

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

March 04, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session March 04, 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 R. Bever
Mayor Pro Tem Allan R. Mansoor
Council Member Linda W. 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
City Clerk Julie Folcik

(Council Member Foley entered at 5:10 p.m.)

II. PUBLIC COMMENTS

There were no public comments.

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: 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: Salvador Jiminez v. City of Costa Mesa, Orange County Superior Court case no. 07CC00560, pursuant to Government Code Section 54956.9(a).
3. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).

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

The Mayor reconvened the regular meeting at 6:17 p.m.

PLEDGE OF ALLEGIANCE - Council Member Katrina Foley

MOMENT OF SOLEMN EXPRESSION - Pastor Leigh Harrison, Lighthouse Coastal Community Church

ROLL CALL

Council Members Present: Mayor Eric R. Bever
Mayor Pro Tem Allan R. Mansoor
Council Member Linda W. 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
Public Services Director Peter Naghavi
City Clerk Julie Folcik

CLOSED SESSION REPORT

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

PRESENTATIONS

The Mayor congratulated Dennis Johnson and David Cho, Assistant Engineers, Public Services Department, on being named Employee of the Month of March 2008. They were recognized for their efforts of improvements and reduction of speed on Adams Avenue and were commended for their commitment to excellence and professionalism in the area of transportation services.

IV. PUBLIC COMMENTS:

1. Mike Brumbaugh, Costa Mesa, shared a letter distributed to the Council on preventive education at the elementary schools expressing concern on the absence of the DARE program. He emphasized the need for programs such as DARE, Project Ask, and placement of School Resource Officers at the elementary school level.

2. Marshall Krupp, Costa Mesa, referencing his letter sent to the City Council complaining of impact of truck traffic on Susan Street, felt that trucks should not be encouraged to use the street as a truck route and thought that there were alternatives routes that would be better suited without impacting the residents.

Public Services Director Peter Naghavi advised that a notice was recently sent out informing of the restriction of truck traffic on Susan Street between the hours of 12:00 a.m. and 6:00 a.m.

3. Tony Peca, Costa Mesa, referring to a freeway agreement that was effective in 1985 between the City of Costa Mesa and the east-side citizens directly effected by the SR-55, informed of compensation that is due and requested that he be "made whole" as per terms of the agreement.
4. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society and announced their next meeting would be featuring a guest speaker, Don Steger, De Lorean Specialist and Co-Owner of De Lorean Motor Company of California. He announced the program is free and will be held on March 16, 2008, at 2:30 p.m., at 1870 Anaheim Avenue.
5. Beth Refakes, Costa Mesa, referred to editorial comments by the City Manager of Newport Beach concerning the annexation of Santa Ana Country Club and Mesa Drive area; expressed concern on the development of Banning Ranch and 19th Street Bridge; and questioned the City's position on the issue.
6. Martin Millard, Costa Mesa, encouraged the Council to make improvements in the City such as eliminating the slum area and low income housing on the Westside.
7. Anne Hogan Shereshevsky, Costa Mesa, shared the Senior Reporter Newspaper; commented on the change of address of the Bethel Towers, the need for low income senior housing, more sidewalks, and shorter City Council meetings; opined that there should be a law regarding vehicle idling.

8. Susan Brenneman, Costa Mesa, announced the Mesa Verde Homeowners Association meeting will be held on March 5, 2008, at 6:00 p.m., at the Mesa Verde United Methodist Church, and advised the topics of discussion are on the Neighborhood Watch Program and the Community Emergency Response Team (CERT) Program. She also announced that the Mesa Verde Community Inc. will host the City Council Candidates Forum to be held on August 21, 2008, at the Neighborhood Community Center; and encouraged everyone to visit the Veterans' Memorial and to purchase a brick to support the Veterans' Memorial Fund.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Linda Dixon requested reconsideration of the Project Ask Program be placed in the FY 2008-2009 Budget for consideration; referencing a public speaker's comment asked the Public Services Director to monitor truck traffic on Susan Street; stated for the record her disappointment with the Newport Beach City Council and further stated that she did not support a 19th Street Bridge.

Mayor Eric Bever inquired on a school district's grant allocation for the Project Ask Program; referenced the truck traffic on Susan Street and suggested to restrict truck traffic from 10:00 p.m., instead of 12:00 a.m.; reported his opportunity to toss the first ball of the season at the opening games of the Costa Mesa American Little League and the Costa Mesa National Little League; commented on the passing of Mike Conley who will be remembered as a friend and a great advocate for making changes on the Westside.

Council Member Wendy Leece echoed comments of Mayor Bever regarding Mike Conley; announced she attended the kick-off for the American Cancer Society Relay for Life which will be held on May 16 and 17, 2008, at Orange Coast College; invited everyone to dine at Ruby's Diner on March 5, 2008, from 5:00 p.m. to 9:00 p.m., to support the Costa Mesa Library Foundation; and commented that she thought the funding of the Project Ask Program should be the responsibility of the School District.

Mayor Pro Tem Allan Mansoor expressed condolences to the family of Mike Conley; commented on a letter he received on improvements on the Westside and the City's position on eminent domain stating that he did not support eminent domain; stated that the City of Westminster adopted a shopping cart ordinance and requested that the City Attorney look into an ordinance for the City; inquired on the review of an ordinance that restricts where a sex offender may reside; and responded to a public speaker's comment advising that the SR-55 Access Study does not include a 19th Street Bridge.

Council Member Katrina Foley expressed her condolences to the Conley Family and recognized Mike Conley for revitalizing the 19th Street area; informed the community that she and Council Member Leece attended the Youth in Government Program at the Mesa Consolidated Water District for a facility tour

and mock water board meeting; announced that applications are being accepted for next year's Youth in Government program; reported that she attended the Youth Sports Council meeting and discussed issues on field use by different user groups and field improvements; indicated for the record her support of a bicycle pedestrian bridge on 19th Street, but was otherwise opposed the 19th Street Bridge for vehicular use; inquired on alternatives for gang prevention programs; and advised of the Blue Ribbon Committee meeting that would be held at a on March 5, 2008, at 5:30 p.m., at the City Hall Conference Room 1A regarding the Santa Ana River Trail.

VI. CONSENT CALENDAR:

CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 8.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Sam Banerjea; Susan Hubbard, Kathleen Anne Kastelz; and Paul Vogelgesang (on behalf of the Anaheim Arena Management, LLC).

The following Request for Alcoholic Beverage Control License was received and processed:

RSA Group 2 LLC, for Irezumi, located at 901 South Coast Drive, Suite 170C, for a person-to-person and premise-to-premise transfer of an existing type 47 (on-sale general for a bona fide eating place) and a type 58 (Caterer Permit).

2. Adjourned Regular Meeting/Study Session Minutes of February 12, 2008, and Regular Meeting Minutes of February 19, 2008.

ACTION: Approved.

3. Warrant Resolution 2202, funding City operating expenses for \$832,225.18.

ACTION: Resolution adopted.

4. Warrant Resolution 2203, funding Payroll No. 804 for \$2,558,730.80 and Payroll No. 803A for negative \$47.04, and City operating expenses for \$1,571,623.51 including payroll deductions.

ACTION: Resolution adopted.

5. Renewal of Support Agreement with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, for the support of the PeopleSoft E-Pay modules, effective June 3, 2008 through June 2, 209, in an amount not to exceed \$155,137.52.

ACTION: Approved; authorized the City Manager to sign.

6. Professional Services Agreement with Kabbara Engineering, 121 North Harwood Street, Orange, for Engineering Services for Design of Pomona Avenue and 18th Street Rehabilitation Project, in the amount not to exceed \$95,170.

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

7. Salary Adjustments and Memorandum of Understanding for the Costa Mesa Police Management Association (CMPMA)

(a) Memorandum of Understanding (MOU) with the Costa Mesa Police Management Association (CMPMA) 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, ESTABLISHING THE SALARY RANGE FOR THE JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) TO REFLECT THE ESTABLISHED LABOR MARKETPLACE PURSUANT TO THE 2007-2010 MOU.

(c) Budget Adjustment No. 08-041 for \$193,125.

ACTION: Approved MOU; adopted Resolution No. 08-16; approved Budget Adjustment No. 08-041 and authorized the Mayor to sign.

8. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO APPROVE A LIST OF PROJECTS AND ACCEPT PROPOSITION 1B FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO BE USED ON ELIGIBLE TRANSPORTATION PROJECTS WITHIN THE CITY OF COSTA MESA.

ACTION: Adopted Resolution No. 08-17.

VII. PUBLIC HEARINGS

There were no Public Hearings scheduled.

RECESS THE REGULAR CITY COUNCIL MEETING TO THE SPECIAL MEETING OF THE REDEVELOPMENT AGENCY (RDA)

The Mayor declared the meeting recessed to the RDA meeting at 7:10 p.m.

ROLL CALL

Agency Members Present: Chairperson Eric R. Bever
Vice Chairperson Katrina Foley
Agency Member Linda W. Dixon
Agency Member Wendy Leece
Agency Member Allan R. Mansoor

1. Regular Redevelopment Agency meeting minutes of December 11, 2007.

MOTION: Approved.

Moved by Vice Chairperson Katrina Foley, seconded by Agency Member Linda W. Dixon.

The motion carried by the following roll call vote:

Ayes: Chairperson Eric R. Bever, Vice Chairperson Katrina Foley, Agency Member Linda W. Dixon, Agency Member Wendy Leece, Agency Member Allan R. Mansoor

Noes: None.

Absent: None.

2. Ratify Warrant Resolutions CMRA-367, CMRA-368 and CMRA-362; and approve Warrant Resolution CMRA-369.

MOTION: Ratified and approved.

Moved by Vice Chairperson Katrina Foley, seconded by Chairperson Eric R. Bever.

The motion carried by the following roll call vote:

Ayes: Chairperson Eric R. Bever, Vice Chairperson Katrina Foley, Agency Member Linda W. Dixon, Agency Member Wendy Leece, Agency Member Allan R. Mansoor

Noes: None.

Absent: None.

ADJOURN THE SPECIAL MEETING OF THE REDEVELOPMENT AGENCY AND RECONVENE REGULAR CITY COUNCIL MEETING

Chairman Bever adjourned the Special Redevelopment Agency meeting at 7:12 p.m.

Mayor Bever reconvened the Regular City Council Meeting at 7:12 p.m.

VIII. OLD BUSINESS

1. From the meeting of February 19, 2008, rehearing request by Council Member Foley of the determination regarding the request for "Group One" Field User Status for the Pacific Coast Girls Fast Pitch Softball.

Council Member Foley explained the reason for review and rehearing stating that the item was approved under the consent calendar and subsequently staff and representatives left after the initial approval. The item was later pulled and reconsidered without representation by staff and the organization.

Michael Perry, Newport Beach, Director of Fields for the Pacific Coast Girls Fast Pitch Softball, encouraged Council's reconsideration of the item and responded to questions.

Robert Graham, Costa Mesa, asked that the the item be reheard and that an opportunity be given to comment.

In response to a question from Council Member Leece, Council Member Foley reconfirmed her premise for the rehearing request emphasizing that when the Council readdressed the item at the meeting it was without the benefit of the representatives of the organization or of city staff, whom had left after the initial approval, being present and therefore were not given an opportunity to respond to the questions of Council.

Mayor Pro Tem Mansoor felt it important to remain consistent with the established policy and commented that a change in the policy may be necessary to address such issues.

Council Member Foley pointed out that the rehearing would provide discussion on the equity of the waiver.

MOTION: Schedule rehearing for March 18, 2008.

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

SUBSTITUTE MOTION: Receive and file report.

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

Mayor Bever commented that he felt that the action taken was fair and equitable.

Council Member Leece concurred however, supported the rehearing since there was no representation at the time the item was reconsidered.

The substitute motion failed by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor

Noes: Council Member Linda W. Dixon, Council Member Katrina Foley,
Council Member Wendy Leece

Absent: None.

The original motion was considered.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Linda W. Dixon, Council
Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Allan R. Mansoor

Absent: None.

IX. NEW BUSINESS

1. AT&T Above Ground Utility Cabinets

Public Services Director Peter Naghavi presented the staff report relative to the location of the AT&T Utility cabinets, the number of cabinets citywide, height, alternatives for the camouflaging of the utility boxes, color, cabinet identification stickers and the analysis of each. He responded to questions from the Council.

Council Member Dixon inquired about the installation of 10 to 15 gallon plants. Council Member Foley concurred and felt the largest size of plants possible should be provided in the screening of the boxes.

Council Member Dixon supported the suggestion of lattice screening as an alternative for screening.

Jeff Morin, AT&T Director of Public Affairs, responded to questions from the Council relative to the painting of artwork on the cabinets, installation of landscaping, and the limitations of some screenings.

Council Member Foley inquired of the building up of walls could be built up slightly to cover the boxes, as she would like to be sure that where a wall is to screen the cabinets that the wall be built tall enough to cover the boxes.

Council Member Leece commented that she prefers landscaping as a screening option and asked for a review of existing cabinets. Council Member Dixon supported the landscaping option however felt that where lattice was a better alternative that it be a permitted screening option.

In response to Council Member Foley, the Public Services Director confirmed that while the landscaping would be installed by AT&T the landscaped sites would be maintained by the City.

Discussion ensued regarding Council's previous direction regarding screening, landscaping and the size of plants permitted and the possible amending of language of the standards for streets and medians to permit the installation of larger plants in the public right-of-way.

Anne Hogan Shereshevsky, Costa Mesa, inquired if the installation would be citywide.

Beth Refakes, Costa Mesa, complained of a utility cabinet located in her residential neighborhood describing it as "an eyesore" and asked what could be done to improve the area surrounding it.

Jim Fitzpatrick, Costa Mesa, was curious about how Newport Beach and Pasadena were implementing standards and felt that the City Council should direct AT&T to present options for screening.

Mayor Pro Tem concurred and expressed his desire for AT&T to bring forth what was being done in surrounding cities for consistency.

Council Member Foley requested a status report be given in the next six (6) months.

In response to Council Member Dixon, the Director of Public Works confirmed that per direction of Council and where-ever possible, that landscaping would be installed at existing locations and that staff will work with AT&T to install as mature plants as possible.

MOTION: Approve Direct staff to require AT&T to screen all utility boxes, by using as much attention to detail in the screening of the boxes so as to no create a visual impact on the community. Direction was given to require:

- 1. That landscaping be the preferred method of screening and where feasible to use mature plantings, overriding the landscaping standards to allow plantings over the 18 inches height where it does not impede sight lines.**
- 2. That where it is not feasible to landscape, to provide screening (i.e. such as lattice with vines growing on it);**
- 3. Where there is an existing wall that the boxes are to be located behind the wall and the wall replaced so as to completely screen the boxes or to otherwise use landscaping to screen the boxes.**
- 4. Boxes are to be located in discrete locations so that the boxes are not highly visible.**
- 5. Direct AT&T to contact property owners who would be impacted, in order to work with them relative to the box location and suggestions for screening.**
- 6. Where possible to provide for irrigation of the landscaping.**
- 7. That the height of the boxes be reduced where possible.**

Further, direct staff to move forward with those permits where the conditions could be complied with. If the permit can not meet compliance the

permit would be brought back to Council for consideration; and direct staff to bring back an amendment to the standards for parkway and median landscaping permitting shrubbery over 18 inches where it does not impede sight lines.

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

Mayor Bever commented that he disagreed with the use of lattice for a screening alternative due to the aesthetics and maintenance long-term.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:31 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:41 p.m.

2. Request by Council Member Foley for adoption of an Airport Policy.

The City Manager briefly summarized the proposed policy and the operative steps necessary for implementation.

Council Member Foley explained her request for the policy as a need to move forward in cooperative efforts in finalizing a settlement agreement regarding the expansion of the airport and felt that it was time to have a formal policy statement relative to the City's position regarding the possible future expansion of John Wayne Airport.

Mayor Pro Tem Mansoor commented that he thought that this discussion should go to a study session, as he felt that more in-depth consideration should be given as to not duplicate the City of Newport Beach's efforts. He further commented that he felt a citizen committee would be more effective than a city-initiated committee although he would support of liaison to attend the current group meetings, he did not see the need for an additional committee. Council Member Leece concurred.

Council Member Dixon disagreed commenting that the City is charged with protecting the interests of its residents and as a city-initiated committee it would provide a stronger statement on the position by the City of Costa Mesa City Council.

Mayor Pro Tem Mansoor commented that there is already the means to address the issues. He instead believed that uniting of all interested groups, to include the cities of Costa Mesa and Newport Beach and perhaps the other corridor cities, would have a greater impact and

suggested a meeting of the groups be held to inquire of the interest. Mayor Bever concurred.

Council Member Foley pointed out in the proposed policy the City's position on the expansion John Wayne Airport and thereafter provided a plan for of creating an aviation committee, explaining that it would centralize the effort, bringing Council and city staff into the efforts and in providing the resources in the oversight of the position of the City; and commenting that it further emphasizes the priority of the City. She pointed out that Newport Beach has an aviation committee and felt that Costa Mesa is not serving the goals of the city without it.

Council Memeber Leece commented that she did not feel a committee was needed at this time.

Ayres Boyd, President of the Airport Working Group of Orange County, strongly encourage the Council to adopt the policy.

Jim Fitzpatrick, Costa Mesa, asked if this discussion could be taken to a study session for more indepth consideration?

MOTION: Adopt the Policy Statement, Paragraphs 1 and 2, of the proposed Council Policy 500-15 (Attachment "B" of the staff report). Moved by Council Member Katrina Foley, seconded by Mayor Eric R. Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

MOTION: That the balance of the policy items (1-5) be referred to the next to study session for discussion with an invitation to representatives from the City of Newport Beach's Aviation Committee and the organizations such as the Airport Working Group of Orange County and Airfair. Moved by Council Member Katrina Foley, seconded by Mayor Eric R. Bever.

Mayor Bever asked that with Policy Items 4 and 5 "in the works" if the maker of the motion was willing to address Policy Items 1, 2, and 3, removing Policy Items 4 and 5 from the motion. Council Member Foley was agreeable to the change.

SUBSTITUTE MOTION: To invite the City of Newport Beach to create a joint committee with the City of Costa Mesa.

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

Mayor Pro Tem Mansoor commented that with the two cities working

together in this fashion it would make the statement that the respective cities are united on the issue.

Council Member Foley supported the idea of a joint committee with Newport Beach as well as with the other cities in the corridor and pointed out that Policy Item 3 provided for such a committee. Mayor Pro Tem Mansoor commented that his primary focus was on joining with Newport Beach but would entertain other corridor cities in the future. Discussion ensued regarding the need for a study session. Council Member Foley and Council Member Dixon and Mayor Bever were in support of holding a study session to invite the various interested groups, as determined by the City Manager and including the City of Newport Beach, to discuss direction and interest. Mayor Pro Tem Mansoor was supportive of opening discussion with the City of Newport Beach but did not feel that a study session was necessary at this time. Council Member Foley informed the Council of the ongoing efforts on staff's part with the City of Newport Beach relative to the airport and felt that this was the time and the necessary steps were being proposed in order to keep moving forward.

Ayres Boyd commented that with the magnitude of the issue collaboration between all the entities was important and therefore supported a formation that would provide for that.

After discussion in clarification of the motions Mayor Pro Tem Mansoor withdrew his previous motion and made the following substitute motion:

SUBSTITUTE MOTION: To bring the airport issue to a study session. Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Katrina Foley.

The substitute motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

X. REPORTS

The City Manager welcomed Peter Naghavi as the new Public Services Director; gave an update on the "Go Local" Program noting that the City's application was approved by the Orange County Transportation Authority (OCTA) and would go before the Board on March 10, 2008, for final determination; and informed the Council of requests received for the use of the Council Chambers for candidate forums.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 9:18 p.m.
The next Regular City Council Meeting will be held on March 18, 2008.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa