

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

September 02, 2008

The City Council meeting of the City of Costa Mesa, California met in regular session September 02, 2008, at 5:04 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. 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 Dixon entered at 5:10 p.m., and Council Member Foley entered at 5:05 p.m.)

II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION:

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation, two cases, pursuant to Government Code Section 54956.9(b).

The Mayor recessed the meeting to Closed Session at 5:04 p.m. to be held in Conference Room 1A.

The Mayor reconvened the Regular Meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Council Member Wendy Leece

MOMENT OF SOLEMN EXPRESSION Pastor Frank Custer, 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

The City Attorney reported that no action was taken on the closed session item.

PRESENTATIONS

The Mayor congratulated Sue Hupp, Crime Prevention Specialist of the Costa Mesa Police Department, who was selected as "Employee of the Month" for September, commending her for her enthusiasm, knowledge, professionalism and noted her involvement in the "Costa Mesa Citizen's Police Academy," where she has prepared and taught a program to educate citizens of police functions and policies.

IV. PUBLIC COMMENTS

Martin Millard, Costa Mesa, inquired about a letter that was to have been written by Council Member Foley to President Bush regarding the securing of the borders; asked about the reporting of gang activity that was in the newspaper noting that the location, in some instances, was not given and felt it was important to know where incidents took place.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Linda Dixon noted that in the Sunset Magazine that she recently received and it was noted that 17th Street was one of the "fun places to shop."

Mayor Eric Bever announced that the first fundraiser for the 1st Battalion 5th Marine Regiment, of the United States Marine Corp. will be held at City Hall on Saturday, September 27, 2008, and that the Marines along with Pronto Wash would be providing the car washing services.

Council Member Wendy Leece as Liaison to Orange County Vector Control District reminded the public regarding the of the West Nile Virus and encouraged taking precautions such as using repellent and the removal of standing water; she noted that the Mesa Consolidated Water District has requested the conservation of water usage by 10 to 15 percent and encouraged cutting back on usage; and she pointed out the persistent trash problem along the freeway connectors at the SR-55 and the SR-73 and encouraged businesses to sponsor cleanup through the Adopt-a-Highway program.

Mayor Pro Tem Allan Mansoor confirmed with the City Manager that representatives from CalTrans will be attending the next Study Session to address landscaping and maintenance of the highways.

Council Member Katrina Foley referenced a letter received from letter from Nancee Wright, who requested that the doors be open during a class at the Senior Center, as there was no air conditioning, asked for staff to follow-up on the denial; as the Liaison to the School Board of Directors announced that the board will be working with Dane Bora, Video Production Coordinator, for the production of highlights to promote the schools and are to be aired on Costa Mesa TV Channel 24; announced that the security, parking logistics and traffic management at the new Scott's Stadium for the first football game to be held on September 12, 2008 will be coordinated between the Newport-Mesa Unified School District and the Police Department; and as Liaison to Orange County Fairgrounds Board of Directors, reported that she met with the new Corporate Executive Officer Steve Beazley, and announced a public meeting about the future plans and schedule of the Orange County Fair would be held on September 15, 2008.

VI. CONSENT CALENDAR

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 13.

Moved by Mayor Eric R. Bever, 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.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Robert Hamparyan, Esq., on behalf of Dillan Vilan, c/o Marcella Hickman; Jorgensen & Salberg, LLP, on behalf of Lorena Musselman; and Robert Hamparyan, Esq., on behalf of Taylor Willis.

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

DG BBQ Shack LLC, for Beach Pit BBQ, located at 1676 Tustin Avenue, for a type 41 (on-sale beer and wine).

Marina Ashley Sanchez, for Mazzotis Deli & Catering, located at 560 West 19th Street, Unit C, for a type 41 (on-sale beer and wine).

Kim Pham, for Mesa Verde Liquor Store, located at 1520 Baker Street, for a type 21 (Off-sale general).

2. Regular Meetings of August 5, 2008 and August 19, 2008, and Adjourned Regular Meeting/Study Session of August 12, 2008.

ACTION: Approved.

3. Warrant Resolution 2228, funding City operating expenses for \$1,340,025.56.

ACTION: Adopted resolution.

4. Warrant Resolution 2229, funding Payroll No. 817 for \$2,603,375.77, and Payroll No. 816A for \$820.47 and City operating expenses for \$2,079,817.17 including payroll deductions.

ACTION: Adopted resolution.

5. Contract Change Order to Extend the Professional Services Agreement with Harris & Associates, 34 Executive Park, Suite 150, Irvine, to March 31, 2009, for construction management services of the Police Facility Expansion and Renovation Project, City Project No. 06-08, in the amount of \$350,000.

ACTION: Approved; and authorized the City Manager to sign.

6. Adopt revised plans, and specifications, and working details for installation of netting along the sides of the Costa Mesa Golf Course adjacent to the Fairview Developmental Center Sports Complex Fields.

ACTION: Approved.

7. Adopt plans, and specifications, and working details for 2007-2008 CDBG Projects: Plumer Street (Project "A") and Hamilton Street (Project B)", City Project No. 08-04, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$746,295.46.

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

8. Completion of Community Development Block Grant (CDBG) Projects: Bus Turnout Improvements of Wilson Street between Fairview Road and Harbor Boulevard, City Project No. 07-20, by Roadway Engineering & Construction, Inc., 8861-A Jurupa Road, Riverside.

ACTION: Accepted work; authorized the City Clerk to file a Notice of Completion; to release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter.

9. Release of Performance and Labor and Material Bonds (Certificate No. 559726S), in the amount of \$126,208.39, to BKM Redhill Associates, LLC (Developer), 1945 Placentia Avenue, Costa Mesa, in connection with Encroachment Permit No. PS06-00793 for street improvements for Parcel Map 2005-109 located at 3191 Red Hill Avenue.

ACTION: Ordered the bonds exonerated.

10. Final Map for Tract No. 17265, located at 2379-2381 Elden Avenue, Costa Mesa; for a one (1) lot air space subdivision to facilitate the conversion of a 12-unit apartment complex into common interest development (condominiums).

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

11. Authorize refund of cash deposit in the amount of \$6,984 to Andrew Terpstra (Owner), 3209 Washington Avenue, Costa Mesa, in connection with Encroachment Permit No. PS08-00201 for street improvements located at 209 Pauline Place, Costa Mesa.

ACTION: Approved.

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING FINES FOR BARKING DOG VIOLATIONS UNDER SECTIONS 3-113 AND 3-114 OF THE COSTA MESA MUNICIPAL CODE.

ACTION: Adopted Resolution.

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE WILDLIFE CONSERVATION BOARD INLAND WETLANDS CONSERVATION PROGRAM FOR THE FAIRVIEW PARK WETLANDS & RIPARIAN HABITAT PROJECT.

ACTION: Adopted Resolution No. 08-64.

As it was not yet 7:00 p.m., the City Attorney informed the Council that a public hearing

for the resolution for Public Hearing Item No. 1 (a), was not required, therefore it was unanimously agreed to address the item.

VII. PUBLIC HEARING

1 (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING TOW AND RELATED SERVICES MAXIMUM RATE SCHEDULE FOR TOW SERVICE OPERATORS DOING BUSINESS IN THE CITY OF COSTA MESA PURSUANT TO SECTION 9-293 OF THE COSTA MESA MUNICIPAL CODE.

Thomas Hatch, Assistant City Manager, summarized the staff report.

Wayne Miller, G&W Towing, in response to a question from Mayor Pro Tem Mansoor regarding the towing fees that appear to be higher in Costa Mesa than in other cities, noted that the fees are adjusted in accordance to the Consumer Price Index (CPI) and that the cost of operation is higher in Costa Mesa than further inland.

MOTION: Adopt Resolution No. 08-65.

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.

The Mayor was informed that there were a few speakers that had requested to address Consent Calendar Item No. 12, regarding the barking dog fee resolution.

MOTION: Reopen and reconsider Consent Calendar Item No. 12.

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.

CONSENT CALENDAR ITEM TAKEN OUT OF ORDER OF BUSINESS:

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING FINES FOR BARKING DOG VIOLATIONS UNDER SECTIONS 3-113 AND 3-114 OF THE COSTA

MESA MUNICIPAL CODE.

May Ranck, (no city given), spoke in support of the fine schedule that was proposed; noted the effects of a continuous barking dog problem; and felt that there was training available that can help and that the owners need to be disciplined and responsible owners.

Richard Detwiler, Costa Mesa, commented that he has heard fireworks in his neighborhood and encouraged the Council to address the issue of those who set off fireworks illegally and contribute to the barking dog problem.

MOTION: Adopt Resolution No. 08-66.

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 Wendy Leece

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

Absent: None.

X. REPORTS

The City Attorney informed that Assistant City Attorney Harold Potter would be attending the study session and noted a successful dismissal of a court case involving the City of Costa Mesa.

The City Manager announced that the next study session would be held at the Neighborhood Community Center (NCC) and noted the items of discussion to include the Orange County Transportation Authority and their consultants would be presenting an analysis of the alternatives for the SR-55 terminus and that California State Department of Transportation (CalTrans) would discuss landscaping and maintenance of the freeways and the Friends of the Library request for a Library Services Master Plan.

Council Member Foley announced that on September 5, 2008, at 9:30 a.m., was the TeWinkle Gym Open House and Dedication. Public Services Director Peter Naghavi announced that a meeting of the Brentwood Park Task Force would be held on September 6, 2008, at 10:00 a.m., at Brentwood Park.

MOTION: Proceed with Public Hearings No.1 and No. 2.

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.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A TOW OPERATOR PERMIT APPLICATION FILING FEE FOR THE CITY OF COSTA MESA

Assistant City Manager Thomas Hatch presented a summary of the staff report and responded to questions from the City Council.

Harry Bend, owner of A&B Towing and President of the Orange County Chapter of the California Tow Truck Association, applauded the Council for adopting meaningful legislation relative to towing operations.

Wayne Miller, G&W towing, expressed support of the proposed application fee.

MOTION: Adopt Resolution No. 08-67

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.

2. PUBLIC HEARING: Recommended allocations for the 2008-2009 Citizen's Options for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF).

Police Chief Christopher Shawkey presented the staff report and responded to questions from the Council.

MOTION: Approve

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.

VIII. OLD BUSINESS

No Old Business was scheduled.

IX. NEW BUSINESS

No New Business was scheduled.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 6:50 p.m., to September 9, 2008, 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on September 16, 2008.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa