

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

January 15, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session January 15, 2008, at 5:02 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. ROLL CALL

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

Council Members Absent: None

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

II. PUBLIC COMMENTS

There were no public speakers.

III. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: the Costa Mesa Police Management Association (CMPMA), Costa Mesa Police Association (CMPA) Confidential Employees Unit, Executives, & Part-Time Employees.
2. CONFERENCE WITH LEGAL COUNSEL - Pending Litigation: Grazulis & Braga v. Wiater and City of Costa Mesa; Orange County Superior Court Case Number 04CC10146, pursuant to Government Code Section 54956.9(a).
3. Public Employee Performance Evaluation for City Attorney, pursuant to California Code Section 54957.

Mayor Bever recessed the meeting at 5:04 p.m. to the closed session in Conference

Room 1B.

The Mayor reconvened the regular meeting at 6:07 p.m.

PLEDGE OF ALLEGIANCE - Mayor Eric Bever

MOMENT OF SOLEMN EXPRESSION - Father Pascal Nguyen, Parochial Vicar at St. John the Baptist Catholic Church

ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Acting Public Services Director Peter Naghavi
Engineering Tech II David Cho
Parks Project Manager Bart Mejia
Management Analyst Carol Proctor
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported that no action was taken on the closed session items.

PRESENTATIONS

Phil D'Agostino, Principal of Estancia High School, introduced the Sister City - Wyndham Delegation. Wayne Terrill, Hoppers Crossing Secondary College Principal, along with students Nicole Loone, Kate Elmer, Eric Mihelcic, Brent Pilkington, Jade Doonan, and Lillian Roberts provided a PowerPoint presentation on Wyndham giving an overview of the demographics, points of interests, and other local highlights. The Mayor presented the delegation with a proclamation and Certificates of Recognition.

The Mayor presented Certificates of Recognition to members of the Costa Mesa Police Explorer Post 198 and recognized their participation and accomplishments at a two-day competition against 45 other explorer posts from around the area.

IV. PUBLIC COMMENTS

1. Anne Hogan Shereshevsky, Costa Mesa, acknowledged Council Member Leece as a new member of the Costa Mesa Senior Center Corporation and thanked her for attending their recent meeting; referred to the January 8, 2008 Study Session regarding fireworks pointing out that Costa Mesa is one of five cities in the county that allows fireworks; and commended City Manager Allan Roeder and Finance Director Marc Puckett on the budget presentation.
2. Cindy Brenneman, Costa Mesa, congratulated the Costa Mesa Police Explorers and Fire Explorers and noted that these programs were supported by the Costa Mesa Community Foundation.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Eric Bever thanked City staff and recognized the City Managers Office for the Mayoral transition; advised he, along with Acting Public Services Director, City Manager, and Mayor Pro Tem Mansoor attended an Orange County Transportation Authority (OCTA) meeting regarding the SR-55 Freeway and reported on the progress of a traffic solution on Newport Boulevard.

Council Member Wendy Leece reported on the various programs and services available at the Costa Mesa Senior Center.

Mayor Pro Tem Allan Mansoor requested the City Manager and City Attorney to look into stronger enforcement concerning shopping carts and inquired on the possibility of requiring markets to place stricter measures on the containment of shopping carts.

Council Member Katrina Foley announced the Costa Mesa United Golf Tournament and fundraising event to be held January 21, 2008, benefiting youth athletics facilities within the City; advised of a citizens' petition requesting to improve the parkway on Placentia near Turn Circle; reported on the Youth in Government's tour of the Orange County Court House lead by former Costa Mesa Mayor, Judge Karen Robinson; and encouraged youth participation in the Costa Mesa Youth in Government Program.

Council Member Linda Dixon referring to a Public Hearing of the Orange County Sanitation District regarding proposed service charges and requested that the notice be posted on the City's website.

The Mayor announced that a continuance was requested for Old Business Item No. 1. It was unanimously agreed to address the item out of order.

VIII. OLD BUSINESS

1. From the decision at the meeting of November 20, 2007, request for rehearing by Lori McDonald of the Citywide Alley Improvements - Priority

List.

The Mayor announced that the item be continued to the second meeting in March and reported on a survey that would be conducted by City staff concerning the matter.

MOTION: Continue to the meeting of March 18, 2007.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 15.

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 14, except for Consent Calendar item Nos. 12 and 15.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

The following Claims were received and processed by the City Clerk: Connell Chevrolet (2 claims); Nida Khan; and Dianne Spehar.

The following Requests for Alcoholic Beverage Control Licenses were received and processed:

Silva Galbokkeh for Bristol Deli and Market, located at 3033 Bristol Street, Suite G, for a type 21 (off-sale general).

Michael Gendrolis for Café Sunrise, located at 1560 Superior Avenue, Suite A1, for a person-to-person transfer of a type 41 (on-sale beer and wine for a bona fide eating place).

The following notification letter was received and processed: County of

Orange – Resources and Development Management Department, Corporate Real Estate: SIXTY-DAY NOTICE AND WAIVER REQUEST for a lease renewal for an existing building located at the Orange County Fair & Exposition Center.

2. Regular Meeting Minutes of January 2, 2008.

ACTION: Approved.

3. Warrant Resolution 2195, funding Payroll No. 726 for \$2,761,417.63 and Payroll No. 725A for \$79.43, and City operating expenses for \$754,183.96 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2196, funding City operating expenses for \$315,349.03.

ACTION: Resolution adopted.

5. Professional Services Agreement with Kabbara Engineering, 121 North Harwood Street, Orange, for the engineering design of Walnut Street Drainage Improvements, in an amount not to exceed \$77,000.

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

6. Amended Professional Services Agreement with TRC Solutions, Inc., 21 Technology Drive, Irvine, for Newport Boulevard Improvement Project design services, by; extending the contract to November 30, 2008.

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

7. Amended Professional Services Agreement with Telvent Farradyne, Inc., 444 South Flower Street, Suite 3700, Los Angeles, for development of the Signal Management System Integration Project, by; extending the contract to November 30, 2008.

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

8. Memorandum of Understanding with the City of Anaheim, relating to "Avoid the 28 - Driving Under the Influence" Campaign Project for Orange County.

(a). Budget Adjustment No. 08-034 for \$7,100.

ACTION: Approved and authorized the Chief of Police to sign; authorized the Police Department to accept reimbursement funds in an amount not to exceed \$7,100; approved Budget Adjustment No. 08-034 and authorized the Mayor to sign.

9. Completion of street improvement at 114 Albert Place by James Cefalia, 221 Cabrillo Street, Unit B, Costa Mesa, in connection with Encroachment Permit No. PS07-00513.

ACTION: Approved work and authorized refund of cash deposit.

10. Completion of street improvement and setting corner monuments for PM-2006-141 located at 232 Ogle Street by Alan Adams, Ltd. (Developer), 1230 Somerset Lane, Newport Beach, in connection with Encroachment Permit No. PS06-00771.

ACTION: Approved work and authorized refund of cash deposit.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2007 URBAN AREAS SECURITY INITIATIVE GRANT (UASI), and accept the reimbursement funds in an amount not to exceed \$56,651.

(a). Budget Adjustment No. 08-030 for \$56,651.

ACTION: Adopted Resolution No. 08-3 and approved reimbursement funds; approved Budget Adjustment No. 08-030 and authorized the Mayor to sign.

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE COUNTY OF ORANGE INTEGRATED WASTE MANAGEMENT DEPARTMENT FOR GRANT FUNDS FROM THE AB 939 REGIONAL RECYCLING AND WASTE DIVERSION GRANT PROGRAM.

ACTION: Adopted Resolution No. 08-5.

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE, of a portion of excess right-of-way located at 595 Anton Boulevard and setting a Public Hearing on February 19, 2008.

ACTION: Adopted Resolution No. 08-6.

ITEMS REMOVED FROM THE CONSENT CALENDAR

12. **Memorandum of Understanding (MOU) and salary adjustments for classifications represented by the Costa Mesa Police Association (CMPA).**

(a). Memorandum of Understanding (MOU) with the Costa Mesa Police

Association (CMPA) for the period covering September 1, 2007 through August 31, 2010.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2010 MOU.

(c). Budget Adjustment No. 08-033 for \$1,105,715.

Council Member Foley commended the Costa Mesa Police Association, Human Resources Manager Terri Cassidy, and Administrative Services Director Steve Mandoki for their negotiations on the Police Department compensation package.

MOTION: Approve.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

15. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET, and setting a Public Hearing on February 19, 2008.**

In response to Council Member Dixon's inquiry regarding the status of the relocation of the community garden, City Manager Allan Roeder reported of the review of alternative locations which included Orange Coast College, Orange County Fairgrounds, Fairview Developmental Center, Rea Elementary School, Wilson Elementary School, Fairview Park, and an easement of the Southern California Edison along the Santa Ana River. He pointed out, however, that the Fairview Developmental Center had expressed interest in a community garden.

Council Member Dixon expressed disappointment on the status of a community garden location and asked for Council's support to not proceed forward on the matter until a location was found.

Mayor Pro Tem Mansoor exited the Council Chambers at 6:50 p.m.

Anne Hogan Shereshevsky, Costa Mesa, commented on the matter not listed on the agenda as "Community Garden" and thought that it should have been clarified.

The Mayor Pro Tem returned to the Council Chambers at 6:55 p.m.

Acting Public Services Director Peter Naghavi addressed the vacation of the property and responded to questions from the City Council.

MOTION: Adopt Resolution No. 08-7.

Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Mayor noted that the time was 6:58 p.m. The City Attorney affirmed that Council could vote to supersede the policy and proceed with the Public Hearing.

MOTION: Overrule Resolution No. 05-55 and proceed with the scheduled Public Hearing.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp/D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six apartment units to a one-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway, in an R2-HD zone. Environmental determination: exempt.

Director of Development Services Donald Lamm presented the staff report, advised of staff's parking recommendations including the removal of garage doors, reported on the conducted parking studies, and responded to questions from the Council relating to the proposed parking plan.

Jacob Sharp, Applicant, addressed the concerns of the Council relating to decorative paving, repavement of parking area and alley, and the installation of garage doors.

Discussion ensued among the applicant, staff, and the Council on placement of garage doors instead of car ports and the restricted uses. Mayor Pro Tem Mansoor agreed that enclosed garages would be an amenity to home ownership. Council Member Dixon stated she could not support the placement of garage doors and questioned the enforcement of vehicle storage use for garages.

The applicant suggested options that addressed the parking and storage issues indicating that the garages would provide built-in storage areas. In reference to questions from Council Member Leece, the applicant explained the procedures for enforcement of garage use for vehicle parking.

At the request of the Council, the applicant clarified his parking plan proposal and noted that his preference was to have all enclosed garages pointing out the advantages of overhead storage and the aesthetic design.

John Miner, Costa Mesa, spoke in opposition, commented on the serious parking problem in the area, pointed out the minimum parking requirement of 18 parking spaces and felt Council should not approve less parking at the location.

Mark Abrims, Costa Mesa, commented on the continuing increase in parking; stating that he did not support garages; felt that the homeowners association would not self police itself and suggested reducing the number of units.

Beth Refakes, Costa Mesa, confirmed the parking problems on Broadway but stated that the project was an attractive property, and suggested clear garage doors to solve confirmation of non-vehicle storage use.

Martin Millard, Costa Mesa, opined that the project was not an improvement and requested to uphold the Planning Commission's decision.

Cameron Driscoll, Costa Mesa, expressed support of the project pointing out the increase in home ownership and the aesthetic improvement of the neighborhood.

In reference to comments by the applicant on the parking requirement and the current code, the Director of Development Services clarified that 15 parking spaces was required for condominium conversion.

MOTION: Adopt Resolution No. 08-8, reversing the Planning Commission's decision based upon findings established in Exhibit "A"; subject to conditions of approval in Exhibit "B", as amended by adding the following conditions of approval:

1. adopt staff's proposed parking plan;
2. that all carports be open with built-in storage;
3. to include decorative paving within the parking area, driveway, and alley up to the property line.

Moved by Mayor Eric Bever, seconded by Council Member Katrina Foley.

Council Member Leece clarified with the applicant as to storage in the carports. He affirmed he could add but it was originally proposed only in the garages. In reference to a question from Mayor Pro Tem Mansoor, the applicant stated that the proposed enclosed garages would provide 300 square feet of secured storage space in each garage. Mayor Pro Tem Mansoor noted the project's increase in parking spaces and the encouragement of home ownership.

Council Member Foley withdrew her second for the original motion and seconded the following motion.

SUBSTITUTE MOTION: Adopt Resolution No. 08-8, reversing the Planning Commission's decision based upon findings established in Exhibit "A"; subject to conditions of approval in Exhibit "B", as amended by adding the following conditions of approval:

- that all seven (7) garage parking spaces shall include garage doors and the three (3) parking spaces on each side of the project shall remain;
- to include decorative paving within the parking area, driveway, and alley up to the property line;
- that staff shall be allowed to direct the removal of garage doors, if garage is used for non-vehicle storage.

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

The substitute motion carried by the following roll call vote:

Ayes: Mayor Eric Bever, Mayor Pro Tem Allan Mansoor, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Council Member Linda Dixon

Absent: None.

VIII. OLD BUSINESS

2. From the meeting of December 4, 2007, General Plan Screening Requests for GPS-07-05 for 440 Fair Drive.

The Director of Development Services summarized the staff report.

Mayor Pro Tem Mansoor inquired on a trip generation report indicating that he would like to remain open to some revitalization of the area. The Acting Public Services Director stated that there was no plan or proposal submitted that would define traffic generation numbers and indicated that

the current traffic numbers have not changed.

Steve Sheldon of The Sheldon Group, representing the applicant, introduced Denis Biladeau, DKS Associates, who responded to questions from the Council and spoke about the current and projected trip generation numbers pointing out the expected reduction in the number of daily trips. Discussion ensued among the representatives and the Council on a submitted letter concerning traffic impact evaluation. The Acting Public Services Director indicated the need for further review of the submitted letter.

The representatives presented the proposed project and uses, addressed the parking on Carnegie Avenue, and responded to questions on zoning.

MOTION: Approve for processing of the proposed screening request.

Moved by Mayor Pro Tem Allan Mansoor, seconded by Council Member Wendy Leece.

Council Member Foley expressed support of the motion and mentioned she would like to see an improvement in the rear parking design and an architectural blend to upgrade the neighborhood.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:05 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:15 p.m.

3. From the meeting of December 4, 2007, rehearing request by Council Member Foley concerning the determination on proposed multipurpose trail at Paularino and Santa Ana Delhi Flood Control Channels.

The Acting Public Services Director briefly summarized the staff report and responded to questions from the Mayor regarding the trail width, weed abatement, and landscape maintenance.

Council Member Foley advised of her reason for the request indicating that the Council did not receive all the correspondences in support of the multi-purpose trail at the time it was considered. She stated that there was community support and reported on bike trail impacts to neighboring communities noting the quality improvements, reduction in crime, and an increase in property values to the neighborhood.

Mayor Pro Tem Mansoor expressed his interest in a multi-purpose trail, however, would like to address the safety concerns; and requested for feedback from the Council and the community on whether landscaping would or would not address the safety issues. He indicated that a public outreach should be conducted prior to funding.

Mayor Bever voiced his support of bike trails but expressed concern regarding the bicyclists' safety along Bristol Street accessing the trail.

Robert Graham, Costa Mesa, opined that the item was a quality of life issue for the area; commented on concerns that could be mitigated; pointed out that two schools would be served by the trail.

Taylor Pierce, Costa Mesa, supported the bike trails stating that it would be useful for biking and fun activities.

Sam Swanson, Costa Mesa, spoke in support of the proposed trail stating a bike trail could be used to go to a friend's house safely and provide available access to other places.

Alex Pierce, Costa Mesa, stated he would like a bike trail as it would provide a safe route to a friend's house.

Chandler Whitley, Costa Mesa, spoke in support of a bike trail stating would be fun and provide an easier access to friends' house.

Maury Fontaine, Costa Mesa, expressed support for a bike trail and indicated that it would bring people together in a safe way; and encouraged the support of the Council.

Brian Burnett, Costa Mesa, supported a bike trail and stated that a trail would provide access opportunities.

Patrick Binder stated that the proposed trail would make him consider settling in Costa Mesa.

Wesley User, Costa Mesa, spoke in opposition commenting that he has lived in the City since 1945 because there was no bike trail behind his home; expressed concern for vehicle maintenance access and noise also opposed a landscaped hedge between his property and the trail.

Joel Ireland, Costa Mesa, spoke in opposition to the trail behind his home and stated he opposed a landscaped buffer as there was not enough room nor a ten-foot wall between his property and the trail.

Allan Ogata, Costa Mesa, commented on the negative impact on the quality of life on those directly affected.

Martin Millard, Costa Mesa, opined that it is a bad location for a bike trail; pointed out the impact on the quality of life to those directly affected; and

suggested a citizen committee to address community concerns prior to funding.

Andy Gall, Costa Mesa, informed that he lives behind the trail and reported that he has been burglarized four times. He felt that landscaping would not help and did not want the people and noise behind his home.

Len Bose, Costa Mesa, submitted a total of 43 letters from homeowners opposing the proposed multipurpose trail.

Lisa Reedy, Costa Mesa, reported that the item had been discussed by the Mesa Del Mar Homeowners Association and advised that the homeowners are in favor except for those that resided along the trail. She hoped the City would reconsider the proposal to improve the area.

Dan Bradley, Costa Mesa, commented on the rare opportunity to create a benefit to the City and encouraged the Council to proceed.

Paul Schmidt, Costa Mesa business owner, spoke in support of a bike trail.

Geraldine Evans, Costa Mesa, concurred with speakers that opposed the trail; said that she purchased her home for the peace and quiet, and asked the Council to deny funding the trail due to the negative impact on the quality of life.

Michelle Christiansan, Costa Mesa, voiced her support of the trail and hoped that Council would proceed forward.

Jessie Pierce, Costa Mesa, expressed support of the trail.

John Rittenhouse, Costa Mesa, said he is a bike rider and that Costa Mesa lacks bike trails. He encouraged the Council to proceed with the public outreach.

Jim Gray, Costa Mesa, commented that Council should review the proposal thoroughly, then determine whether to approve or deny a multipurpose trail.

Jim Kirkpatrick, Costa Mesa, asked the Council to obtain the facts to make an informed decision and hoped to proceed forward with the project.

Marjorie Hempstead, Costa Mesa, spoke in opposition to the trail, expressing concerns of noise, maintenance access, and liability.

Council Member Leece expressed concern for those directly affected and felt that outreach should be conducted by staff prior to hiring of a consultant.

Mayor Pro Tem Mansoor voiced his interest in bike trails and beautifying the neighborhoods but reiterated his concern for the residents that are directly affected. Council Member Foley stated that she was willing to meet with the residents and recommended moving forward with the public outreach that would be conducted by the consultant, and then Council could determine whether to approve or deny a multipurpose trail.

The Acting Public Services Director responded to questions relating to costs estimate and allocated funding. Council Member Dixon pointed out that professional consultants would be able to readily address the concerns of the residents and encouraged support of the item. Council Member Leece disagreed as she felt that Council Members should personally speak to the residents about their concerns.

Mayor Bever commented on the proposed costs; questioned the practicality of the project; and pointed out the vast opposition of those residences abutting the trail. He suggested a bike-trail connector between the end of 19th Street and the Santa Ana River.

**MOTION: Receive and file report.
Moved by Mayor Pro Tem Allan Mansoor, seconded by Mayor Eric Bever.**

SUBSTITUTE MOTION: Approve rehearing request.
Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon.

The substitute motion failed by the following roll call vote:
Ayes: Council Member Linda Dixon, Council Member Katrina Foley
Noes: Mayor Eric Bever, Mayor Pro Tem Allan Mansoor, Council Member Wendy Leece
Absent: None.

The motion carried by the following roll call vote:
Ayes: Mayor Eric Bever, Mayor Pro Tem Allan Mansoor, Council Member Wendy Leece
Noes: Council Member Linda Dixon, Council Member Katrina Foley
Absent: None.

RECESS: The Mayor declared the meeting recessed at 9:52 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 10:03 p.m.

4. Review of locations for possible "Pocket" Skate Parks at various City Parks.

The Acting Public Director introduced the staff report and the Parks Project Manager Bart Mejia presented the design, layout, and elements of each skate park. In reference to questions from Mayor Pro Tem Mansoor,

the City Manager advised that Lions Park was not considered as a location due to the determination from a previous meeting relating to a skate park at Lions Park and that the focus was to look at the balance of City park locations. The City Manager further advised that the surrounding neighbors would be notified at the time the matter is brought before the Parks and Recreation Commission.

Jim Gray, Costa Mesa, supported concrete in-ground skate parks; and suggested placement of pocket skate parks at a couple of park locations that range 2,000 to 4,000 square feet.

Beth Refakes, Costa Mesa, supported the idea of pocket parks but expressed concern for the surrounding residences and parking availability.

Paul Schmidt, Costa Mesa, speaking in support of the skate parks commented on noise standards and distance buffers; however, opposed modular skating elements and rectangular skate parks.

Mayor Pro Tem Mansoor indicated that he would prefer permanent in-ground skate parks.

MOTION: Direct staff to prepare a report on “pocket” skate parks at the following City locations: Pinkley Park (area closest to the commercial side), Vista Park, Estancia Park, and Shiffer Park for permanent, in-ground skate parks and for each skate park provide different features and elements.

Moved by Council Member Katrina Foley, seconded by Council Member Wendy Leece.

Council Member Leece expressed reservation on the Pinkley Park location noting her concern of the surrounding neighbors. Council Member Foley advised that the area proposed would be closest to the commercial side. Mayor Bever urged caution in placing pocket parks near tot-lots.

The Mayor requested that Lions Park be added tot he motion. Council Member Foley disagreed with the request.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

MOTION: Direct staff to proceed forward in identifying properties by working with a real property agent to look at large multi-use park, six to ten acres, on the Westside that could be a possible skate park, basket

ball courts, open space, or a multi-use park; and to consider any type of zoning.

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

Mayor Bever suggested consideration of the possible costs associated with the proposal. The City Manager explained the type of funding, availability of funds, and process of acquisition. Mayor Pro Tem Mansoor withdrew his second and expressed his concern on ascertaining funding.

Discussion ensued among the Council and City Manager on alternatives in land acquisition and the possibility of consulting real property advisors for their recommendations.

MOTION: Receive and file the remainder of the report.

Moved by Mayor Pro Tem Allan Mansoor. Motion died for lack of second.

MOTION: Direct the City Manager to consider properties on the market between five to ten acres and located on Westside.

Moved by Mayor Eric Bever, seconded by Council Member Katrina Foley.

In reference to questions from the Council, the City Manager advised that a request for proposal for real property services was required and confirmed that there was not a cost to return to Council with a proposal. Mayor Bever withdrew his original motion.

SUBSTITUTE MOTION: Direct the City Manager to obtain a service contract with a consultant to search for available land on the Westside for the acquisition of additional parkland, and to return to Council for review and consideration.

Moved by Council Member Linda Dixon, seconded by Mayor Eric Bever.

The substitute motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

5. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING ONE PARCEL TOTALING 0.77 ACRE FROM C2 (GENERAL COMMERCIAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY) FOR PROPERTY LOCATED AT 351 WEST BAY STREET.

MOTION: Adopt Ordinance No. 08-1, read by title only, and waived further reading.

Moved by Council Member Katrina Foley, seconded by Mayor Eric Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

6. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-2, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 1.4-ACRE PROPERTY FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO I&R (INSTITUTIONAL AND RECREATIONAL) AT 265 MONTE VISTA AVENUE.

MOTION: Adopt Ordinance No. 08-2, read by title only, and waived further reading.

Moved by Mayor Eric Bever, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

7. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-3, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 8-87 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SOLID WASTE FRANCHISE FEES, adding language in Section 8-87(c)(1), to clarify the service areas for Class "A" franchisees to allow them to provide temporary dumpster service to the single- family residential sector.

MOTION: Adopt Ordinance No. 08-3, read by title only, and waived further reading.

Moved by Council Member Katrina Foley, seconded by Mayor Eric Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. NEW BUSINESS

1. Sister City Committee Formation

Council Member Foley briefly summarized the staff report and requested to expand the educational exchange program to include Costa Mesa and Newport-Harbor High Schools and to include the focus on tourism, industry and commerce. The City Manager, City Attorney, and Management Analyst Carol Proctor responded to questions from the City Council on the sister city survey and committee formation.

Council Member Leece expressed reservation on the formation of a committee and commented on the change in dynamics of the current program.

Tom Smalley, General Manager of Wyndham Hotel and President of the Costa Mesa Conference and Visitors Bureau, expressing his support, shared his involvement with the Sister-City Program and commented on the benefit of sharing economic, travel, and tourism between the two cities and countries.

Mayor Mansoor felt that it should be a school district committee.

MOTION: Receive and file report.

Moved by Mayor Pro Tem Allan Mansoor, seconded by Council Member Wendy Leece.

Council Member Leece noted on the programs' establishment at the school district benefiting primarily students and felt that it was a school district committee.

Council Member Foley commented on expanding the focus beyond the educational component to promote the City's industry and to create opportunities. She stated a committee would define responsibilities and pointed out the involvement of the school district.

SUBSTITUTE MOTION: Approve formation of a Sister City Committee.

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

Mayor Bever indicated his reluctance to approve the formation of a committee due to limited staff and financial resources; and agreed that the committee formation should be established however not at the City government level.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Eric Bever, Mayor Pro Tem Allan Mansoor, Council Member Wendy Leece

Absent: None.

The original motion carried by the following roll call vote:

Ayes: Mayor Eric Bever, Mayor Pro Tem Allan Mansoor, Council
Member Wendy Leece

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None

X. REPORTS

The City Manager announced the retirement of two Police Officers, Police Lieutenant Loren Wyrick and Police Sergeant Richard Allum. He recognized their years of service and commended them for a job well done in serving the community.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 11:36 p.m. The next Regular City Council Meeting will be held on February 5, 2008.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa