

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

June 19, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session June 19, 2007, 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 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
City Attorney Kimberly Hall Barlow
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public comments.

Mayor Mansoor recessed the meeting at 5:08 p.m., to the closed session in Conference Room 1B.

III. CLOSED SESSION:

1. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).
2. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).
3. Conference with Allan Roeder, City Manager, and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee Organization: Costa Mesa Firefighters Association (CMFA) pursuant to Government Code Section 54957.6.

The Mayor reconvened the meeting at 6:31 p.m.

PLEDGE OF ALLEGIANCE - Council Member Katrina Foley

MOMENT OF SOLEMN EXPRESSION - Reverend Barbara Steward, St. John's Episcopal Church

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
Development Services Director Donald Lamm
Public Services Director William Morris
Police Sergeant Philip Myers
Senior Planner Mel Lee
Legislative & Public Affairs Manager Ann Shultz
Finance Director Marc Puckett
Budget & Research Officer Bobby Young
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Barlow reported that no action was taken on Closed Session Items No. 1 and No. 3; and that the City Council rescheduled Closed Session Item No. 2 to the next regular Council meeting of July 3, 2007, by a vote of 5-0.

The City Attorney reported for the record that Council Member Leece recused herself from the discussion of Closed Session Item No. 1 due to a conflict of interest, as the subject location was within 500 feet of her residence.

PRESENTATIONS

The Mayor presented Airborne Law Enforcement Services (ABLE) Pilot Jeff Van Es, Retired ABLE Pilot John Susman, Patrol Officer Frank Christian, Gang Officer Scott Stafford, Gang Officer Robert Hanson, and Park Ranger Matt Pallo the Mayor's Award. They were recognized for the outstanding work and successful apprehension and prosecution of six juvenile and two adult gang members.

IV. PUBLIC COMMENTS

1. Lu and Diana Walker, Costa Mesa, read a letter expressing their safety concern and opposition to hard-ball play at the Luke Davis Field; requested that the Parks and Receation Commission be directed to review the permitted usage at the park, as well as reported the apparent locking of the gate to the field between uses by organizations.
2. Paul Shoenburger, Board President of Mesa Consolidated Water District, introduced the new General Manager Lee Pearl.
3. Erin Hood, Costa Mesa, represented homeowners from the St. Clair neighborhood, requested that Council reagendize the matter regarding the flood control channel multipurpose trails, pointing out public access and neighborhood safety concerns.
4. Anne Hogan Shereshevsky, Costa Mesa, reiterated her request to ban fireworks in the City and requested the matter be placed on an upcoming ballot; commented on:the garbage on Charle Street, uneven pavement on Newport Boulevard, and the need for senior affordable apartments.
5. Terry Shaw, Costa Mesa, announced a Costa Mesa Historical Society program regarding the Santa Ana River, to be held on June 24, 2007, at 2:00 p.m., at 1870 Anaheim Street.
6. Phil Morello, Costa Mesa, spoke about a safety issue at Wallace Avenue and 19th Street concerning City planted trees obstructing drivers' view of traffic.
7. Lisann Martinez, Costa Mesa, advised of a U.S. Conservancy Program that would fund the planting of 100 trees in the City's flood zone.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Wendy Leece gave an update on the Youth in Government Program; announced the graduation of 20 residents from the Community Emergency Reponse Team (CERT) Program and encouraged registration for the next training; announced the Council's support and donation of a \$1,000 to the Costa Mesa High School's graduation night and reminded students to be safe; suggested fine increases for the use of illegal fireworks.

Council Member Katrina Foley announced a Costa Mesa High School Cheer Clinic to be held from August 20 through 23, 2007, at Costa Mesa High School; advised she received letters concerning the fee increase to utilize the City's pool and asked the City Manager for an update on the matter; announced the application deadline for a fourth of July block party street closure is June 21, 2007; requested that the Youth in Government Program flyer be added to the City's website and cable channel; and reported on resident's concern on parking

overflow on Drake Street.

Council Member Linda Dixon announced the Concerts in the Park event series starting on July 10, 2007, at Fairview Park.

Mayor Pro Tem Eric Bever inquired on the Joint Task Force for the 4th of July holiday.

City Manager Allan Roeder explained that the Joint Task Force was made up of the Fire Department and the Police Department and members of Parks Maintenance Division who would be enforcing regulations and monitoring activities on the 4th of July.

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 Items Nos. 5, 7, 8, and 9. 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.

The following claims were received and processed by the City Clerk: Charles Anderson; Jaime Engler on behalf of Enterprise Rent-A-Car; Jesus Garcia; and Jeff Sheperd.

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

AAKASH Group Inc., 2249 Harbor Blvd., for a person-to-person transfer of an existing type 20 (off-sale beer and wine).

Nava Araceli Camacho, for the Las Brasas Grill, 1175 Baker St, Ste. E25, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Rare Restaurant Group LLC, 633 Anton Blvd., for a person-to-person transfer of existing type 47 (on-sale general for a bona fide eating place) and type 58 (caterer permit).

The following notification letter was received and filed: Cingular Wireless

– Notification letter of the intent to construct a cellular facility – Cingular Wireless Site No. OC0231-01 Apple Store – South Coast Plaza.

2. Regular Meeting Minutes of May 15, 2007; and Special Meeting Minutes and Adjourned Regular Meeting/Study Session Minutes of June 12, 2007.

ACTION: Approved.

3. Warrant Resolution 2165, funding City operating expenses for \$415,187.02.

ACTION: Resolution adopted.

4. Warrant Resolution 2166, funding Payroll No. 711 for \$2,358,101.27 and Payroll No. 710A for \$4,029.18, and City operating expenses for \$1,774,606.76 including payroll deductions.

ACTION: Resolution adopted.

6. Maintenance Agreement with South Coast Plaza (Developer A) and Maguire Properties-Pacific Arts Plaza LLC (Developer B), for public right-of-way improvements within the Theater and Arts District (TAD) areas.

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

10. Adopt plans, specifications, and working details for the Installation of a Lighting System at Bark Park and Arlington Drive parking lot, City Project No. 07-18, and award construction contract to D & J Foothill Electrical Contractors, Inc., 2451 First Street, La Verne, in the amount of \$180,370.

(a). Release the cash deposit for 10 percent bid bond, to Noor Electrical, 1618 Ohms Way, Costa Mesa, in the amount of \$23,750.

ACTION: Approved and authorized the City Manager and City Clerk to sign; and refunded cash deposit.

11. Completion of Fire Station No. 6, Roof Restoration Project, City Project No. 06-21, by Commercial Roofing Systems, Inc., 11735 Goldring Road, Arcadia.

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 months thereafter.

12. Measure "M" Eligibility

(a). City's Maintenance of Effort for Fiscal Year 2007-2008.

(b). City's Seven-Year Capital Improvement Program for Fiscal Years 2007-2008 to 2013-2014.

ACTION: Approved City's Maintenance of Effort for Fiscal Year 2007-2008; and approved City's Seven-Year Capital Improvement Program for Fiscal Years 2007-2008 to 2013-2014.

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

ACTION: Adopted Resolution No. 07-52.

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT, setting a public hearing for July 17, 2007, at 7:00 p.m.

ACTION: Adopted Resolution No. 07-53.

ITEMS REMOVED FROM THE CONSENT CALENDAR

5. **Award RFP No. 1110, for animal shelter services, to the City of Irvine, P.O. Box 19575, Irvine, for one year with an additional four (4) one-year extensions, in the amount not to exceed \$150,000 per year.**

Beth Refakes, Costa Mesa, questioned the staff report and the exclusion of the contract agreement with the City of Irvine and requested clarification on the funding for the building of kennels.

Police Sergeant Philip Myers responded to questions from the City Council advising the mutual aid agreement with Irvine expires on June 30, 2007. The Mayor requested to review the proposal from the City of Irvine prior to Council's approval. The City Manager suggested to continue the item to July 3, 2007, in order to provide Council with the requested information.

MOTION: Continue to the meeting of July 3, 2007.

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.

7. **Amendment to License Agreement with Oracle State & Local Government:**

California, 1910 Oracle Way, Reston, Virginia, for additional license fees pursuant to the terms of the original License Agreement, in the amount of \$109,800 including tax currently due.

MOTION: Conditionally approve; authorize the City Manager to sign the Purchase Requisitions.

Moved by Council Member Katrina Foley, 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 Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

8. Agreement with the County of Orange, for the services of one Gang Prevention and Suppression Officer (Deputy Probation Officer), in an amount not to exceed \$126,927.

Council Member Leece expressed support of the item. Mayor Mansoor requested the City Manager to send a letter to the County of Orange expressing appreciation for the assignment of a Deputy Probation Officer to the City.

MOTION: Approve; authorize the Mayor and City Clerk to sign.

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

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.

9. Contract with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, for the annual renewal of shopping cart retrieval services.

Phil Morello, Costa Mesa, commented on the expense on the renewal of shopping cart retrieval services; suggested a bounty on shopping carts to shift some of the costs to the markets.

Martin Millard, Costa Mesa, opposed funding of shopping cart retrieval services.

Mayor Mansoor commented that he did not feel the City should be in the business of shopping cart retrieval but indicated that he would support the contract at this time. He requested an update of statistics on shopping cart retrieval and that a letter be sent to the corporate offices of the markets that are the worst offending, encouraging implementation of options for shopping cart

retention. Council Member Dixon, Council Member Foley, and Council Member Leece expressed support of the contract. Mayor Pro Tem Bever supported the contract however, felt that the program should be a self supporting system.

**MOTION: Approve; authorize the City Manager and City Clerk to sign.
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.

In response to an earlier question by Mayor Pro Tem Bever, the City Manager reported that there were 50 citations issued for illegal fireworks or illegal use of safe and sane fireworks in 2006.

VII. PUBLIC HEARINGS

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

1. PUBLIC HEARING: Continued from the meeting of May 15, 2007, appeal of the Planning Commission's denial of Planning Application PA-07-04, for The Saywitz Company, to allow a common interest development conversion of four apartment units to condominiums with a variance from private open space requirements for two second-floor balconies (10 ft. minimum dimension required; 5 ft.-10 in. and 8 ft.-6 in. minimum dimensions proposed), located at 679 W. 18th Street, in an R3 (Multiple Family Residential) zone. Environmental determination: exempt.

The Affidavits of Publication and Mailing are on file in the City Clerk's Office.

Senior Planner Mel Lee presented the staff report.

Barry Saywitz, The Saywitz Company, gave a presentation and indicated his intention to upgrade the street with his developments; commented on the plans to demolish the existing development except for the four exterior walls and noted the interior floor plan would remain the same; pointed out the replacements and upgrades; addressed the Planning Commission's concerns and responded to questions from the Council.

Joe Poncino, applicant's contractor, explained the insulation material that would be installed to address sound reduction.

Mayor Pro Tem Bever reminded the applicant of the ownership incentive in the overlay zone and commented on the combination of the applicant's property with the adjacent property for a new development, encouraging the applicant to make the project work without the requested variances. Mr. Saywitz stated his reasons for the condominium conversion pointing out that a new development would change the scope of work from that of an affordable homeownership opportunity.

Discussion ensued amongst the Council and applicant relating to variance, playground area, undergrounding utilities, installation of a block wall, repavement of the driveway, and garage use.

Council Member Dixon suggested a fountain in the back open space area, would like to see undergrounding of the utilities be worked into the project, a block wall and turf block used in the front setback to allow for additional parking.

Martin Millard, Costa Mesa, expressed concern regarding parking and commented on a concession on open space to allow for more parking.

Beth Refakes, Costa Mesa, expressed concern on the lack of parking noting neighborhood complaints on traffic and parking. She also recommended the complete replacement of the roof.

Mr. Saywitz discussed the placement of a white picket vinyl fence and additional landscape in the front of the property, the addition of a decorative chimney cap, and agreed to replace the driveway. Discussion ensued amongst the Council and staff relating to the requirements of an additional parking space in the front of the property.

The Mayor made a motion to adopt resolution No. 07-54, reversing the Planning Commission's decision and approve the project, with the conditions of approval as amended, by deleting condition of Approval No 11.

Discussion ensued amongst Council Members relating to the conditions of approval.

Council Member Leece asked that decals for the resident cars be added to the conditions and that the property manager be in charge of oversight of the Homeowners Association.

Council Member Foley requested that the requirement of enclosed garages in the back of the property be included in the motion;

Council Member Dixon requested that the roof be replaced or that there be a prefunding set up for the HOA to replace at a later date; that turf block and a native plants be used in the in landscaping front of the property; and to add a fountain in the back open space.

The additional conditions were agreed to by Mayor Mansoor and Council Member Foley.

The motion restated:

MOTION: Adopt Resolution No. 07-54 reversing the Planning Commission's decision based upon findings established in Exhibit "A" and to include the following conditions of approval (Exhibit "B"):

- The applicant shall replace all electrical wiring, outlets, switches, interior lighting (title 24) sub panels and exterior lighting.
- The applicant shall replace all above ground plumbing, add tankless water heaters, and washer/dryer hookups. The applicant shall also camera test the sewer line and replace if needed, add main sewer clean outs and complete a water test.
- The applicant shall replace all gas lines (interior and exterior) and conduct a pressure test.
- The applicant shall install new ducting as needed, registers and gas efficient HVAC's.
- The applicant shall check all framing for integrity and replace if needed.
- The applicant shall install all new double paned low E glass windows and exterior doors.
- The applicant shall resurface all staircases and balconies.
- The applicant shall replace all insulation.
- The applicant shall install new sinks, faucets, toilets and tubs.
- The applicant shall install new cabinets and granite and travertine countertops.
- The applicant shall install new stucco, paint and carpet as needed.
- The applicant shall install new driveway, sprinkler system, decorative pavers, and landscaping. Turf block for an additional parking space and California native plants shall be installed within the front landscape setback.
- The applicant shall install exterior foam molding, four (4) paint colors, vinyl railings and lighting.
- The applicant shall replace all drywall with soundboard.
- The applicant shall provide interior paint with at least two different colors with crown molding and 5-inch baseboard.
- The applicant shall replace upstairs floor and

- downstairs ceilings with either 3/8-inch particle board, R-19 insulation or 5/8-inch drywall.
- The applicant shall provide mirror wardrobe sliders.
 - The applicant shall waterproof all landings, staircases and balconies.
 - Decals shall be provided for all resident vehicles.
 - Property manager shall be in charge of oversight of the HOA.
 - The applicant shall either replace the composition flat roof or provide reserve funding for future roof replacement by the HOA.
 - The applicant shall provide a fountain at the rear of the project.
 - The applicant shall replace the existing perimeter wood fencing with 6-foot high solid vinyl fencing.
 - Underground overhead power line connections.

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

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Eric Bever

Absent: None.

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

2. PUBLIC HEARING: Reauthorization of the Business Improvement Area (BIA) Assessment of two percent (2%) for certain Costa Mesa hotels and motels for Fiscal Year 2007-2008.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING YEAR 2006-2007 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

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

Legislative & Public Affairs Manager Ann Shultz presented the staff report.

MOTION: Adopt Resolution No. 07-55.

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

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.

RECESS: The Mayor declared the meeting recessed at 8:39 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:51 p.m.

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

3. PUBLIC HEARING: City Budget for Fiscal Year 2007-2008.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007-2008, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2007-2008.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2007- 2008, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.

(d). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2007-2008 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2007-2008 STATEMENT OF INVESTMENT POLICY.

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

Finance Director Marc Puckett presented the staff report; introduced Budget & Research Officer Bobby Young; and responded to questions from the City Council.

Mayor Pro Tem Bever commented on the established operating reserve suggesting that it be adjusted for inflation.

Deborah Koken, Costa Mesa, expressed opposition to the proposed skate

park at the Lions Park location pointing out the reason it was not a suitable location including the periodic flooding in that area.

In reference to questions from the City Council, Public Services Director William Morris gave an update on the proposed skate park advising that community meetings would begin in October 2007. Council Member Foley requested that staff notify residences of the surrounding area as soon as possible of the proposed skate park location.

Terrell Koken, Costa Mesa, commented on the flooding in his neighborhood expressing concern of paving any portion of Lion's Park; and questioned the need for two skate parks in the City.

Chris Bunyan, Costa Mesa, commended Allan Roeder, Marc Puckett, and Bobby Young on the Budget Presentation; thanked the Council for their support of the Cultural Arts Committee; and asked for their continued support.

Beth Refakes, Costa Mesa, thanked the City Manager, Finance Director and staff, and the Video Production Coordinator on the preparation of the budget and capital improvements video; expressed concern on the cost of the contract of the animal shelter, employee salaries and benefits, and lost revenue from the Residential Remodeling Incentive Program (RRIP).

Ryan Baron, Costa Mesa, spoke about the Cultural Arts Committee, commended City's Recreation staff for their commitment, and hoped for Council's continued support.

Cindy Brenneman, Costa Mesa, commended City staff on the preparation of the budget and suggested additional fire and police personnel.

MOTION: Approve phase one of the City Council Chamber upgrades consistent with the available Public Education and Government (PEG) funds for the Public address and audio system, Council Chamber security cameras, "Request to speak"/ meeting management system, lighting system and video presentation system; and reserved the video-room renovations until next fiscal year.

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

Council Member Foley inquired on a paperless agenda packet and an interactive system on the dais for the City Council. The City Manager advised that it would be part of phase one and two and would be worked into the overall upgrade.

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.

Discussion ensued among Council Members relating to the publishing and distribution of the City Manager Newsletter.

MOTION: Direct the City Manager to return with options relative to a City Manager Newsletter, including for discussion the budget and the method of distribution. Moved by Council Member Foley, seconded by Council Member Linda Dixon.

Mayor Mansoor stated that he would not support the motion as stated, commenting that he felt there was effective communication with the Council and public through website, electronic mail, televised meetings, and posted staff reports.

Mayor Pro Tem Bever commented on the estimated cost for distribution of the City Manager Newsletter and proposed continued distribution with the Recreation Review.

Council Member Foley restated the motion:

MOTION: Direct the City Manager to utilize the “Recreation Review” for distribution of the City Manager Newsletter, changing the formatting of the Recreation Review to reflect a more community update type of publication.

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

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor

Absent: None.

MOTION: Direct the City Manager to return with a report on costs and funding relating to the implementation of a seasonal street banner program.

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

Council Member Foley commented that she felt it would bring community spirit and pride.

Mayor Pro Tem Bever expressed concern on the proposed number of

banners that would be displayed in the City. Mayor Mansoor expressed his reservation commenting that the focus of the budget should be on infrastructure, crime issues, and open space.

Upon advisement by the City Manager that a motion was not necessary to make the request, Council Member Foley requested staff to return to a future meeting a report on a proposed seasonal street banner program, withdrawing her motion.

MOTION: Adopt Resolution No. 07-56: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007-2008, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.

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 Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

MOTION: Adopt Resolution No. 07-57: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2007-2008.

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

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.

MOTION: Adopt Resolution No. 07-58: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2007-2008, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.

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

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.

MOTION: Adopt Resolution No. 07-59: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2007-2008 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2007-2008 STATEMENT OF INVESTMENT POLICY.

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 Katrina Foley, Council
Member Wendy Leece

Noes: None.

Absent: None.

VIII. OLD BUSINESS

1. From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-12, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 1.2-ACRE PROPERTY FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO I&R (INSTITUTIONAL AND RECREATIONAL) AT 261 MONTE VISTA AVENUE.

MOTION: Adopt Ordinance No. 07-12, to be read by title only, and waived further reading.

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 Katrina Foley, Council
Member Wendy Leece

Noes: None.

Absent: None.

2. From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-13, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONFORMING TO HEALTH AND SAFETY CODE SECTION 33342.7, CONTAINING A DESCRIPTION OF THE COSTA MESA REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN THE COSTA MESA DOWNTOWN REDEVELOPMENT PROJECT AREA.

MOTION: Adopt Ordinance No. 07-13, to be read by title only, and waived further reading.

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.

3. From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-14, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, CHAPTER V, ARTICLE 3 OF THE COSTA MESA MUNICIPAL CODE REGARDING SETTLEMENT AND REJECTION AUTHORITY OF LIABILITY CLAIMS.

The City Attorney advised this would update Council Policy No. 000-3 and recommended the adoption of the amended Council Policy.

MOTION: Adopt Ordinance No. 07-14, to be read by title only, and waived further reading; and adopt Council Policy No. 000-3.

Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor

Absent: None.

IX. NEW BUSINESS

1. Urban Master Plan Screening UMP-07-03 request for 845 Baker Street within the SoBECA Urban Plan area.

Director of Development Services Director Donald Lamm presented the staff report explaining the proposed project.

Anna Lauri, Red Mountain Group Representative, responded to questions

from the City Council. In reference to the Mayor's concern regarding the fourth story development, Ms. Lauri stated that it would be three-level residential units with a fourth for retail. Discussion ensued amongst Council, staff, and the representative relating to the the number of stories, traffic noise reduction, and the incorporation of green building concepts.

MOTION: Receive and file.

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.

2. Request for letter on Federal Immigration Reform.

Assistant City Manager Thomas Hatch briefly summarized the staff report. Mayor Pro Tem Bever explained his reason for bringing this item forward. Mayor Mansoor and Council Member Leece stated their support of the item.

Scott Sink opposed the letter and questioned the contents of the letter.

Gabriela Trujillo, Costa Mesa, expressed concern of the impacts of the letter stating that it lacks specific information and asked Council to represent all citizens of Costa Mesa.

Gema Salas, Costa Mesa, opposed the letter commenting that it should focus on local issues and not on federal issues.

Miguel Mundragon, expressed support for the appropriate immigration reform and felt that council should work towards "resolution not seperation."

Teo Reyes informed of the hardship of making a living by immigrants.

Sharon Tipton opposed sending the letter but stated that any reform should address the core issues for the immigration influx.

Henry Duke, Newport Beach, opposing the letter, questioned its appropriateness.

Lisann Martinez expressed opposition to sending the letter describing it as discriminatory.

Phil Morello, Costa Mesa, expressed support of the letter but felt that all of

the California cities should send such letter in order to make an impact and commented on the negative effects proposed Senate Bill SB1348.

Albert Martinez commented on an immigration theory and the economic factors questioning the logic for this letter.

Uriel Gonzalez commented on the effects on friends if the letter is sent.

Mayor Pro Tem Bever commented on the North America Free Trade Agreement and the proposed bill SB1348 expressing disagreement with the President's proposal.

Council Member Dixon stated she would not support the letter commenting that some of the contents of the letter are poorly defined.

MOTION: Approve sending a letter to the President outlining the City's position on federal immigration reform.

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

Mayor expressed support of the motion and commented on upholding the law noting that there are issues that need to be addressed. Council Member Dixon recommended adding in the letter a postscript "Please bring home the troops soon."

The 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

The City Manager stated a correction on the Police Department's Fireworks Report reporting 50 citations issued in 2005, 36 citations issued in 2004, and 33 citations in 2006.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:47 p.m. The next Regular City Council Meeting will be held July 3, 2007.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa