

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

**December 01, 2009**

The City Council meeting of the City of Costa Mesa, California met in special session December 01, 2009, at 4:35 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 Allan R. Mansoor  
Mayor Pro Tem Wendy Leece  
Council Member Eric R. Bever  
Council Member Katrina Foley  
Council Member Gary Monahan (entered at 4:40 p.m.)

Council Members Absent: None

Officials Present: Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Acting Development Services Director Kimberly Brandt  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION:**

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (two cases).
2. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

Mayor Mansoor recessed the meeting at 4:37 p.m., to the closed session in Conference Room 1B.

The Mayor adjourned the special session and convened the regular meeting at 6:20 p.m.

**PLEDGE OF ALLEGIANCE - Warrant Officer Jack R. Hammett, U.S. Navy (Retired), Pearl Harbor Survivor, World War II and Korean War Veteran**

**MOMENT OF SOLEMN EXPRESSION - Pastor Mel Cornwell, Newport Mesa Christian Center**

**ROLL CALL**

Council Members Present: Mayor Allan R. Mansoor  
Mayor Pro Tem Wendy Leece  
Council Member Eric R. Bever  
Council Member Katrina Foley  
Council Member Gary Monahan

Council Members Absent: None

Officials Present: Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Acting Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
Senior Planner Minoo Ashabi  
Management Analyst Carol Proctor  
City Clerk Julie Folcik

**CLOSED SESSION REPORT**

City Attorney Kimberly Hall Barlow reported no action was taken on Closed Session Item No. 1. In reference to Closed Session item No. 2, the following motions were made by the Council:

**MOTION: To place the item on the Planning Commission agenda for December 14, 2009 relative to the General Plan Consistency Determination for the County of Orange and the City of Costa Mesa. Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**MOTION: Directed staff to tentatively schedule a Closed Session on December 8, 2009, to further discuss the item, as well as to tentatively schedule a special meeting for the December 15, 2009, and if necessary to schedule another special meeting later in the month for**

consideration of the item; to provide as much notice to the public as possible with respect to the fairgrounds of any items that would be considered in closed or open session; and to place any public documents with respect to Orange County Fairgrounds on the City's website located under the button for Information on OC Fairgrounds.

Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## PRESENTATIONS

Mayor Mansoor congratulated Assistant Engineer Ve Tran, Chief Construction Inspector Peter Merritt, and Senior Engineer Tom Banks of the Public Services Department on being named Employees of the Month of December, 2009. They were recognized of their services and in particular, for working closely with residents of Gleneagles and Aviemore Terrace to resolve an issue regarding dilapidated streets. The Mayor expressed appreciation for their positive attitude and outstanding work ethic of combining strong interpersonal skills with technical knowledge and expertise.

## IV. PUBLIC COMMENTS

1. Maggie Waterman invited the Council and the community to the Presbyterian Church of the Covenant Christmas Concert entitled *An Appalachian Christmas, "I Hear the Prophet Callin"* presented by contemporary American Composer Pepper Choplin and Singer/Actor Richard Kinsey to be held on December 13, 2009.
2. Eloise Ott, Costa Mesa, announced her musical group called Praise Jam will be performing at Balboa Island on December 17, 2009; spoke about the N95 Swine Flu Virus Mask and the impact of litter to property value; commended Public Services staff for street repair on Fairview Road and Belfast Avenue; recommended the water tour and attending the Swedish Fair.
3. Rick McCormick, Costa Mesa, referred to the intersection of Fairview Road and Adams Avenue opining that it has a blind intersection. He expressed concern on the improvements to the intersection and noted his disappointment with City staff in response to his concerns.
4. Kathy Hobstetter, Costa Mesa, spoke about her horse named *Snip* who spent most of his years at the O.C. Fairgrounds and hoped to see the longevity of the Fairgrounds. She noted she collected 12,000 signatures

on cards over the weekend opposing the sale of the Fairgrounds and recognized the City Council for their efforts concerning the O.C. Fair and Event Center.

5. Mike Berry, Costa Mesa, commented on Budget issues and suggested increasing revenues. He noted that common interest developments do not necessarily receive City services and recommended a City program that would allow common interest developments to buy into City services on an annual basis pointing out the possible increase in City revenues.
6. Mark Harris, Costa Mesa, referred to Parks and Recreation Commissioners' comment on the cancellation of the annual Snow Hill event sponsored by the City and expressed disappointment of no announcement of the Holiday Snow Land event presented by long-time co-sponsor Valarie Torelli. He announced the event will be sponsored by Torelli Realty on December 12, 2009, and encouraged the Council and community to volunteer.
7. Judi Berry, Costa Mesa, expressed appreciation of Council's action to approve the display of the national motto *In God We Trust* in the Council Chambers.

## **V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

Mayor Pro Tem Wendy Leece thanked Acting Development Services Director Kimberly Brandt for hosting the Urban Land Institute Meeting that was held on November 18, 2009, at the Costa Mesa City Hall concerning emerging trends in real estate; as a board member of the Orange County Vector Control District, encouraged the public to call 714-971-2421 for the district to assist residents with rodent problems.

Mayor Allan Mansoor announced the City's support of the 1st Battalion, 5th Marine Regiment (1/5) USMC reporting that 1/5 was currently deployed to Afghanistan and encouraged donations to the Holiday Care Package Program; acknowledged the students in attendance from the Orange Coast College that were at the meeting; commented on a challenging year and thanked the City Manager, Directors, and Employees for their efforts and assistance; and wished everyone a Merry Christmas and Happy New Year.

Council Member Katrina Foley thanked Sarat Singh for the generous donation to the Costa Mesa Senior Center for the Thanksgiving Feast and recognized the City Police and Fire Officers for volunteering to serve the seniors; congratulated the Costa Mesa Junior Peewee Cheerleaders for the Western Region Championship; announced a meeting to discuss the Enclave Project relative to Measure F Redevelopment to be held on December 14, 2009, at 7:00 p.m., at the Costa Mesa High School Library; announced a Can Food Drive for the Second Harvest Food Bank with bins located at The Camp and at The Plant Stand; requested the matter of the Joint Use Agreement with the Newport-Mesa Unified School District (NMUSD) be agendaized at the second meeting of

January, 2010, for discussion on field maintenance requirements concerning Exhibit B of the agreement; commented on her participation on KOCI 101.5 FM radio noting a local program and a place to promote community events; expressed appreciation to staff and wished everyone a Happy Holidays and Merry Christmas.

Council Member Gary Monahan wished Merry Christmas and happy holidays to the community and City staff; announced the Costa Mesa Sanitary District's Annual Phone Book Drive to raise money for local schools and encouraged to donate phone books to local elementary or middle schools.

Council Member Eric Bever expressed appreciation to the 50 City employees who opted for early retirement to help with the City budget and thanked them for the years of service; inquired if the Orange County Vector Control provides service to Home Owner Associations.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 13.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13, except for Consent Calendar Item No. 10. Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

#### 1. Reading Folder.

**ACTION:** The following claims were received and processed by the City Clerk: Marks Law Firm on behalf of Gregory J. Barnett; Arturo Suarez on behalf of Karina Morales Meza; Luis M. Villafoerte.

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

7 Eleven Inc., 7 Eleven Store located at 3001 Bristol Street, Suite A, for a person-to-person transfer of an existing type 20 (off-sale beer and wine).

Peruvian Chix LLC, Inka Grill Rotisserie Chicken located at 562 West 19<sup>th</sup> Street for a type 41 (on-sale beer and wine).

The following notification letter was received and processed: Southern California Edison Company (SCE) – Notice of Catastrophic Event

Memorandum Account (CEMA) application filing regarding proposed increase in electric rates, Application No. A.09-11-011.

2. Regular Adjourned Meeting/Study Session Minutes of November 10, 2009, Regular Meeting Minutes of November 17, 2009.

ACTION: Approved the Regular Adjourned Meeting/Study Session Minutes of November 10, 2009; approved Regular Meeting Minutes of November 17, 2009 as revised and distributed to include additional talking points under council comments (page four).

3. Warrant Resolution 2293, funding Payroll No. 923 for \$2,448,636.98 and Payroll No. 922A for negative \$490.89, and City operating expenses for \$636,800.59 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2294, funding City operating expenses for \$544,445.70.

ACTION: Resolution adopted.

5. Amendment to the Lease Agreement with Childs Pace, Inc., for the non-exclusive use of a portion of the Downtown Recreation Center's Multi-Purpose Room.

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

6. Purchase of custodial supplies through the Western States Contracting Alliance (WSCA) cooperative pricing agreement with Waxie Sanitary Supply, 3220 South Fairview Road, Santa Ana, in the amount not to exceed \$80,000.

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

7. Purchase of emergency medical supplies through the Huntington Beach cooperative pricing agreement offered by Bound Tree Medical, 5000 Tuttle Crossing Boulevard, Dublin, Ohio, in an amount not to exceed \$75,000.

ACTION: Approved.

8. Authorize refund in the amount of \$67,875 to 4c Design Group, 3751 Robertson Boulevard, Culver City, in connection with a traffic impact fee for a discontinued restaurant project, Comme Ca Restaurant, 695 Town Center Drive, Suites 140 and 170.

ACTION: Approved.

9. Release of Performance and Labor and Materials Bond (Certificate No.

829092S) in the amounts of \$378,428.41 each for street improvements and (Certificate No. 829093S) in the amount of \$6,000 for setting corner monuments, to Rutter Development Corporation (Developer), 18012 Cowan, Suite 200, Irvine, in connection with Encroachment Permit Nos. PS05-00278 and PS05-00522 for Tract 16382 located at 1901 Newport Boulevard, Costa Mesa.

ACTION: Approved.

11. Completion of Storm Drain Repair at 755-785 West 17th Street, City Project No. 08-19, by RePipe-California, Inc., 5525 East Gibraltar Street, Ontario.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION OF ACTIONS NECESSARY TO OBTAIN STATE FINANCIAL ASSISTANCE THROUGH THE CALIFORNIA COASTAL COMMISSION 2009-20010 WHALE TAIL COMPETITIVE GRANTS PROGRAM.

ACTION: Adopted Resolution No. 09-72.

13. Redevelopment Agency's 2009 Annual Report.

ACTION: Received and filed.

ITEM REMOVED FROM THE CONSENT CALENDAR

10. **Completion of Landscape Improvements at Fairview Park, 2525 Placentia Avenue, Area "D", City Project No. 08-18, by Jeff Tracy, Inc., dba Land Forms Landscape Construction, 27601 Forbes Road, Suite 36, Laguna Niguel.**

At the request of Mayor Pro Tem Leece, Public Services Director Peter Naghavi gave an update on phase one of the project and noted that the second phase was yet to be funded by grants.

**MOTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## VII. PUBLIC HEARINGS

1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-13, AMENDING CHAPTER V OF TITLE 13, OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODWAY AND FLOODPLAIN DISTRICTS.

Senior Planner Minoo Ashabi presented the staff report.

**MOTION: Introduce Ordinance No. 09-15, read by title only, and waive further reading.**

**Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## VIII. OLD BUSINESS

1. From the meeting of November 17, 2009, second reading and adoption of ORDINANCE 09-14: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-10 TO AMEND TITLE 13, CHAPTER VII, ARTICLE 3, SECTIONS 13-118.1 AND 13-118.2 OF THE COSTA MESA MUNICIPAL CODE TO ALLOW YOUTH PROGRAM GROUP USERS TO APPLY FOR TEMPORARY SIGN AND BANNER PERMITS ON CITY ATHLETIC FIELDS.

The Acting Development Services Director reported no changes to the ordinance.

**MOTION: Adopt Ordinance No. 09-14, read by title, and waive further reading.**

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

The motion carried by the following roll call vote:



Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Gary Monahan  
Noes: Council Member Eric R. Bever  
Absent: None.

2. K-9 Cleanup sponsorship program for dog waste bags and dispensers.

Assistant City Manager Thomas Hatch presented the staff report and along with Management Analyst Carol Proctor responded to questions from the Council.

Judi Berry, Costa Mesa, said she went to the park and reported that many owners are not picking up after their dogs; encouraged the Council to approve pointing out that there are more contributors to the program; and suggested that the bags include signs acknowledging donors.

Mike Berry, Costa Mesa, encouraged the Council to approve and noted that without the bags, the parks would not be inviting. He commented on a possible public health issue and the need to control water run-off.

**MOTION: Approve; amend Council Policy 800-4 to reflect the addition of the K-9 Cleanup sponsorship program.  
Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.**

In response to a question from Council Member Foley, Management Analyst Carol Proctor noted that anyone could contribute more than the Top Dog amount of \$700.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan  
Noes: None.  
Absent: None.

3. Request to install 15 additional AT&T Above-Ground Utility Cabinets.

Public Services Director Peter Naghavi summarized the staff report and responded to questions from the Council relating to box locations and maintenance.

Mike Berry, Costa Mesa, opposed placement of additional utility cabinets noting that it is a blight to the community and are not maintained.

Discussion ensued among the Council and City Attorney relating to the efforts by staff on mitigating the impacts of the cabinets. Council Member Monahan recognized the landscape improvements along the cabinets pointing out the available competition and franchise fees

received by the City.

**MOTION: Approve.**

**Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. From the meeting of November 3, 2009, proposed Ballot measure options regarding the Orange County Fair and Event Center for June, 2010.

The Acting Development Services Director summarized the staff report and outlined the four ballot measure options relating to placement of an existing General Plan, existing Zoning District, Specific Plan, or a General Plan Amendment on the ballot.

Sandra Genis, Costa Mesa, agreed with staff recommendations, expressed concern of placement of a Specific Plan, and spoke about the need to refine the General Plan.

**MOTION: Direct staff to prepare a General Plan amendment to revise the "Fairgrounds" land use designation in respect to the Orange County Fair and Event Center (Option 4 of the staff report); and once adopted, include as part of a ballot measure for June 2010.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**IX. NEW BUSINESS**

No New Business was scheduled.

**X. REPORTS**

The City Attorney wished everyone a happy holidays and reported to the Council that City Attorney fees are still the same for the next fiscal year.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 7:56 p.m., to December 8, 2009, 4:30 p.m., for a Study Session. He announced a**

**Special Meeting to be held on December 15, 2009, 5:00 p.m., and the next Regular City Council Meeting to be held January 5, 2010.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa