIC COMMENT

III. CLOSED SESSION

1. Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.

Mayor Mansoor recessed the meeting at 5:05 p.m. to the closed session in Conference Room 1B.

The Mayor reconvened the meeting at 6:05 p.m.

PLEDGE OF ALLEGIANCE - Council Member Gary Monahan

MOMENT OF SOLEMN EXPRESSION

ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Clerk Julie Folcik
Assistant City Attorney Harold W. Potter
Assistant City Manager Thomas Hatch
Public Services Director William Morris
Development Services Director Donald Lamm
Associate Planner Wendy Shih
Police Field Operations Capt. Ron Smith
Acting Police Chief Steven Staveley

CLOSED SESSION REPORT: City Attorney reported that Council continued the Closed Session item to September 19, 2006. (4-0, Council Member Monahan absent).

The following Public Hearing was taken out of order:

2. PUBLIC HEARING: Appeal of denial of Planning Application PA-06-34, to amend conditions of approval of an existing conditional use permit (PA-99-49) to allow concurrent sales of beer and wine (single servings) with gasoline, and to allow exterior advertisement for alcoholic beverages on property located at 3067 Bristol Street and zoned C-1; Greg Fick of Tait and Associates, Inc., authorized agent for Conoco Phillips, appellants. Environmental Determination: Categorically Exempt.

MOTION: Continued the hearing to October 3, 2006, at 7:00 p.m.
Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

PRESENTATIONS

The Mayor recognized Matt Pallo and Lara LeGrand, Park Rangers of the Police Department Field Operations Division, as Employees of the Month; they were called to the scene of a local brush fire at Talbert Park and assisted the Fire Department and ABLE helicopter team with their expertise of the local trails and park topography to eliminate this dangerous fire.

The Mayor recognized Traffic Safety Bureau Personnel, Officer Tony Yannizzi, Officer Scott Dibble, and Officer Allen Rieckhof, for their exemplary service to the community and to improving traffic safety in Costa Mesa.

Council Member Monahan represented Orange County Transportation Authority (OCTA) and presented a one-million dollar check to the Mayor and Council for landscaping improvements through the Transportation Enhancement Activities Program (TEA); and recognized Council Member Foley for her efforts to improve transportation in the City and presented a resolution for her work on the Measure M Super Committee.

The Mayor presented a Proclamation to Judy Morr, Executive V.P., and Todd Bentjen, V.P. of Marketing and Communications, of the Orange County Performing Arts Center (OCPAC) and recognizing OCPAC 20th Anniversary and Opening of the New Performing Arts Venues (Renee and Henry Segerstrom Concert Hall and Samueli Theater).

Judy Morr thanked the City and everyone for all the help over the past 20 years and announced it is ten days till opening.

IV. PUBLIC COMMENTS:

1. **Don Nicholson, Costa Mesa, spoke about illegal fireworks and opined that they are not patriotic.**
2. **Mildred Nicholson, Costa Mesa, mentioned a parking problem in front of her home.**
3. **Scott Sink, Anaheim, presented a picture of Newport Beach Council Member Richard Nichols attending the Mayor's fundraiser event in July and requested he return any campaign contributions he received.**

4. Anne Hogan Shereshevsky, Costa Mesa, referred to last week's Candidates Forum; spoke about a solution to immigration; and mentioned the need for quality affordable senior housing and senior single room occupancy.
5. Gema Salas, Costa Mesa, spoke about illegal immigrants and expressed opposition to the closure of the Job Center and the ICE Proposal.
6. Zack Doe, member of Fact or Fiction of the Orange Coast College Chapter, spoke about the Mayor's acceptance of campaign contributions; suggested certain contributions be returned; and mentioned the illegal immigration issue is a federal issue.
7. Terri Shaw, Costa Mesa, announced the 40th Anniversary Celebration of the Costa Mesa Historical Society on September 16, 2006, at Estancia Park; and referred to their email at cmhistory@sbcglobal.net for more information.

Council Member Dixon thanked Terry Shaw for the announcements on the Costa Mesa Historical Society and for keeping the Costa Mesa history alive.

8. Beth Refakes, Costa Mesa, commented on the website posting of the Council Agenda and requested the City Clerk to post or advise of supplemental information; requested the impact on City revenues from the change in the Pay TV franchise; and congratulated the City on the receipt of TEA funds and hoped it will be used to landscape the end of the 55 Freeway.

City Manager advised that the Pay TV franchise bill was passed by the Legislature; requested the Governor's opposition on this bill; and commented on the issue of customer service. The Mayor suggested in reference to web posting of supplemental information the City post a note advising of occasional updates and copies are available at the City Clerk's office.

9. Mike Evans, member of the Costa Mesa Westside Revitalization Association, addressed comments made by Martin Millard at a Planning Commission Meeting regarding the Westside Revitalization; and stated the association supports the revitalization and expressed concerned about the high-density.
10. Humberto Caspa, Costa Mesa, expressed concern for schools, streets, and local issues; and commented on the handling of immigration issues by the Federal government.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Linda Dixon requested clean-up of Bristol Street Exit by CalTrans before the opening of the OCPAC; thanked Officer Yanizzi, Officer Dibble, and Officer Rieckhof for arresting drunken drivers; announced a contest, Color My World With Healthy Air, open to Kindergartens through grade 12 on what healthy air means to them; advised the Police responded to 90 calls regarding pets locked in parked cars and reminded the community not to leave their pets in the car.
2. Mayor Pro Tem Eric Bever reminded community of the Residential Remodeling Incentive Program available starting this date; commented on the closure of the Park Preschool and suggested City look into acquiring site for additional park space; and expressed concern on the Theater and Arts District signage not containing the words "Costa Mesa".
3. Council Member Gary Monahan requested a trespassing ordinance from the city of Lake Forest and asked City Attorney to review; and requested to invite representatives from Time Warner to a future Study Session for a Q and A on cable services.

4. Mayor Allan Mansoor commented on an issue from the Candidate's Forum regarding the Police Department staff shortage; emphasized all the positions are fully funded; and mentioned his intent to fill all positions.
5. Council Member Katrina Foley thanked Costa Mesa Police Department, Captain Smith, Chief Staveley, and the Gang Task Force Team for attending a community meeting; expressed appreciation for the information provided and their hard work; mentioned participation in a police ride-along; and suggested a resolution on adopting a U.S. Army unit and to provide information to the community to send letters and care packages at the next Council meeting; requested to bring forward at the next Council meeting to consider establishing an ad hoc committee to identify incentives for sustainable development strategies for the North and Westside of Costa Mesa; and mentioned parking issues in the College Park neighborhood as a result of City improvements; and commented on Police Recruitment and a 24-Hour Fitness Program as a benefit available to City Staff.

City Manager advised a parking survey at the College Park neighborhood was completed; stated it met the Council's requirements for limited term parking; and noted it will be brought before Council next month.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 11.

MOTION: Approve recommended actions for consent calendar items 1 through 11.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following claims were received and processed:

Desmond Adams; John and Loraine Burckle; Nestor Casas-Ortiz; Maria del Carmen Ochoa; Brian Mastroluca; Giovanni, Elsa, Joegio and Angelo Mencini; and Alicia Perez and James Patrick Smith.

2. Minutes - Adjourned Regular Meeting/Study Session of August 8, 2006; Special Joint Meeting of the Planning Commission and Parks and Recreation Commission; and Adjourned Regular Meeting of August 16, 2006.

ACTION: Approved.

3. Warrant Resolution 2123, funding City operating expenses for \$681,097.51.

ACTION: Resolution adopted.

4. Warrant Resolution 2124, funding Payroll No. 616 for \$2,357,460.66 and Payroll No. 615A for \$367.88, and City operating expenses for \$1,458,312.93 including payroll deductions.

ACTION: Resolution adopted.

5. Completion of Replacement of Condenser Pipes at Costa Mesa City Hall, 77 Fair Drive, Project No. 06-04, by Refrigerated Air Mechanical Systems, 2050 S. Loara Street, Anaheim.

ACTION: Work was accepted; 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 seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

6. **Completion of street improvements within Newport Boulevard, by Tom Talebi, 2127 Indian Springs Lane, Newport Beach, in connection with Encroachment Permit No. PS06-00319.**

ACTION: Accepted work; refunded \$15,256 cash deposit.

7. **Final Map for Tract No. 16946 located at 2233 Fairview Road, Costa Mesa, for the subdivision to convert an existing eighteen (18) unit apartment complex into a condominium development.**

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

8. **Lease Agreement with Omnipoint Communications Inc. (a subsidiary of T-Mobile USA, Inc.), 3 Imperial Promenade, Suite 1100, Santa Ana, in the amount of \$18,000 per year for five (5) years, with five (5) five (5)-year options, with a 15% increase each option term.**

ACTION: Approved; authorized the City Manager to sign.

9. **Final Extension Agreement with Western Transit Systems, 1619 East Lincoln Avenue, Anaheim, for the Senior Mobility Program (SMP), for one (1) year, effective October 1, 2006, through September 30, 2007.**

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

10. **Grant application with the California Department of Parks and Recreation's Recreational Trails Program (RTP), in the amount of \$220,000 for improvements in and around the planned wetlands/riparian area at Fairview Park.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM.

ACTION: Adopted Resolution No. 06-70.

11. **Grant application with the California Department of Parks and Recreation's Habitat Conservation Fund Program in the amount of \$210,000 for improvements at Fairview Park.**

(a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE LOCAL AGENCY GRANT PROGRAM, FISCAL YEAR 2007-2008, UNDER THE HABITAT CONSERVATION FUND PROGRAM OF THE CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 FOR THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT.

ACTION: Adopted Resolution No. 06-71.

VII. PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)

The City Clerk announced this was the time and place set for a public hearing to consider:

1. **PUBLIC HEARING: From the meeting of August 15, 2006, appeal of Planning Application PA-06-29, a residential common interest conversion of an existing 12-unit apartment complex to condominiums on property located at 2379 through 2381 Elden Avenue (odd numbers), in an R2-MD zone; Peter Zehnder, authorized agent for Evans Trust, applicant. Environmental Determination: Exempt.**

The Affidavit of Publication is on file in the City Clerk's Office.

Associate Planner, Wendy Shih, summarized the agenda report and responded to questions from the City Council.

Peter Zehnder, applicant, made a presentation and commented on providing quality housing opportunities at an affordable price through condominium conversion; commented on the extensive renovation and improvements; stated projected price is about \$600,000 per unit; addressed parking issue and stated a total of 16 parking spaces will be available; and clarified issues from the Planning Commission.

Council Member Dixon exited at 7:14 p.m. and returned at 7:17 p.m.

Applicant commented that project include energy efficient appliances and fixtures and California native landscaping that are drought resistance.

The Mayor asked if anyone wished to address the City Council; hearing no response, he closed the public hearing.

MOTION: Adopted Resolution No. 06-72, reversing Planning Commission's decision and approving planning application.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The following Public Hearing item was heard earlier in the meeting.

2. **PUBLIC HEARING: Appeal of denial of Planning Application PA-06-34, to amend conditions of approval of an existing conditional use permit (PA-99-49) to allow concurrent sales of beer and wine (single servings) with gasoline, and to allow exterior advertisement for alcoholic beverages on property located at 3067 Bristol Street and zoned C-1; Greg Fick of Tait and Associates, Inc., authorized agent for Conoco Phillips, appellants. Environmental Determination: Categorically Exempt.**

The Affidavit of Publication is on file in the City Clerk's office.

The City Clerk announced this was the time and place set for a public hearing to consider:

3. **PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-06 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODPLAIN AND FLOODWAY DISTRICTS. Environmental Determination: Exempt.**

Don Lamm, Director of Development Services, presented the agenda report and recommended adoption of the ordinance.

There being no public speakers the Mayor closed the public hearing.

MOTION: Introduce Ordinance No. 06-20 for first reading, read by title only, and waived further reading.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The City Clerk announced this was the time and place set for a public hearing to consider:

4. PUBLIC HEARING: Recommended allocation of funds for the 2006-2007 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds (COPS/SLESF).

Police Captain Ron Smith summarized the agenda report and answered questions from City Council.

Council Member Dixon expressed that it is a priority for all officers to have a taser and requested a proposal from Police to Council on this matter. Captain Smith responded that it is a goal to have each officer outfitted with a taser.

**MOTION: Approve
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VIII. OLD BUSINESS

1. From the meeting of August 15, 2006, second reading and adoption of ORDINANCE 06-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-04 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE DEFINITION, REVIEW PROCEDURE, AND REGULATION OF "ASSEMBLY USE."

Director of Development Services advised there were no updates and recommended adoption of the ordinance.

MOTION: Adopt Ordinance No. 06-18, to be read by title only and waive further reading.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor recessed the meeting at 7:40 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:55 p.m., with all Council Members present.

2. Master Plan of Drainage Plan Update: To consider adoption of an ordinance amending Title 15, Chapter III, of the Costa Mesa Municipal Code to update the City's Master Plan of Drainage and drainage requirements and to adopt a resolution setting new Drainage Impact Fees.

(a) From the meeting of August 15, 2006, second reading and adoption of ORDINANCE 06-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 15 OF THE COSTA MESA MUNICIPAL CODE RELATING TO DRAINAGE.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA,

CALIFORNIA, ADOPTING A REVISED DRAINAGE FEE FOR THE CITY OF COSTA MESA.

William Morris, Director of Public Services, briefed his staff report dated August 24, 2006.

The Mayor asked if anyone wished to address the City Council on the matter.

Marcum Caldwell expressed concern of impact fees and affordability issues; hoped the City will not use impact fees to force developers or new homeowners to bear the burden of paying for a drainage system; and suggested that Costa Mesa voters decide if a bond be passed to develop this infrastructure.

The Mayor closed public comments.

MOTION: Give second reading and adopt Ordinance No. 06-19, to be read by title only, and waived further reading.

Moved by Council Member Gary Monahan, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Public Services Director answered questions from City Council; clarified proposed fee increase per acre; and noted the City does not have a significant concern of flooding.

The Mayor expressed concern of the City's Westside flooding around Lion's Park. The Public Services Director advised of local flooding and mentioned protection of residential structures and damages to private property; he noted any future storm drain systems installed will be in the public right-of-way areas that tend to flood rapidly.

The City Manager commented on the City's spending on water quality run-off and capacity, and advised this matter is a separate issue of capacity which is an area of spending deficiency.

MOTION: Adopt Resolution No. 06-73

Moved by Council Member Linda Dixon, seconded by Council Member Katrina Foley.

Mayor Pro Tem Bever commented on the degree of fee increases and suggested a fair alternative to adjust the \$1000 per acre fee to inflation and set that as the City's new fee; and noted it encourages development and housing affordability.

SUBSTITUTE MOTION: Adopt Resolution No. 06-73, as amended to adjust the \$1,000 per acre to inflation.

Moved by Mayor Pro Tem Eric Bever, seconded by Mayor Allan Mansoor.

Discussion ensued among Council Members and the City Manager relating to adjusting fees to inflation or up to a maximum of Table B (Proposed Drainage Fee for the next two years) indicated in the agenda report dated August 24, 2006.

Council Member Dixon requested the maker of the substitute motion include a review of fee increases in two years and Mayor Pro Tem Bever agreed. Council Member Foley stated that she will not be supporting the substitute motion and opined review of fees does not send the right message to developers.

The substitute motion failed by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon

Noes: Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Gary Monahan

Absent: None.

The motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Absent: None.

Council Member Monahan stated he is not supporting either motions due to the fee increase amounts.

MOTION: Receive and file report.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

SUBSTITUTE MOTION: Staff to return to Council with a minimum of two alternative fee proposals.

Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon.

The Mayor stated he will support the substitute motion and withdrew his original motion.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Absent: None.

3. **From the meeting of August 15, 2006, application for rehearing by Council Member Foley of the determination of the City Council from its regular meeting held August 2, 2006, regarding denial of Development Review DR-06-01, to legalize the installation of a mobile home on a lot with an existing home, located at 2333 Elden Avenue; Susan and James Bollinger, appellants.**

Council Member Foley stated she supports a rehearing for reasons outlined in a letter dated August 8, 2006 from the appellants and requested Council or the Planning Commission to reconsider the matter.

Harold Potter, Assistant City Attorney, advised if matter was sent to Planning Commission there is no legal issues. Council Member Foley noted that applicants are willing to redesign the project with Council's direction and stated that a permit has been received for the moving of the mobile home which is new information.

James Bollinger, appellant, referred to the letter included in the agenda report dated August 24, 2006 and outlined rebuttals to staff's findings.

Assistant City Attorney stated the issue is getting into the merits of a rehearing and recommended to vote whether there is sufficient evidence for a rehearing or to resubmit the matter to the Planning Commission with directions.

Mayor Pro Tem Bever stated that there was some confusion relative to the Planning Commission's decision; commented on matching the mobile home's specifications to the existing 50 year-old house on the property; and noted the matter merits another look if applicant does prefer another architectural style.

The Mayor asked if anyone wished to address the Council on the matter.

Doug Hiramoto, Costa Mesa, requested to deny the rehearing; commented on the landscaping and architectural design of the mobile home; and requested to enforce removal of the mobile home.

Brian Wimbley, Costa Mesa, asked Council to deny the rehearing; commented

on the age and condition of the mobile home.

The Mayor closed public comments.

MOTION: Uphold the Council's previous decision and deny the request for rehearing.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

IX. NEW BUSINESS

1. Request by Mayor Mansoor for consideration of a publicly funded reward.

Mayor Mansoor explained his request and noted some personnel changes in the Police Department.

Acting Police Chief Steven Stavely stated there is good progress being made on these cases and advised of the staff hours invested in the investigation.

The City Manager briefed Council Policy 400-1 adopted in 2000 relating to the process of granting rewards of public or private funds and stated posting of a reward with public funds shall require approval of the City Council.

Council Member Dixon requested that the Police Chief should make the suggestion of when the reward would be useful. The Police Chief stated a reward is useful when leads start to drop away and to regain interest in the case; he noted that a matter of timing is important in order to get the maximum benefit; and stated that police officers are engaged with very productive work relating to these cases and commented a reward will not generate another productive path for the investigations.

The Mayor asked if anyone wished to address the item; no one responded.

MOTION: Approve to issue a \$10,000 reward to anyone who brings forth new information leading to the arrest and conviction of those involved in the shooting of Israel Maciel or any of the recent shootings in the City.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

SUBSTITUTE MOTION: Approve a reward of \$10,000 at the Police Chief's discretion under exigent circumstances without coming forward as a public hearing process.

Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon.

Council Member Dixon stated her reasons for the support of the substitute motion.

Council Member Monahan commented on false leads in the investigations and the message to the community relating to the debating of a reward; stated his support of the original motion; suggested a unanimous vote to show that the Council is unified and serious about the decision; and requested, if approved, that the press releases are sent to the Spanish newspapers.

Council Member Foley expressed her reason for the substitute motion and commented it was a compromise in supporting the Mayor's request and not creating a circus. The Mayor stated he respects the Police Chief's comments and his goal of going forward with the reward. Council Member Dixon expressed support for either motion and stated she would like to see the perpetrators caught and jailed.

Council Member Foley expressed opposition to the original motion and believed that the Police Chief does not want to do this; and requested, if approved, that press releases be done exclusively through the Police Chief.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Absent: None.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

X. REPORTS

City Attorney: None

City Manager: None

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 9:13 p.m., to September 12, 2006, 4:30 p.m. for a Study Session.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa