

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

August 19, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session August 19, 2008, at 6:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - The Mayor requested the audience to remain silent for a moment of solemn expression and to remember our troops who are serving overseas.

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
Administrative Services Director Steve Mandoki
Human Resources Manager Terri Cassidy
Principal Planner Claire Flynn
Management Analyst Hilda Veturis
Building Official Khanh Nguyen
Finance Director Marc Puckett
Chief of Police Christopher Shawkey
Police Sergeant Bryan Glass
Police Sergeant Robert Durham
City Clerk Julie Folcik

PRESENTATIONS

Mayor Bever presented a Proclamation to Christian Eric and Jim Grahl recognizing them for their creation of a jeweled egg that opens to reveal a fully-working scale model of the Balboa Park Carrousel in San Diego. Their detailed

and intricate design is synchronized to play 20 authentic tunes of the same period as the original carousel, circa 1895. They were recognized for their outstanding excellence in design and their contributions to Costa Mesa's exciting art movement.

The Mayor announced the presentation of the American Youth Soccer Organization (AYSO) Region 97 Mayor's Cup. Jeff Braun, AYSO Region 97 Commissioner, presented the first annual Mayor's Cup to the City Council.

The Mayor announced the presentation of the Costa Mesa National Little League All Stars and the Costa Mesa American Little League All Stars and congratulated both teams for a great season. The league proudly presented the Mayor's Cup to the City Council. Certificates of Recognition were distributed to the coaches and players.

IV. PUBLIC COMMENTS

1. Dennis Ashendorf, Costa Mesa, expressed opposition to Council's position regarding a potential water project and encouraged cooperation among cities, utilities and the subject company to bring more water into the area.
2. Judi Berry, Costa Mesa, reminded the community to register to vote, if they are not already and to vote in November.
3. Patricia Cederquist, Costa Mesa, reported a problem she was having that included multiple calls to Code Enforcement, trespassing and harassment by her neighbor.
4. Cindy Brenneman, Costa Mesa, spoke on behalf of the Costa Mesa Community Foundation and informed of the availability of grant programs and bricks for sale for the Veterans Memorial; announced the Community Emergency Response Team (CERT) classes begin on September 20, 2008; the Race for the Cure Event to be held on September 28, 2008; the Candidates' Forum hosted by the Mesa Verde Homeowners' Association to be held on August 21, 2008, at the Neighborhood Community Center; and clarified comments made by a previous speaker relative to the Poseidon water project.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Eric Bever announced he attended the Pop Warner Kick Off on August 16, 2008 held at the Estancia Stadium and noted the presentation of a football helmet plaque and proclamation to the Mayor; attended the Mesa North Picnic at Paularino Park; applauded the Olympians from all over the world and requested proclamations for those Olympic participants from Costa Mesa in honor of their achievements; and requested a Mayor's Award in honor of Ray Garcia, Mesa Verde resident, in recognition of efforts to reduce speed on Adams Avenue.

Council Member Wendy Leece also attended the Pop Warner opening day ceremony; announced a vacancy on the Historical Preservation Committee and the creation of a mural on the history of Costa Mesa and the placement of historic markers along Newport Boulevard.

Council Member Katrina Foley also attended the Pop Warner opening day ceremony; wished Jim Scott a happy birthday; announced the Halecrest Chili Cook Off Event to be held on August 23, 2008, the Mesa Del Mar Luau in the Park Event to be held on August 21, 2008; and inquired as to the status of the State Budget and the impact to our City.

City Manager Allan Roeder responded reporting that the State Budget had not yet been adopted and noted that there were no new proposals relating to accessing revenues under Proposition 1A. Public Services Director Peter Naghavi advised that due to State funding the Newport Boulevard Widening Project would be delayed. He also noted that the Orange County Transportation Authority (OCTA) and the status of the SR-55 study would be on the agenda for the next Study Session.

Council Member Linda Dixon requested staff to follow-up on a call received relative to noise from Trinity Broadcasting Network (TBN).

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 14.

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 14, except for Consent Calendar Item Nos. 2 and 13.

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: Joshua G. Booty; Keith Farber; and Malak & Malak on behalf of Michele Rungay.

3. Warrant Resolution 2226, funding City operating expenses for \$604,672.

ACTION: Resolution adopted.

4. Warrant Resolution 2227, funding Payroll No. 816 for \$2,753,687.36, and

Payroll No. 815A for \$451.10 and City operating expenses for \$1,545,871.03 including payroll deductions.

ACTION: Resolution adopted.

5. Professional Services Agreement with Albert Grover & Associates, 211 East Imperial Highway, Suite 208, Fullerton, for the Costa Mesa/Santa Ana Signal Coordination Project, in the amount of \$143,050.

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

6. Professional Services Agreement with CARE Ambulance Service Inc., 1517 W. Braden Court, Orange, for emergency ambulance and patient billing services, to commence on September 1, 2008.

ACTION: Approved and authorized the Mayor and City Clerk to sign; and approved modification of the terminology of the current Fire Department basic and advanced EMS (Emergency Medical Services) user fees.

7. Professional Services Agreement with Fortel Traffic, Inc., 5310 E. Hunter Avenue, Anaheim, for the purchase of 14 radar speed signs, in the amount of \$180,600.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAM.

ACTION: Approved and authorized the Mayor and City Clerk to sign; authorized the City Manager to sign the Purchase Requisition; and Adopted Resolution No. 08-55.

8. Amendment No. 2 to Cooperative Agreement No. D99-128, with the County of Orange, the Orange County Flood Control District, the Irvine Ranch Water District (IRWD), the Irvine Company, and the "Watershed Cities," for the Toxics Total Maximum Daily Load (TMDL) studies in the Newport Bay Watershed, to extend the term for two years to be consistent with the end of the current phase of the Nitrogen and Selenium Management Program.

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

9. Release of Performance and Labor and Material Bonds (Certificate No. 661117621), in the amount of \$10,000 each, to Loft 18, LLC (Developer), 1 South Fair Oaks Avenue, Suite 270, Pasadena, in connection with Encroachment Permit No. PS06-00289 for street improvements for Tract 16820, at 654 West 18th Street.

ACTION: Ordered bonds exonerated.

10. Release of Faithful Performance Bond (Certificate No. SU5014521), in the amount of \$313,100 for Habitat Revegetation at Fairview Park to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, in connection with the Coastal Sage Scrub Restoration Project at Fairview Park.

ACTION: Ordered bonds exonerated.

11. Authorize refund of cash deposit in the amount of \$6,702 to Varkel Construction, Inc. (Contractor), 23141 La Cadena, Suite L., Laguna Hills, in connection with Encroachment Permit No. PS08-00291 for street improvements located at 290 La Perle Lane, Costa Mesa.

ACTION: Approved.

12. Designation of voting delegate for 2008 League of California Cities Annual Conference.

ACTION: Designated Council Member Wendy Leece as Costa Mesa's voting delegate.

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: Adopted Resolution No. 08-56.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of August 5, 2008.

MOTION: Continue to the meeting of September 2, 2008.

Moved by Mayor Eric R. Bever, seconded by Council Member Wendy Leece.

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.

13. **Salary adjustments for classifications represented by the Costa Mesa Police Management Association (CMPMA), Costa Mesa Police Association (CMPA), Costa Mesa City Employees Association (CMCEA), and Unrepresented Executive, Confidential and Part-time classifications.**

(a). 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.

(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 CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2004-2009 MOU, includes a retroactive salary increase for the classification of Video Production Coordinator as the result of a classification study.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE TO REFLECT CHANGES IN THE ESTABLISHED LABOR MARKETPLACE.

(d). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR THE JOB CLASSIFICATIONS WITHIN THE CONFIDENTIAL EMPLOYEES UNIT.

(e). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADJUSTING THE RATES OF PAY FOR PART-TIME CLASSIFICATIONS AND EMPLOYEES TO REFLECT THE ESTABLISHED MARKETPLACE.

(f). Budget Adjustment No. 09-005 for \$1,500,000.

Council Member Leece requested that the item be listed in the future as a public hearing for better noticing of the public. Administrative Services Director Steve Mandoki and Human Resources Manager Terri Cassidy summarized the staff report and responded to questions from the Council. Discussion ensued among the Council and staff relating to the public noticing of the item and its location on the agenda.

Judi Berry, Costa Mesa, agreed with Council Member Leece and commented that salaries should be allocated in the budget.

Mike Berry, Costa Mesa, opposed the item being placed on the Consent Calendar and opined that negotiations with the associations should be conducted in open session as opposed to being conducted in closed sessions.

In reference to a request from Council Member Foley, the Human Resources Director confirmed that the negotiation process is governed by Government Code. Council Member Foley commented that she did not oppose the item being a public hearing, however, would like to point out, for the record, that while on the consent calendar, the item was not "hidden" as it took an entire page of the agenda.

MOTION: Adopt Resolution No. 08-57 revising the pay ranges for CMPA

classifications; adopt Resolution No. 08-58 revising the pay ranges for the Costa Mesa City Employees Association classifications; adopt Resolution No. 08-59 revising the salary ranges within the executive classifications; adopt Resolution No. 08-60 revising salary ranges for confidential employees; adopt Resolution No. 08-61 adjusting the rate of pay for part-time classifications; approve Budget Adjustment No. 09-005 and authorized the Mayor to sign.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VII. PUBLIC HEARING

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING GENERAL PLAN GP-08-03 FOR THE PROPOSED 2008-2014 HOUSING ELEMENT.

Development Services Director Donald Lamm introduced the item of the new Housing Element for the City that would guide the development of affordable housing for the next seven years. He recognized the two-year efforts of Consultant Veronica Tam, city staff, community groups, and Department of Housing and Community Development on the Housing Element. He recommended approval and pointed out, if adopted, Costa Mesa would be the second city in Orange County to have adopted a Housing Element.

Senior Planner Claire Flynn summarized the staff report and along with the Developments Services Director responded to questions from the Council relating to implementation, development at the Fairview Developmental Center, and the Senior Center Project.

Jean Forbath, Costa Mesa, Chair of the Costa Mesa Housing Coalition, complemented city staff on the Housing Element and for responding to their concerns; and expressed support of the development of affordable housing for lower income families in the urban plan areas.

Christy Brooks, member of the Costa Mesa Housing Coalition, stated that she is encouraged by the process and hoped that the plan would be fully implemented.

Robin Leffler, Costa Mesa, commenting that she knew nothing of

the public outreach and noticing of the Housing Element, stated that she was not opposed to low-income housing, but felt that development at the Fairview Developmental Center was not the best way for the City to manage the affordable housing element.

MOTION: Adopt Resolution No. 08-62.

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

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.

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

The Mayor recessed the City Council meeting and convened the Special Redevelopment Agency meeting at 7:51 p.m.

ROLL CALL

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

1. Regular Redevelopment Agency meeting minutes of May 13, 2008.

MOTION: Approved.

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

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-372 and CMRA-373; and approve Warrant Resolution CMRA-374.

MOTION: Ratified and approved.

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

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.

3. Master Plan Amendment RA-08-01 to the Triangle Square Master Plan (PA-89-31/RA-89-05) for major façade renovation and related improvements at 1870 Harbor Boulevard/1875 Newport Boulevard.

The Development Services Director announced a request for a continuance had been received from the property owner and recommended continuance to October 14, 2008.

MOTION: Continued to the RDA meeting of October 14, 2008.

Moved by Chairperson Eric R. Bever, 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.

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

Chairman Bever adjourned the Special Redevelopment Agency meeting and as Mayor reconvened the Council meeting at 7:57 p.m.

VIII. OLD BUSINESS

1. From the meeting of March 4, 2008; AT&T Above-Ground Utility Cabinets status report.

Public Services Director Peter Naghavi presented the staff report and responded to questions from the City Council relating to plant types, watering methods, the addition of mulch, maintenance costs, utility box facade and landscaping.

Jeff Moran, AT&T Director of Internal Affairs, addressed questions from the Council concerning mylar film and the painting of the utility boxes.

MOTION: Receive and file report.

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

Foley.

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.

RECESS: The Mayor declared the meeting recessed at 8:12 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:25 p.m.

2. From the meeting of June 17, 2008; Residential Remodeling Incentive Program (RRIP) and Build Green Incentive Program (BGIP).

Director of Development Services Don Lamm introduced the staff report and Building Official Khanh Nguyen who summarized the staff report and responded to questions from the Council relating to time frames, the running of both programs concurrently, and the projected costs for the programs and the length of each. Following discussions concerning program lengths, Mayor Bever suggested eliminating the Express Planning and Building plan checks.

Robin Leffler, Costa Mesa, commented on the RRIP program and setting a valuation limit in building green; felt that the home remodeling limit of \$50,000 in valuation should be higher.

Beth Refakes, Costa Mesa, felt the focus should be to enhance the exterior of the house thereby improving the appearance of the community.

MOTION: Reauthorize the RRIP and the BGIP programs without modification of the programs, except for the elimination of Express Planning and Building plan checks for participants; and authorize staff the latitude to determine the best time in which to offer the programs.

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

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.

3. From the meeting of August 5, 2008, second reading and adoption of Ordinance 08-6: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 3 OF THE

COSTA MESA MUNICIPAL CODE RELATING TO ANIMAL REGULATIONS.

City Attorney Kimberly Hall Barlow introduced the item noted the revised alternatives of the proposed fine schedules.

Council Member Foley expressed concern relating to language in the proposed ordinance and referring to her memo distributed to council, made suggested language changes to Section 3-8, 3-114(a), and 3-114(b). Discussion ensued amongst the Council and staff relating to "audible sound beyond the property line", issuance of the warning notice be personally served and then sent certified or registered mail, and of complaints to be made by no fewer than three members of the immediate community.

Jeff Cullen, Costa Mesa, suggested a provision, that when a complaint is received to verify the dog license and that the barking dog is spayed or neutered as required by ordinance.

Robin Leffler, Costa Mesa, supported a verbal warning; expressed concern as to high density and of complaints made by vindictive neighbors and the language regarding "audible" sounds made by animals.

Beth Refakes, Costa Mesa, expressed concern of the audible noises made by dogs, verbal warning, and vindictive complaints; and supported Alternative 1 of the proposed fine schedule.

MOTION: Adopt Ordinance No. 08-6, read by title only, and waive further reading; approve Alternative 1 for the Fine Schedule for Barking Dog Violations, as amended, to add a written warning to the fee schedule and reduced the first barking dog violation citation fine to \$200; and that personal service of a warning notice be attempted followed by the written warning that is to be sent by certified or registered mail to the dog owner.

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

Council Member Foley requested the maker of the motion to accept Alternative 2 of the Fine Schedule. The maker of the motion disagreed.

Council Member Dixon stated that she would not support of the motion as the fines were excessive. Council Member Foley recognized that the ordinance provided a better structure, however, felt it was over regulatory and that the fines were also excessive.

The Mayor read into the record a correspondence received from Dianne Leathers in support of the ordinance.

Council Member Foley read into the record a correspondence received

from Andrew Dorian expressing concern of the regulations as presented in the proposed ordinance and noting the reasons why a dog would bark.

The motion carried by the following roll call vote:

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

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

Absent: None.

4. From the meeting of August 5, 2008, second reading and adoption of Ordinance 08-7: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE REGARDING NONCONSENSUAL TOWING OF VEHICLES AND ROTATIONAL TOW OPERATIONS.

The Assistant City Manager and the City Attorney responded to questions from the Council relative to a radius and the location of a tow yard within or just outside the city limits.

The Mayor expressed concern relating to Section 9-283 concerning tow business location.

Jody Campbell, Harbor Towing, commented that the State Vehicle Code 22658 defines how far a car can be legally towed from a private property, and commented that he felt 5 miles was reasonable.

MOTION: Adopt Ordinance No. 08-7, read by title only, and waived further reading.

Moved by Mayor Pro Tem Allan R. Mansoor, 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.

IX. NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE COSTA MESA POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS FOR CONTRACT ROTATIONAL TOW SERVICE OPERATORS.

The Assistant City Manager summarized the staff report and along with the Police Chief responded to questions from the City Council relative to tow yard requirements, driver background checks, fingerprinting, and

hiring policies and the associated costs.

The Mayor Pro Tem requested changes to the guidelines and indicated that on page four that the tow service operator provide a hiring policy in writing and on page 12 number five be revised to "All Drivers [will] be required to submit to a City of Costa Mesa criminal history records check...".

Jody Campbell, Harbor Towing, expressed concern as to the lessening of some of the requirements, and responded to questions from the Council relating to the minimum capacity of tow lots.

Wayne Miller, G&W Towing, expressed concern on the tow operator's lot size and indicated that square footage was the best way to determine the number of vehicles; expressed concern of tow services operating outside of the City pointing out the benefit of tow operators located within the City.

City staff responded to questions from Council Member Dixon concerning the proposed amount of storage space for tow yards.

MOTION: Adopt Resolution No. 08-63; and approved Costa Mesa Police Department Tow Policy Guidelines and Requirements, as amended:

- 1) Page four, paragraph six, to include "The tow service operator is required to provide a copy of their hiring policy to the City of Costa Mesa " and
- 2) Page 12, number five, be revised to read "All Drivers shall be required to submit to a criminal history records check..."; Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Mayor Eric R. Bever.

Mayor Bever requested that motion be revised to amend page 5, paragraph 5 for Tow Yard Requirements, to read "...the 100 standard size, 4-wheel vehicles "dedicated solely to the City of Costa Mesa." The Mayor Pro Tem agreed to the addition.

The motion restated:

MOTION: Adopt Resolution No. 08-63; and approved Costa Mesa Police Department Tow Policy Guidelines and Requirements, as amended:

- 1) Page four, paragraph six, to include "The tow service operator is required to provide a copy of their hiring policy to the City of Costa Mesa " and
- 2) Page 12, number five, be revised to read "All Drivers shall be required to submit to a criminal history records check..."; and
- 3) Page 5, paragraph five under Tow Yard Requirements to read "... the 100 standard size, 4-wheel vehicles [dedicated solely to the City of Costa Mesa.]"

Moved by Mayor Pro Tem Allan R. Mansoor, 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.

2. Recognition of individuals who donated funds or services for the design and construction of Angels Playground at TeWinkle Park.

Public Services Director Peter Naghavi presented the staff report and responded to questions from the council, relative to vandalism and the City's Council policy compliance.

Doug Hansen, Costa Mesa, representing Angels Charity responding to questions from the Council stated that he was give verbal approval for the placing of the donor recognition signage, that there were 10 play panels and one sway-fun that would include donor names, and that a donor sign was on order to be placed at the park.

Cindy Brenneman, commented that the Costa Mesa Community Foundation was in support of the charity's efforts and reminded Council of the benefit of the playground and asked them to approve the donor signage.

Robin Leffler, Costa Mesa, spoke in support of the donor signage.

Mayor Pro Tem Mansoor expressed that while supportive and appreciative of the park he felt the signage added a commercial feel to it. He stated that the approval is being sought after the fact and also did not feel it appropriate that a company's web address was permitted to be on the signage.

MOTION: Deny Angels Charity's request and call for the panels to be replaced with non-inscribed panels.

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

Council Member Leece pointed out that the park was a joint venture between the City and a non-profit, felt the park brought people together for a purpose in allowing the kids a safe place to come and play, and expressed support for leaving the signage intact.

MOTION: Approve Angels Charity's request to recognize major donors by adding their names to the elements of the playground

equipment that they sponsored and to list all other major sponsors on a donor sign panel.

Moved by Council Member Wendy Leece, seconded by Mayor Eric R. Bever.

Council Member Dixon expressed her concern that while she felt the park was a great attribute that approval of the signage would be set a precedent. Council Member Foley agreed expressing her concern and proposed that a compromise be made to allow the existing panels, deny placement of a donor wall but that the additional donors be recognized on a plaque in accordance with Council Policy.

SUBSTITUTE MOTION: Approve Angels Charity's request permitting the signage recognizing the major donors on the elements on the play equipment, to deny construction of a donor wall, and that the remainder of the donors be recognized on a plaque, located on site, in accordance with Council Policy 800-4.

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

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda W. Dixon, Council Member Katrina Foley

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

Absent: None.

Vote was taken on the original motion:

The motion carried by the following roll call vote:

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

Noes: Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon

Absent: None.

X. REPORTS

There were no reports from the City Attorney and City Manager.

Upon request of Council Member Foley, it was unanimously agreed to reopen New Business Item IX -2 regarding recognition of individuals who donated funds or services for the design and construction of the Angels Playground.

Council Member Foley commented that she felt that the location of the donor wall would block visibility for those sitting in the grass area or under the picnic shelter. Public Services Director Peter Naghavi clarified the size and location of the donor sign panel and responded to questions from Council. Council Member Foley asked that the Council Policy be reviewed at a future

Study Session.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:57 p.m. The next Regular City Council Meeting will be held on September 2, 2008.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa