

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

November 06, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session November 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 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.

III. CLOSED SESSION:

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: Costa Mesa City Employee Association (CMCEA), and the Costa Mesa Police Association (CMPA).
2. CONFERENCE WITH LEGAL COUNSEL - Existing Litigation: Morton v. Costa Mesa and Patel, OCSC Case No. 05CC08007, pursuant to Government Code Section 54956.9(a).

Mayor Mansoor recessed the meeting at 5:04 p.m. to closed session in Conference Room 1B.

(Council Member Dixon exited at 6:00 p.m.)

The Mayor reconvened the regular meeting at 6:24 p.m.

PLEDGE OF ALLEGIANCE -Mayor Mansoor

(Council Member Dixon exited the Council Chambers at 6:26 p.m.)

MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Abbate, Costa Mesa Calvary Chapel

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
Chief of Police Christopher Shawkey
Fairview Park Plan Administrator Robert Staples
Transportation Services Manager Peter Naghavi
Parks Project Manager Bart Mejia
Management Analyst Carol Proctor
City Clerk Julie Folcik

(Council Member Dixon entered the meeting at 7:05 p.m.)

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported that no action were taken on the closed session items.

PRESENTATIONS

The Mayor recognized Victoria Elementary School for Academic Achievement and awarded a "Blue Ribbon School" by the U.S. Department of Education. He presented a proclamation to Principal Judy Laakso and Co-Principal and Kindergarten Teacher Linda Terno.

The Mayor also recognized Back Bay High School's Academic Achievement in the highest improvement in the Newport-Mesa Unified School District with a 127 point gain, and presented a proclamation to Principal Debbie Lucker-Davis.

IV. PUBLIC COMMENTS

1. Christopher Bunyan, Costa Mesa, gave an update on 1800 Newport Boulevard location for "The Closet" store and announced an indoor and outdoor cafe to be operated by Eric Doran and Brian McReynolds.
2. Eric Doran, Huntington Beach, expressed excitement in operating a cafe in "The Closet", spoke about the cafe and the services that would be provided, and encouraged all to visit.
3. Brian McReynolds, Long Beach, partner with Eric Doran, announced the opening of their cafe at "The Closet" and hoped to offer a unique social environment in the City.
4. Scott Lewis, Costa Mesa, requested the Council's assistance relating to a neighborhood issue on housing of known felons and drug dealing. He urged Council for their intervention and advised that the Police Department have been notified.
5. Carl Bureman, Costa Mesa, announced he is an absentee landlord for a property located on Princeton Drive. He reported that his tenants have complained of a barking dog problem from a property located on Swarthmore Lane.
6. Susan Alexander, Costa Mesa, presented pictures of a property located at 452 Swarthmore Lane referencing chronic debris fronting the property and code enforcement issues, and asked the Council to resolve the problem.
7. Judi Berry, Costa Mesa, referred to a Red Light Camera article, questioned the issuing of tickets to drivers who are not the vehicle owners, and the follow-up on those tickets, commenting that the violators are ultimately not held responsible for the ticket and would like the City to look further into that.
8. Valerie Torelli, Costa Mesa, addressed the City's sign ordinance and reported on the astounding number of signs in the public right-of-way. She asked the Council to resolve the loop hole relating to time limits of posted of signs.
9. Robin Leffler, Costa Mesa and representative of the Mesa Verde Home Owner's Association, expressed dismay on the proliferation of real estate and advertising signs in their neighborhood, spoke about sign regulations of the surrounding cities, and asked Council to change the sign ordinance.
10. Mike Berry, Costa Mesa, commented on the growing problem of unregistered vehicles that drive through Costa Mesa and opined that they should be cited.
11. Darlene Jones, Costa Mesa, complained about the real estate signs in the

Mesa Verde neighborhood, presented photos of posted signs, and commented that she would like to see the requirement of addresses of the homes on signs posted, and was supportive of a ban of balloons and flags on the signs.

12. Tony Arcurio, Costa Mesa, recognized the Police Department for their efforts and commented on his neighborhood's safety.

Council Member Dixon entered the Council Chambers at 7:05 p.m.

13. Terry Shaw, Costa Mesa, representing the Costa Mesa Historical Society, announced a Public Speaker's Meeting featuring World War II Veteran Merl Bus Cornelius, to be held on November 18, 2007, at 2:00 p.m. at 1870 Anaheim Street.

14. Cindy Brenneman, Costa Mesa, spoke about the Community Emergency Response Team (CERT) program, reported on how they were instrumental in helping with the Santiago Fires, and encouraged everyone to register for the program. She announced the Costa Mesa Community Foundation awarded three grants at their Inaugural Grant Event held on November 5, 2007 at the Farm Complex and announced the foundation's upcoming events.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Eric Bever welcomed Lt. Brian R. Briggs back from his second tour of duty of Iraq and read a proclamation that would be presented to him recognizing his service to our Country; announced that the Susan Street off ramp will be open on November 16, 2007; echoed a public speaker's comments on the CERT program; reported on the Costa Mesa Fire Department's assistance to the fires in Los Angeles, Orange, and San Diego Counties and thanked the citizens and City staff for their support; and also recognized the Mesa Emergency Service Amateur Communications (MESAC) for their assistance in the fires.

Council Member Wendy Leece encouraged the need to be CERT trained and advised that information would be available on the City's website; thanked the residents of Fairway Drive and Swarthmore Lane for expressing their safety concern in their neighborhood; addressed public comments relating to issues on posted signs and requested that it be brought back for consideration.

Mayor Allan Mansoor announced he attended the Costa Mesa Youth Sports Council meeting and inquired on the timeline of the Request for Proposal (RFP) relating to the reconfiguration of fields and requested the City Manager to clarify what was being funded. The City Manager reported on the timeline of the RFP and expected it to go out in December and hoped that a contract would be available for Council's approval in February 2008. He advised the initial estimate of \$300,000 have been allocated, in the current year, for design services pointing out that the actual costs is unknown pending proposals.

Mayor Mansoor advised of a new program of the Sanitary District on Residential Sewer Lateral and Clean Out Financial Assistance to encourage residents to regularly maintain their sewer lateral and addressed public comments relating to unregistered vehicles.

Council Member Katrina Foley expressed appreciation of support during her absence; spoke about the removal of skin cancer and encouraged the public to see a dermatologist for early detection of skin cancer; thanked all the donors and participants for the Comforts of Home Community Drive for the fire victims and recognized local businesses and community groups; commented on the CERT volunteers and commended Fire Protection Specialist Brenda Emrick for her coordination efforts; announced she attended the Youth in Government program and the Costa Mesa Youth Sports Council meetings; also attended the Battle of the Bells and announced that Costa Mesa United is working on a brick sale for the stadium construction; referred to the sign ordinance and requested the City Manager to look into the distribution of leaflets; requested the Chief of Police for an update on public safety specifically relating to driving under the influence, homelessness, and concerns with Lions Park.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 17.

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 16, except for Consent Calendar Items Nos. 2, 7, 14, and 17. Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Heather Stanfield and Duke Romero Zetina.

3. Warrant Resolution 2184, funding City operating expenses for \$1,544,895.46.

ACTION: Resolution adopted.

4. Warrant Resolution 2185, funding Payroll No. 721 for \$2,395,614.73 and City operating expenses for \$1,317,372.97.

ACTION: Resolution adopted.

5. Warrant Resolution 2186, funding City operating expenses for \$370,612.91

ACTION: Resolution adopted.

6. Authorize reward payment to a citizen of Costa Mesa, in the amount of \$250, pursuant to Costa Mesa Municipal Code, Chapter VII ½ Graffiti, Section 11-147.

ACTION: Approved.

8. Adopt plans and specifications, and working details for the Community Development Block Grant (CDBG) Projects: Bus Turnout Improvements on Wilson Street between Fairview Road and Harbor Boulevard, City Project No. 07-20, and award construction contract to Roadway Engineering and Contracting, Inc., 8861-A Jurupa Road, Riverside, in the amount of \$204,504.60 (base bid plus additive bid items).

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

9. Adopt plans and specifications, and working details for Energy Efficient Roof Coating at Fire Station No. 5, 2450 Vanguard Way, City Project No. 07-26.

(a). Reject bid submitted by Total Contract Maintenance, Inc., 26589 Ironwood Avenue, Moreno Valley, and release of cash deposit for bid bond in the amount of \$2,120.

(b). Award construction contract to Lavey Roofing Services, Inc., 1217 East Wakeham Avenue, Santa Ana, in the amount of \$24,600.

ACTION: Approved; rejected bid by Total Contract Maintenance, Inc. and authorized release of deposit; approved construction contract to Lavey Roofing Services, Inc. and authorized the Mayor and City Clerk to sign.

10. Completion of Community Development Block Grant (CDBG) Projects: Cassia Avenue (Project "A") and Valencia Street (Project "B"), City Project No. 07-01, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

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.

11. Authorize refund of cash deposit, in the amount of \$4,416.40, to Total Contract Maintenance, Inc., 26589 Ironwood Avenue, Moreno Valley, in

connection with Energy Efficient Roof Coating at Mesa Verde Library, 2969 Mesa Verde Drive East, Costa Mesa, City Project No. 07-25.

ACTION: Approved.

12. Authorize refund of cash deposit in the amount of \$9,264 to Home Plate Development (Developer), 711 West 17th Street, Suite B12, Costa Mesa, in connection with Encroachment Permit No. PS07-00530 for street improvements located at 401 Esther Street, Costa Mesa.

ACTION: Approved.

13. Release of Performance and Labor and Materials Bond to California General Partnership (Developer), 260 East Baker Street, Suite 100, Costa Mesa, in connection with Encroachment Permit No. PS06-00010 in the completion of street improvements and corner monumentation for Tract No. 16801 located at 250 East Baker Street, Costa Mesa.

ACTION: Work accepted; bonds exonerated.

15. Susan Street Off-Ramp Right-of-Way Easement Deeds.

(a). Easement Deed with C.J. Segerstrom & Sons, Henry T. Segerstrom Properties, LLC.

(b). Easement Deed with IKEA Property, Inc.

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

16. Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant (JAG) funds for fiscal year 2007-2008.

(a). Budget Adjustment No. 08-013 for \$31,714.

ACTION: Approved; approved Budget Adjustment No. 08-013 and authorized the Mayor to sign.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of April 12, May 17, June 14, November 1, December 13, 2004; April 26, and October 4, 2005; and October 16, 2007, and Adjourned/Study Session and Special Meeting Minutes of October 9, 2007.

MOTION: Approve the Regular Meeting minutes of April 12, May 17, June 14, November 1, December 13, 2004; April 26, and October 4, 2005, based upon the City Attorney's advisement that the minutes may be approved even if all those who vote were not present at the meeting.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

MOTION: Approve the Regular Meeting minutes of October 16, 2007, and Adjourned/Study Session and Special Meeting minutes of October 9, 2007.

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, Council Member Linda Dixon, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Noes: None.

Abstain: Council Member Katrina Foley

Absent: None.

7. Purchase Agreement with L3 Communications, Mobile-Vision, Inc., 90 Fanny Road, Bontoon, NJ, 07005, for the acquisition of 49 in-car digital video recording systems for the Police Department, in the amount of \$440,356.04.

Chris Bunyan, Costa Mesa, thanked the Costa Mesa Police Department and expressed support for the item.

MOTION: Approve

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

14. Agreement and Grant of Easements for right-turn lane improvements and a bike trail at 88 Fair Drive (Orange County Fairgrounds/32nd District Agricultural Association).

Mike Berry, Costa Mesa, commented on the City's maintenance of an easement and opined that the item does not belong on the Consent

Calendar.

Public Services William Morris briefed the staff report.

**MOTION: Approved; authorized the Mayor and City Clerk to sign and direct City Clerk to record agreement and deeds.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING ORAL COMMUNICATIONS AND COUNCIL MEETING ORDER OF BUSINESS AMENDING RESOLUTION NO. 05-08; extending the times for public comments at City Council Study Sessions.

The City Attorney gave a brief overview of the staff report and recommended approval of the resolution.

**MOTION: Adopt Resolution No. 07-80.
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, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp, D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six (6) apartment units to a one (1)-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway Street, in an R2-HD zone (Multiple-Family Residential District, High Density). Environmental Determination: exempt.

Director of Development Services Donald Lamm summarized the staff report and responded to questions from the Council relating to the

minimum parking requirement, repavement of the alley way and rear parking, and the consideration of street parking.

Jacob Sharp, applicant, presented a brief description of the project, stated that the parking is the only issue, and requested that the Council consider the street parking in the front of the unit. He responded to questions from the Council relating to re-asphalt of the alley way and existing parking, maintenance of mature trees, construction hours, and the projected price of each unit.

Cameron Driscoll, Costa Mesa, expressed support as it would attract more homeowners to the Eastside area.

Robin Leffler, Costa Mesa, expressed concern regarding the insufficient parking and the overflow of street parking.

Sandra Genis, Costa Mesa, commented on the shortage of parking and density bonus. She disagreed with the project and stated if it is approved that it be done under a density bonus law requiring low-cost housing.

Beth Refakes, Costa Mesa, expressed concern on the shortage of parking, direct access to garages from the unit, repavement of alley, and the unit price point; hoped Council would uphold the decision of the Planning Commission.

Mike Berry, Costa Mesa, commented on a parking solution and recommended utilizing one or two of the proposed units for open space purposes.

The applicant responded to comments from the public.

Discussion ensued among the Council relating to the repaving of the alley way and the feasibility of additional parking.

MOTION: Adopt resolution approving the project; adding Condition of Approval No. 42, that the owner work with staff to repave the parking area and the alley; adding Condition of Approval No. 43, that Saturday construction hours would be limited to 9:00 a.m. to 5:00 p.m.; addition of Condition of Approval No. 44, that the property owner will preserve all the major trees.

Moved by Mayor Pro Tem Eric Bever. Motion died for lack of second.

MOTION: Adopt resolution to uphold the Planning Commission's denial. Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

Council Member Foley made a substitute motion to continue the item and to give the applicant an opportunity to work with staff to address the

parking issue. The substitute motion was seconded by Council Member Foley. Discussion ensued among the Council Members, staff, and applicant on alternatives to solving the parking problem and the date set for the continuation of the hearing.

The substitute motion restated:

SUBSTITUTE MOTION: Continue to the meeting of January 15, 2008, at 7:00 p.m.

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

The substitute motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:43 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9: 04 p.m.

VIII. OLD BUSINESS

1. From the meeting of August 21, 2007, Request by the Orange County Model Engineers to place a temporary building at the Fairview Park Model Train Station.

Robert Staples, Fairview Park Plan Administrator, presented the staff report and responded to questions from the Council.

Terry Cummings, President of OCME, addressed the need for the temporary building, and expressed the willingness to work with staff and asked for Council's support.

Jan Vandersloot, Newport Beach, pointed out that the Eastside of the park has a lot of natural amenities that might be compromised if buildings are set to close to it.

The following members of the public spoke in opposition to the proposed temporary buildings: Judi Berry, Costa Mesa; Mike Berry, Costa Mesa; and Robin Leffler, Costa Mesa.

Doug Hansen, Costa Mesa, explained the choice of building placement at the park, indicated that it would be catalyst to raise money for the permanent site, that there are several counties that house trains of museum quality, noted how the OCME donates to the community, and encouraged the support of the Council.

Kevin Tollen, Huntington Beach, Past President of OCME, encouraged the Council's support.

Sandy Genis, Costa Mesa, felt a museum at the park site should reflect Costa Mesa's heritage and therefore was not in support of the proposal.

Brian Burnett, Costa Mesa, is a "supporter of sticking with the master plan."

Beth Refakes, Costa Mesa, felt that if a building is to be placed there that it should have a complimentary facade.

Robert Graham, Costa Mesa, spoke in support of the temporary building and felt that it would not be a detriment.

The following expressed their support of the proposed temporary structures: Terrell Koken, Costa Mesa; Ann Hogan Shereshevsky, Costa Mesa; and Frederick Townsend, Fullerton.

Discussion ensued regarding the possibility of creating an appropriate facade and landscaping, and possible interest of the Costa Mesa Historical Society being relocated to the park.

MOTION: Direct staff to work with OCME to proceed forward on the placement of a temporary building at the Fairview Park Model Train Station; that all requirements, permits, and approvals be met; directed that a facade of the building be constructed that is consistent with the Fairview Park Master Plan; and directed staff to pursue grant funding opportunities; Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon

Council Member Foley further added to the motion to direct staff to prepare a contract with OCME and that the contract be approved by the City Manager subject to the City Attorney's approval and that the facade be reviewed by the Planning Commission. Council Member Dixon agreed.

Council Member Dixon requested that language be added to direct staff to meet with the Costa Mesa Historical Society to inquire of their interest in relocating to the site. It was agreed by the maker of the motion.

Mayor Mansoor commented that he was supportive of what is existing but expressed concern regarding the placement of additional buildings at Fairview Park.

The motion restated:

MOTION: Direct staff to prepare a contract with OCME for signature by the City Manager, subject to the City Attorney's approval; that

staff work with OCME to proceed forward on the placement of a temporary building at the Fairview Park Model Train Station; that all requirements, permits, and approvals be met; to direct that a façade of the building be constructed that is consistent with the Fairview Park Master Plan and that it be approved by the Planning Commission; to direct staff to pursue grant opportunities; and directed staff to discuss with the Costa Mesa Historical Society their interest of relocating to the park.

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.

2. From the meeting of August 21, 2007, Professional Services Agreement with RJM Design Group, Inc., 31591 Camino Capistrano, San Juan Capistrano, for "Phase I" planning and conceptual design services of a permanent skate park at Lions Park, in an amount not to exceed \$69,325.

William Morris, Public Services Director, presented the staff report and responded to questions from the City Council.

The Mayor commented that relative to the potential sites for locating a skateboard park that he was not supportive of locating it in the current ball field.

Council Member Dixon asked if the item relative to the closure of a portion of 18th Street (Old Business No. 2) could be considered along with the current item under discussion pointing out it was relevant to the conversation. Likewise, Council Member Foley requested that New Business No. 2, regarding the proposed amendment to the Fairview Park Master Plan for a skateboard and dog park, also be heard concurrently as it was to be considered as an alternative site for a skateboard park and therefore relevant.

The Mayor disagreed with considering New Business No. 3, concurrently as he felt it was not as closely related in topic.

MOTION: To consider Old Business No. 2 and Old Business No. 3 concurrently.

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

Council Member Dixon indicated that she could support the motion if it included New Business No. 2, regarding the Fairview Park Master Plan, as it would streamline the process and yet allow all to comment.

SUBSTITUTE MOTION: To consider Old Business No. 2, Old Business No. 3 and New Business No. 2 concurrently.
Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.

Sandra Genis, Costa Mesa, asked if more than three minutes would be provided for the items, if they are combined.

Mayor Mansoor indicated that he felt it might be confusing to hear the items concurrently. Council Member Dixon withdrew her motion to eliminate any potential confusion.

MOTION: To consider Old Business No. 2 and Old Business No. 3 concurrently.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

Mayor Pro Tem Bever felt that changing the order in which the items were to be heard would be of greater benefit.

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.

3. From the meeting of August 21, 2007, Analysis of possible closure of Park Avenue, north of 18th Street.

Peter Naghavi presented the staff report and responded to questions from the Council Members.

Judith Gielow, Costa Mesa, noted she was not in support of the consultant agreement for the design of a skateboard park in Lions Park as she felt it is in the wrong location, and instead suggested the National Guard property. She is also commented that she opposed to the closing of 18th Street.

Lou Disandro, President of the Baseball Pony League, encouraged the deletion of any of the proposals that would impact the baseball site.

Ann Hogan Shereshevsky, Costa Mesa, reported that the notices sent out regarding the meeting that were not sent to any of the residents of Casa Bella. She commented that she does not support a skate park in Lion's Park but suggested a skateboard park at the fairgrounds.

Lou Walker and Diane Walker, Costa Mesa, commented that if the

Council were to choose Lions Park for the skate park they would recommend Site 4 but would otherwise support Fairview Park for the next skateboard location.

Robin Leffler, Costa Mesa, urged the Council to consider other locations and suggested the City purchase a residential lot to put in a skateboard park.

Patricia Camacho, Lions Park Association member, commented that the Association felt, as a compromise, that only Site 1 would be suitable for consideration but then only for a limited use (elements) with as little paving as possible.

Jim Gray, Costa Mesa, supports a skatepark, agrees that 25,000 square feet for Lion's park is too large for Lions Park but would be supportive of a smaller facility, he also felt that Site 4 was the best choice for a smaller and reasonably sized skate park.

Terrell Koken, Costa Mesa, Lions Park Association member, indicated that Sites 2,3,4, and 5 were unacceptable for a skate park. He strongly suggested changing the study guidelines to include other locations.

John Rubright, Costa Mesa, expressed that he was not in support of a skateboard park at Lion's park or of the closing of a portion of 18th Street.

Walt Hollowell, Costa Mesa, was not in support of a skate park at Lions Park.

Judi Berry, Costa Mesa commented that she does not support a skate park in Lions Park.

Debbie Koken, Costa Mesa, expressed that she supports keeping the park green. She further commented that she was in support of a second skate park if an appropriate location could be found other than Lions Park.

Paul Schmidt, Costa Mesa, commented that he was supportive of Sites 4 and 5 for a small skate park at Lions Park.

Sandra Genis, Costa Mesa, expressed concern that the parks will be destroyed for the sake of a skate park that is utilized by those outside of the City.

Beth Refakes, Costa Mesa, was not in support of a skateboard park in Lions Park.

Tim Cromwell, Costa Mesa, went on record to say that if a baseball field is taken to put in a skate park, he would work to oppose all future skate parks.

Alan Remington, Costa Mesa, suggested the parking lot located at Harbor

Boulevard and Mesa Verde Avenue that is unused and suggested the City speak with the Segerstroms in the acquiring of the location for a Skateboard park.

Council Member Leece commented that she was not in support of a skate park at Lions Park. She pointed out the equipment mentioned in the staff report and suggested that the equipment could be used to provide skateboard elements creating smaller skate parks sites in other park sites, and that could satisfy the need throughout the City, perhaps as a pilot project.

Mayor Mansoor commented that he would not support a skate park at Site 3, that Site 1 and Site 2 would be too close to residential, but he would consider looking at Site 4 and Site 5.

MOTION: Approve and authorize the Mayor and the City Clerk to sign, with the focus of the proposal on potential Sites 4 and 5, as noted in the staff report (Attachment 3).

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

Council Member Dixon indicated that she was intrigued by the suggestion of Council Member Leece relative to smaller skate elements utilizing removable equipment, she however did not feel that Lion's Park was a suitable location. Council Member Leece agreed with the smaller "skateboard parks" as a trial, but agreed that Lions Park may not be the best location for placement.

Mayor Pro Tem suggested an area adjacent to Site 4 that he thought would be suitable for placement, pointing out an area that is currently under-utilized, the area at the west-end of the tot-lot and the restroom area. He felt that with some repositioning, it would be internal to the park and could allow for a space of up to 10,000 square feet.

Council Member Foley indicated that she was not in support of including Site 5 nor in encroaching too far into the grass area but was willing to explore the removal of the restroom. Mayor Mansoor commented that he was not supportive of taking out the picnic area but would like to consider Sites 4 and Site 5, to look at lighting, as well as access and security of the location.

Council Member Foley indicated that the residents have a concern regarding the concentration of uses of the park and felt that if a skateboard park is to be located in Lions Park that it should be a "low-level park".

SUBSTITUTE MOTION: Receive and File the possible closure of a portion of Park Avenue north of 18th Street (Old Business No. 3); determined not to move forward on entering to an agreement with RJM Design Group, Inc., in the conceptual design services of a skateboard

park at Lions Park (Old Business No. 2); directed staff to move forward with a review of smaller parks throughout the City for the placement of a 2,000 skate board park, to include suggestions on equipment that could be utilized. Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.

Council Member Dixon commented that she would prefer to leave Lions Park as it is, as green space is needed.

Council Member Foley asked if the maker of the motion would add direction to look at alternative sites for purchase of land to build a new skateboard park, so as to not replace an existing public use and also requested a timeline for the review of locations to be brought back to Council. Council Member Dixon agreed, noting the date of January 15, 2008 meeting. The City Manager indicated that while the analysis of other current park sites has been done the location of an alternative site for purchase has not. He indicated that Council would need to provide direction relative to proceeding with the suggestion and recommended that staff be directed to bring the information necessary for identifying the process back to Council.

The substitute motion restated:

SUBSTITUTE MOTION: Receive and File the possible closure of a portion of Park Avenue north of 18th Street (Old Business No. 3); determined not to move forward on entering to an agreement with RJM Design Group, Inc. in the conceptual design services of a skateboard park at Lions Park (Old Business No. 2); directed staff to move forward with a review of smaller parks throughout the City for the placement of a 2,000 – 2,500 sq ft skate board park, to include suggestions on equipment that could be utilized, and that the report include the consideration of the necessary steps in the acquisition of additional park land, to be brought back to the meeting of January 15, 2008.

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

The Mayor Pro Tem Bever commented that he was disappointed in the direction of the discussion. He felt that there were viable options presented for Lions Park and stated that he was not supportive of buying property.

The substitute motion carried by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley,
Council Member Wendy Leece

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever

Absent: None.

COUNCIL MEETING TIME LIMIT: At 11:45 p.m., the Mayor noted the time limit for City Council meetings and advised except by majority vote of the Council to continue, meetings shall conclude at midnight. It was unanimously agreed by the Council to proceed with the New Business No. 1.

IX. NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IN SUPPORT OF ACQUIRING REAL PROPERTY AT 2651 NEWPORT BOULEVARD, COSTA MESA, CALIFORNIA, ALSO KNOWN AS THE CALIFORNIA AIR NATIONAL GUARD (ANG) PROPERTY.

Management Analyst Carol Proctor summarized the staff report.

Judith Gielow, Costa Mesa, implored the Council to adopt the plan to acquire the ANG property.

Jan Benis, Newport Beach, urged Council to take the recommended action and commended the Council for reducing the park deficit.

Paul Schmidt, Costa Mesa, applauded the Council for acquiring the site.

Terry Koken, Costa Mesa, referenced a 40 meter log periodic antenna located on the property and requested the Council to negotiate the property with the antenna.

Sandra Genis, Costa Mesa, encouraged the approval of the resolution but felt that with the right negotiators the price could have been reduced.

Mark Korando, Costa Mesa, commented on the need of open space and pointed out that housing is a necessity and not to overlook other potential uses.

Beth Refakes, Costa Mesa, encouraged the Council to pursue the property.

Speaker (no name given) strongly advocate the purchase of the property and supported the expansion of the skate park and dog park.

Jim Gray, Costa Mesa, encouraged the acquisition of the property opining it makes fiscal sense and is good for the City.

Carolyn Colesworthy, Newport Beach, spoke in favor of acquiring the property and pointed out that there is a need for an additional community garden location.

MOTION: Adopt Resolution No. 07-81; directed staff to take necessary steps to communicate the City's interest in the property and advocate for its acquisition for park and open space purposes.

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

Noes: None.

Absent: None.

The Mayor noted it was 11:57 p.m., and stated the following motion:

MOTION: Proceed with New Business Item No. 2 and to continue New Business Item No. 3 to the meeting of November 20, 2007.

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.

2. Proposal to amend the Fairview Park Master Plan for the consideration of a skate park on the east and west side of the park, and a dog exercise area on the east side of the park.

Public Services Director William Morris briefly summarized the staff report. Parks Project Manager Bart Mejia and Fairview Park Plan Administrator Robert Staples were present to answer any questions from the Council.

Mayor Mansoor and Council Member Leece indicated that they would not be supportive of a skate park or a dog exercise area at this time.

Kevin Tollen, Costa Mesa, expressed concern on the remoteness of the site, graffiti, tree damage, and safety issues.

Bob Brooks, Costa Mesa, commented on his concern of vandalism and pointed out the maintenance costs and incompatibility of the dog park.

Rod Milburn, Costa Mesa, referenced Fairview Park as Goat Hill and spoke about his experience in enjoying the park.

Doug Hansen, Costa Mesa, spoke in opposition of a skate park and dog park at Fairview Park.

Terry Cummings, expressed support of open space and a passive park,

pointed out vandalism issues, and discouraged a bark park or skate park.

Larry Courter, Costa Mesa, would like Fairview Park to remain natural and open space and expressed support for a skate park in an area for "non-natural structural improvements".

Judi Berry, Costa Mesa, expressed concern on comments by the Parks and Recreation Commission relating to the park as under utilized. She opposed the paving of Fairview Park.

Patricia Barns, Cypress, Conservation Chairperson of the Orange County Chapter of the Sierra Club, encouraged the maintaining of Fairview Park as open space.

Al Remington, Costa Mesa, expressed support for open space and a natural park and encouraged the Council to take the responsibility for maintaining the park.

Judy Gielow, Costa Mesa, commented that a skate park is not consistent with the westside of the park and pointed out alternative locations for a skate park.

Terri Walsh, Chairperson of the Banning Ranch Park and Preserve Taskforce, supported a skate park and bark park; however, implored the Council to find another location.

John Anderson, General Director of the Harbor Soaring Society, distributed a letter to for Council's consideration and expressed concern of the proposed skate park and the installation of light poles.

Brian Burnett, supports more skate park in the City but not at Fairview Park; commented on the park as being a passive nature park and felt that the Council should not commercialize the park.

Robin Leffler, Costa Mesa, pleaded to keep Fairview Park wild and open, asked Council to uphold the Master Plan and to preserve the intended use.

Carolyn Colesworthy, Newport Beach, spoke about the natural environment of Fairview Park and indicated that the proposed uses are not congruent with the natural setting of the park.

James Jones, Costa Mesa, referred to the vernal pools pointing out in a previous report that a dog park was incompatible to the area; strongly suggested that the Master Plan be only amended every five years.

Jan Vanderslooth, Newport Beach, agreed with the Mayor and Council Member Leece and keep Fairview Park as open space and kept natural.

The following people also spoke in support of preserving the Fairview

Park Master Plan: William Rightler, Costa Mesa; and Jackie Gray, Costa Mesa.

Tim Cromwell, Costa Mesa, commented that he felt that no more amendments to the Master Plan should be made however; he would not be opposed to a skate park directly next to the stadium.

Terry Tyson, Costa Mesa, emphasized the protection of Fairview Park's natural state.

Sandra Genis, Costa Mesa, requested the Council to keep the Master Plan as is and indicated that the proposed dog park location would be unsafe and ultimately not a good idea.

Jim Gray, Costa Mesa, supports the addition of active recreation but not to encroach on the natural spaces of Fairview Park.

Pat Bell, Costa Mesa, commented that Fairview Park was not ideal for a dog park but would support the location. She spoke about the need of another dog park and requested the Council to find other locations.

Steve Devie, Costa Mesa, recommended working with the current Master Plan and would like to see it to fruition.

Patricia Allen, Huntington Beach, President of the Costa Mesa Bark Park Foundation, indicated that she does not agree with the proposed area of the dog park in Fairview Park.

Speaker, no name given, opposed the amending of the Fairview Park Master Plan.

Bob Dixon, Costa Mesa, commented that the Master Plan should be implemented or otherwise change it.

**MOTION: Receive and file report and determine not to move forward with a skateboard park or a dog park at Fairview Park at this late hour.
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

Council Member Foley referred to the Council Policy on requests for changes and limitations to the Fairview Park Master Plan and commented that with the limited amount of open space that is available there is still the necessity to balance the interests of the community noting her suggestion was for a parcel that was not a part of the area to be restored. She was in support of maintaining the natural areas of Fairview Park and where possible to expedite the plan. She commented that the implementation of the master plan needed to be funded and was necessary in order to preserve the current master plan.

SUBSTITUTE MOTION: Direct staff and the Parks and Recreation Commission to review and amendment to the Fairview Park Master Plan for the allowance of a skate park at location number two, adjacent to the stadium.

Moved by Council Member Katrina Foley. Motion died for lack of second.

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: Direct staff to look at other areas for a second location for a bark park.

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

The motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

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

Absent: None.

The Mayor indicated that he was open to another location of a bark park, but not at this late hour.

3. Prioritization of current City projects.

ACTION: Continued to the meeting of November 20, 2007.

X. REPORTS

The City Manager referenced requests from Council Member Foley regarding prior direction relative to alternative locations for a dog park and advised staff would return with the requested information.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 1:20 a.m., on November 7, 2007, to November 13, 2007 at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held November 20, 2007.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa