

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

February 06, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session February 06, 2007, at 5:03 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 Mansoor
Mayor Pro Tem Eric Bever
Council Member Linda Dixon

Council Members Absent: Council Member Katrina Foley
Council Member Wendy Leece

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Assistant City Attorney Harold W. Potter
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public comments.

Mayor Mansoor recessed the meeting at 5:05 p.m., into Closed Session in Conference Room 1B.

III. CLOSED SESSION

1. **Conference with Real Property Negotiators: Property at 261 Monte Vista Avenue, Costa Mesa. Agency Negotiator: Thomas Hatch. Negotiating Party: Ken Thurman, pursuant to Government Code Section 54956.8.**

The Mayor reconvened the meeting at 6:06 p.m.

PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - The Mayor asked the audience for a moment of silence and to remember those that are serving overseas and locally to keep our Country safe.

ROLL CALL

Council Members Present: Mayor Allan Mansoor

Mayor Pro Tem Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Assistant City Attorney Harold W. Potter
Development Services Director Donald Lamm
Public Services Director William Morris
Recreation Manager Jana Ransom
City Clerk Julie Folcik

CLOSED SESSION REPORT

The City Attorney reported no action was taken on the Closed Session item.

PRESENTATIONS

The Mayor recognized Sergeant Keith Davis, Officer Billy Fair, Officer Todd Williams, Officer Jerry Souza, and Corporal Joycelyn LaPointe as the Employees of the Month. They responded to a hostage situation and successfully disarmed the suspect by deploying Tasers, recovering the hostage while using the least amount of force necessary. The Mayor thanked them for their courage, resourcefulness, and trust in each other, they resolved a dangerous situation and have undoubtedly saved a life.

IV. PUBLIC COMMENTS

1. **Robert Graham, Costa Mesa, advised of an item that will come before the Council relating to Fairview Park design of the lower park area; requested the Council to consider access and parking needs to the lower park area.**
2. **Charlene Ashendorf, Costa Mesa, announced Leadership Tomorrow will be honoring Costa Mesa Activist Tom Sutro on February 22, 2007; commended CDBG/HOME Coordinator Mike Linares on streamlining the CDBG Grant process; and encouraged the Council to reinstate the Youth in Government Program.**
3. **Anne Hogan Shereshevsky, Costa Mesa, requested Council to move New Business no. 2 to earlier in the meeting.**

4. Bob Ooten, Costa Mesa resident and Manager of the Mesa Library Bookstore, thanked the Council for the grant received and announced an Open House held on February 24, 2007.
5. Katie Arthur, Costa Mesa, spoke about the traffic on 17th Street and requested a left turn signal at the intersection of 17th Street and Tustin Avenue.
6. Martin Millard commented on City issues relating to Banning Ranch, development of Westside Bluffs, 55 Freeway, and John Wayne Airport.
7. Beth Refakes, Costa Mesa, spoke about traffic on Newport Boulevard and the undergrounding of the 55 Freeway.

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

1. Mayor Pro Tem Eric Bever mentioned a green efficiency incentive program for existing residences and suggested that the program be year-round or to run in conjunction with the Residential Remodeling Incentive Program (RRIP). He suggested the City partner with the California Public Utility Commission, Water District, Gas Company, Southern California Edison to offer incentives targeting existing development. He commented on the passing of Floyd Levin who wrote the City song "Costa Mesa U.S.A." and requested a Proclamation in his honor and establish a Floyd Levin Day to correspond with the Costa Mesa Jazz Festival.
2. Council Member Wendy Leece announced the graduation the most recent class of citizen's involved in the Community Emergency Response Team (CERT) and encouraged the audience to enroll in the training; clarified the action of the Parks and Recreation Commission approving the Youth in Government Program and read the staff report's recommendation dated April 10, 2006; and advised that there will be a study session that to further study the committee.
3. Mayor Allan Mansoor indicated that the Orange County Transportation Authority (OCTA) has budgeted for an initial study on the 55 Freeway Extension; expressed condolences to the family of Floyd Levin, who wrote the Official City Song, "Costa Mesa U.S.A."
4. Council Member Katrina Foley referred to Mayor Pro Tem Bever's comments on the green energy efficiency program and incentives stating she proposed a similar comprehensive program to the City Manager; requested the mayor as our representative to the Orange County Transportation Authority (OCTA) address an article suggesting allowance of the driving in the carpool lane at non-peak hours; and thanked the community for their support of Operation Cupid for Company-D of the United States Army.
5. Council Member Linda Dixon commented regarding access and parking to

the lower part of Fairview Park pointing out the lack of accessibility for the public to certain parts of the park and encouraged the Council's consideration and requested that the hours and donation information from the Mesa Library Bookstore be placed on the City's cable station.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEMS NOS. 1 THROUGH 9

MOTION: To approve the recommendations of the Consent Calendar Items Nos. 1 through 9, except for Consent Calendar Item No. 2.

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda 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: Christine Cummings, AAA Automobile Club of Southern California on behalf of Lorraine Delfin; Victor Feria; Gilbert B. Kirwin on behalf of Timothy and Kristina Flaherty; Mercury Insurance Group on behalf of Craig Kausen; Astrid Mejia; Michael Murphy; Ann McIntire (Pierce & Weiss, LLP) on behalf of Progressive West Insurance Company; Joyce Smith; Clayton Fabeck on behalf of Starlite Village (2 separate claims); Michael Wooden.

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

BKB Restaurant Enterprises, Inc., for the Hamamori, 3333 Bear Street, Suite 320, original type 47 (on-sale general for a bona fide eating place).

Residence Inn by Marriott, 881 Baker Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

The following Notification Letters were received and processed: Royal Street Communications, LLC – Notification letter of requisite land use approval to construct a cellular facility – PCS Wireless Site No. LA0603A-Orange Coast College and LA0604A-South Coast

Southern California Gas Company (U-904-G) for Approval of Energy & Water Efficiency Partnership and Budget for Years 2007 through 2008 – Notice of availability of Southern California Gas Company's proposed pilot program addressing embedded energy savings resulting from the conservation of water in California.

3. Warrant Resolution 2145, funding Payroll No. 701 for \$2,342,894.21 and

Payroll No. 626A for \$5,524.99, and City operating expenses for \$1,877,495.88 including payroll deductions.

ACTION: Resolution adopted.

4. **Warrant Resolution 2146, funding City operating expenses for \$617,165.39.**

ACTION: Resolution adopted.

5. **Warrant Resolution 2147, funding City operating expenses for \$1,262,224.31.**

ACTION: Resolution adopted.

6. **Completion of Renovation of Sewer Lift Station - Costa Mesa Police Facility, Project No. 06-11, by Jamison Engineering Contractors, Inc, 17197 Newhope Street, Suite J, Fountain Valley.**

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

7. **Completion of Replacement and Modification of the HVAC System at Fire Station No. 4 (2300 Placentia Avenue, Costa Mesa), Project No. 06-20, by Adelpia, Inc., dba Chandler's Air Conditioning and Refrigeration, Inc., 1702 W. Fifth Street, Santa Ana.**

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

8. **Final Map for Tract No. 17029 located at 168-176 Merrill Place, Costa Mesa, for the subdivision to convert three lots into five residential lots and one common lot.**

ACTION: Approved; authorized City Engineer and City Clerk to sign on behalf of the City.

9. **From the meeting of January 2, 2007, Annual Review of Development Agreement DA-06-03 for C.J. Segerstrom & Sons, for the Segerstrom Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive.**

ACTION: Approved.

ITEM REMOVED FROM THE CONSENT CALENDAR

2. **Special Joint Meeting of the City Council and the Redevelopment Agency held October 10, 2006, Regular Meeting of November 21, 2006 and January 2, 2007, Adjourned Regular Meeting (Study Session) of December 12, 2006 and January 9, 2007.**

MOTION: Approved, amending the Regular Meeting Minutes of November 21, 2006 to include the verbatim transcript for the City Attorney's Report. Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VIII. OLD BUSINESS

1. **From the meeting of January 16, 2007, second reading and adoption of Ordinance 07-2: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-05 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING HIGH-RISE RESIDENTIAL DEVELOPMENT IN PLANNED DEVELOPMENT AND TOWN CENTER ZONES.**

MOTION: Adopt Ordinance No. 07-2, to be read by title only, and waive further reading.

Moved by Mayor Allan Mansoor, seconded by Council Member Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. NEW BUSINESS

1. **City Council Priorities**

(a) Reaffirm/modify current City Projects.

(b) Establishment of New Priorities.

Public Services Director William Morris summarized the agenda report for item (a); the City Manager presenting sub-item (b) and they answered questions from the City Council.

Discussion ensued among Council Members and staff relating to the projects referencing the progress on the Fairview Hospital Sports Complex Phase I and II projects. Council Member Foley suggested to the Council to consolidate Phase I with Phase II of the project pointing out the costs. The City Attorney referred to the terms of the agreement explaining the initial phase of field use, master planning process, investment costs of combining and completing both phases, and a delay in field use.

In reference to the Investigation of Flood Control Channels for possible bicycle/pedestrian trails project, the Mayor expressed concern of the expending of staff hours resulting in the delay of street improvements.

Mayor Mansoor expressed support of the TeWinkle School Field Lighting Upgrade and would like to see complete revitalization of the fields. Council Member Foley requested the reconfiguration of the TeWinkle School Sports Complex for sports organizations. The Mayor agreed.

Mayor Pro Tem Bever requested the SR-55 Extension project be moved to tier one. Council Member Leece requested the refurbishment of City Hall Pond/Entry Garden project and be moved to tier one. The Mayor expressed support for both requests.

Mayor Pro Tem Bever commented on the landscape maintenance of Victoria Street suggesting the conversion to turf and partnering with the Water District for irrigation of reclaimed water. Discussion ensued among Council Members relating to options for improving the landscape.

Council Member Leece suggested the installation of artificial turf for field use. Council Member Foley hoped to consider artificial turf for the Davis School and the Costa Mesa High School fields; and proposed the installation of permanent lighting at Costa Mesa High School field and making it a permanent home for the Pop Warner organization. Council Member Dixon requested the installation of artificial turf at The Farm fields.

Martin Millard spoke about dividing the City into precincts and addressing problems by precincts; commented on the terminus of the SR-55 freeway onto the SR-57 freeway, purchase of properties to convert into small sports fields, and the rehabilitation of Baker Street.

Beth Refakes, Costa Mesa, commented on the public's input from various parts of the City relating to long-term strategic planning; suggested Mediterranean plants as a landscaping alternative and expressed support of the installation of alternative turf.

Ron Nugent, representative of Costa Mesa Pop Warner, encouraged Council's support of field space and lighting of the fields.

Council Member Leece suggested scheduling a meeting with the commissions expressing she felt that it would be valuable time spent to meet were it could be

devoted to discuss short-term, some long term priorities and to clarify those things that are important to the Council. She shared the experience of her involvement with the School District's strategic planning process and suggested a similar session for communication directly with the Commissions. Council Member Dixon recognized the importance for the input of the community and commented on the need of a vision/long-term planning for the City and to address topics such as parks, programs, landscaping, and developments. Mayor Mansoor commented while he supported a joint meeting with the Planning Commission and Parks and Recreation Commission and in having an open discussion to include the public, he felt that it could be covered in a Council Study Session perhaps at the Neighborhood Community Center.

MOTION: Receive and file the report.

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

Council Member Foley expressed support of a strategic planning session with the commissions, stating it would be an effective planning tool and beneficial to receive community input.

Council Member Leece expressed her support of a study session format.

Mayor Pro Tem Bever questioned the need for the joint study sessions for strategic planning. Council Member Dixon reiterated her support for community involvement in long-term planning.

Council Member Leece clarified that discussion with the commissions relative to the vision and priorities for the commissions would be valuable.

The Mayor amended his motion:

MOTION: Receive and file the report; direct staff to schedule a joint study session with the Parks and Recreation Commission to discuss: field use issues, other topics of general interest and Council's direction for the Parks and Recreation Commission; and for staff to schedule a separate joint study session with the Planning Commission to discuss green-building, other topics of general interest and Council's direction for the Planning Commission.

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

SUBSTITUTE MOTION: Direct staff to proceed forward with the previously agreed discussion items relating to the Capital Improvement Projects; directed staff to schedule a meeting that is mutually convenient for Council Members with the Parks and Recreation Commissioners and Planning Commissioners, and to include the community in discussion in a long-term strategic planning process.

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

Mayor Pro Tem Bever suggested separating the motion for separate votes. It was agreed to by the maker of the substitute motion and the seconder.

The restated first part of the substitute motion:

MOTION: Direct staff to continue with the “Fairview Hospital Sports Complex Phase I” project, and if feasible, to consider the option of combining the project with “Fairview Hospital Sports Complex Phase II” project; and to move to Tier 1: 1) the “Investigation of Flood Control Channels for Possible Bicycle/Pedestrian Trails” project, so long as it does not impede street improvement projects; 2) the “TeWinkle School Field Lighting Upgrade” project and to work with the school district to reconfigure TeWinkle Sports Complex;

- 3) the “Refurbishment of City Hall Pond/Entry Garden” project;**
- 4) to add the “Victoria Street Landscape Improvement” project and directed staff to bring back to Council alternatives for improving the landscape;**
- 5) to consider installation of artificial turf at the sports fields, where it is appropriate; and the “SR-55 Extension”.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Relative to the remainder of the Substitute Motion Council Member Leece stated that she supported scheduling the joint meetings with the commissions in a study session format to discuss Council priorities. Council Member Foley reiterated the beneficial aspects of a dialog with the commissions and the participation of the community, further stating that a study session format would not lend itself to that sort of opportunity in the exchange of ideas. She shared her experience of the Council’s past practice of the annual meeting to discuss Community Objectives and one such meeting that included the Planning Commission and found it to be a worthwhile process. Council Member Leece agreed that the proposed meeting time could be held later than the regularly scheduled study session time of 4:30 p.m. to allow for more participation by the public. Council Member Foley requested clarification as to the format that would be followed for the meeting.

Council Member Leece responded that she thought it could be a sharing of visions, with the two commissions, for the current year. Mayor Pro Tem Bever stated he was unclear as to the intended purpose of the proposed meetings, felt that there needed to be greater clarification on the topics for discussion for the meetings to be meaningful. He stated he supported a joint meeting to share direction with the commissions.

Council Member Foley clarified the motion with the City Manager :

To schedule separate joint meetings with the Parks and Recreation Commission

and the Planning Commission to discuss Council priorities and goals and to include a long-term strategic planning session; to be conducted in a different structured meeting to allow for great public participation from that of a study session format. The City Manager offered the location of the Neighborhood Community Center for consideration.

Council Member Foley inquired if Council Member Leece would support the motion if the long-term strategic planning element was removed. Council Member Leece indicated that she would not support the substitute motion. Council Member Foley withdrew her substitute motion.

MOTION: Direct staff to schedule a joint study session with the Parks and Recreation Commission to discuss: field use issues, other topics of general interest and Council's direction for the Parks and Recreation Commission; and for staff to schedule a separate joint study session with the Planning Commission to discuss green-building, other topics of general interest Council's direction for the Planning Commission. Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

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

Noes: Council Member Katrina Foley

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:21 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:31 p.m.

VI. PUBLIC HEARINGS

The City Clerk announced that this was the time and place set for a public hearing to consider:

- 1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-08, WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REQUIRED FINDINGS FOR VARIANCES AND ADMINISTRATIVE ADJUSTMENTS.**

The Affidavit of Publication and of Mailing is on file in the City Clerk's Office.

Development Services Director Donald Lamm briefly summarized the staff report and he along the City Attorney responded to questions from the Council.

Mayor Pro Tem Bever expressed his concern with the proposed ordinance, stating that he felt it would be cause more confusion in the administrative process of review and approval and suggested that the City continue with the current process.

Mayor Mansoor felt that the proposed ordinance was "subjective and broad."

There being no public comment the Mayor closed the public hearing.

In response to Council Member Foley's question the City Attorney explained that the proposed requirement for inclusion of evidentiary findings for administrative planning decisions, while not required by state code would bring consistency to the decision making process.

Mayor Pro Tem Bever felt that the requirement would "open the door to more grief"; that there is not a state code requirement nor immediate or apparent need for such an ordinance.

MOTION: To retain the City's existing findings for variances and administrative adjustments.

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

The motion carried by the following roll call vote:

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

Noes: Council Member Katrina Foley

Absent: None.

IX. NEW BUSINESS

2. Senior Advisory Committee.

Recreation Manager Jana Ransom summarized the staff report.

Council Member Foley explained her reasons for bringing the concept forward reporting that census has predicted that the near future there will be an increase in the population of senior citizens and children. She explained that the Senior Center Board of Directors does not have the authority outside of the function of the facility to discuss such issues as housing, accessibility, transportation and other senior needs. She felt that the proposed committee could advise the City Council on those issues as they relate to the City as a whole; clarifying that it is not a body to advise the current Senior Center board on the function of the current facilities.

The City Manager voiced staff's recommendation for deletion of the reference "to provide oversight to the Senior Citizen Board of Directors' contractual obligations."

Council Member Dixon based on her prior experience felt that in order for her to support the formation of the committee specific direction would need to be given as to the scope of responsibility for the committee and specifically, that it would not have jurisdiction over the Costa Mesa Senior Center, and that the use of staff time would be understood. Council Member Foley

agreed with the recommendation to looking at examples of what other cities who have such a committee are doing.

Charlene Aschendorf, Costa Mesa, reported that more than 20 percent of the City's population is comprised of senior citizens. She stated that the the senior center's mission is to provide quality programs for senior citizens in the community and felt that there is an important need for a senior advisory committee, as it elevates the senior issues to beyond the senior center.

Ann Hogan Shereshevsky, Costa Mesa, as a member of the previous senior citizen advisory committee felt that it was time for an advisory board to address issues important to seniors within the city and encouraged the council's support for it's formation.

MOTION: To continue the item and directed staff to bring back to Council goals and tasks for the formation of the senior advisory committee.

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

Mayor Mansoor stated that he would not support the motion as he felt that while there may be a need he did not feel it necessitated a city committee. He instead felt that that the current senior Board of Directors could expand their roll to discuss issues of importance and bring forth those issues to the Council that are within its jurisdiction. He also felt that there are other opportunities for seniors to get involved in the current Council committees and did not feel a seperate committee was needed at this time. Council Member Leece agreed.

SUBSTITUTE MOTION: Receive and file report.

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

Mayor Pro Tem Bever supported the substitute motion stating that the city's committees are open to all ages.

Council Member Dixon stated that the advisory committee would compliment the current city committees; and suggested that perhaps to look at structuring it as an adhoc committee to meet on particular task or issue.

The substitute motion carried by the following roll call vote:

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

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

X. REPORTS

City Attorney: No report was given.

City Manager: Reported he attended the opening of the Orange Coast College art facility and was hopeful of a joint effort with the college and the Costa Mesa Cultural Arts committee or the Costa Mesa Tourism and Promotions Bureau at the new facility.

XI. ADJOURNMENT: The Mayor declared the meeting adjourned at 9:02 p.m., to February 13, 2007, 4:30 p.m. for a Study Session.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa