

**Proposed Action Minutes Format
REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA**

MARCH 15, 2005

The City Council of the City of Costa Mesa, California, met in regular session March 15, 2005, at 5:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Gary Monahan
Council Member Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall
Barlow
Development Services Director
Donald Lamm
Public Services Director William
Morris
Deputy City Clerk Julie Folcik

REQUEST FOR CLOSED SESSION

1. Request for Rehearing by Council Member Foley of the City Council's February 22, decision regarding the following: Pursuant to subdivision (a) of Section 54956.9 of the California Government Code, a closed session has been scheduled for the City Council to confer with legal counsel, Kimberly Hall Barlow, City Attorney, regarding existing litigation (one case): People v. Fishetti, Case No. CM46167PE.
2. Request for Rehearing by Council Member Foley of the City Council's February 22, decision regarding the following: Pursuant to subdivision (b) (1) of Section 54957 of the California Government Code, a closed session has been scheduled for the City Council to confer with the City's representative, Steve Mandoki, Director of Administrative Services, regarding public employment. Title: Sr. Deputy City Attorney and Paralegal.

PUBLIC COMMENTS

There were no speakers under Public Comment.

Council Member Foley proposed that City Council members attend the Butterfly Project unveiling event being held in the lobby of City Hall at 5:00 p.m.

Motion by: Mayor Mansoor, seconded by: Council Member Bever

MOTION: To immediately adjournment to closed session.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Dixon.

Noes: Foley.

Mayor Mansoor adjourned the City Council meeting to a closed session in first floor Conference Room B, at 5:10 p.m.

The Mayor reconvened the regular meeting of the City Council at 6:30 p.m.

PLEDGE OF ALLEGIANCE Council Member Bever

MOMENT OF SOLEMN EXPRESSION Frank Villegas, Harbor Christian Fellowship.

ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Gary Monahan
Council Member Eric Bever
Council Member Linda Dixon
Council Member Katrina Foley

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall
Barlow
Development Services Director
Donald Lamm
Public Services Director William
Morris
Fire Chief Jim Ellis
Deputy Fire Chief Gregg Steward
Police Chief John Hensley
Police Lieutenant Tom Curtis
Finance Director Marc Puckett
Recreation Manager Jana
Ransom
Principal Planner Kim Brandt
Management Analyst Hilda
Veturis
Deputy City Clerk Julie Folcik

CLOSED SESSION REPORT

1. The Request for Rehearing by Council Member Foley of the City Council's February 22, 2005, decision regarding existing litigation (one case): People v. Fishetti, Case No. CM46167PE.

MOTION: To deny rehearing request.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

2. Request for Rehearing by Council Member Foley of the City Council's February 22, decision regarding the following: Pursuant to subdivision (b) (1) of Section 54957 of the California Government Code, a closed session had been scheduled for the City Council to confer with the City's representative, Steve Mandoki, Director of Administrative Services, regarding public employment. Title: Sr. Deputy City Attorney and Paralegal.

MOTION: To deny rehearing request.

Motion carried by the following roll call vote:
Ayes: Mansoor, Monahan, Bever, Foley, Dixon.
Noes: None.

PRESENTATIONS

Mayor Mansoor congratulated Mary Fewel and Karen Schell on receiving the Mayor's Award for March, 2005. He commended them for assisting the Police Department by reporting someone painting a wall with graffiti, and aiding the investigation.

Mayor Mansoor congratulated Bobby Young, Accounting Supervisor, Finance Department, on being named Employee of the Month for March, 2005. Bobby was recognized for directing the preparation of the City's Financial Report without the assistance of "outside" auditing firms, which saved the City money, and underscored Bobby's ability and financial knowledge.

PUBLIC COMMENTS

John Miner, Costa Mesa, spoke about vehicles which speed along Broadway which recently resulted in a traffic fatality.

John Blitz, Costa Mesa, asked that speeding on Broadway between Fullerton and Orange Avenues be addressed.

A resident, Costa Mesa, suggested installing speed bumps to remedy the speeding issue on Broadway.

Brian Evans, Newport Beach, reiterated questions in connection with a lawsuit involving former Costa Mesa resident Sid Soffer.

Mark Buchanan, Costa Mesa, commented regarding the Newport Beach Junior Lifeguard Program. Council Member Foley asked that the Costa Mesa Recreation staff further investigate the Lifeguard Program, and proposed initiating a joint program with Newport Beach.

Terry Shaw, Costa Mesa, extended an invitation to the Costa Mesa Historical Society meeting to be held Wednesday, March 16, 2005, at 7:30 p.m.

Jim Gray, Costa Mesa, of Boy Scout Troop No. 711, thanked Council for building a skateboard park in Costa Mesa.

Don Elmore, Costa Mesa, expressed concern regarding pedestrians who cross the street against the red light at Harbor Boulevard and Wilson Street, Harbor Boulevard and Adams Avenue, Placentia Avenue and Wilson Street, and Victoria Street and Placentia Avenue and bicyclist riding against traffic. Mayor Mansoor asked that these items be brought to the attention of the Police Department.

Beth Refakes, Costa Mesa, asked about the Huscroft House funds allocation. The City Manager confirmed that the Huscroft House would be on a future Council agenda.

Mike Evans, Costa Mesa, inquired about street improvements planned for 17th Street between Placentia and Whittier Avenues.

Martin Millard, Costa Mesa, commented on loitering day workers.

Anne Hogan-Shereshevsky, Costa Mesa, reiterated her previous requests for a ban on fireworks.

CONSENT CALENDAR

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Dixon,

MOTION: To approve recommendation Consent Calendar Nos. 1 -10, except item No. 9.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

1. Reading Folder.

ACTION: Received and processed

Claims received by the Deputy City Clerk: Carlos Eduardo da Silva Braga, et al.; Keith Costanzo; Christian Crampton; Tyler Gibbs; Billy Mejia; Park Center Place Apartments; and Behnam Sharifi.

Request for Alcoholic Beverage Control License from Taka Sushi, 2969 Fairview Road, for a person-to-person transfer of an existing Type 41 ABC License (on-sale beer and wine for a bona fide eating place).

2. Regular meetings of February 7, 2005, and February 22, 2005.

ACTION: Approved as distributed.

3. Warrant Resolution 2047, funding Payroll No. 504 for \$2,068,450.95, Payroll No. 503A for \$339.69, and City operating expenses for \$518,996.72, including payroll deductions.

ACTION: Approved.

4. Warrant Resolution 2048, funding City operating expenses for \$394,239.84.

ACTION: Approved.

5. Joint Agreement for the Operation, Maintenance, and Financial Management of the 800 MHz Countywide Coordinated Communications System (800 MHz CCCS) with the County of Orange, 840 North Eckhoff Street, Suite 104, Orange, the financial obligations being consistent with the partnership Joint Agreement of June 24, 2003.

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

6. Amendment No. 10 to Master Funding Agreement C-95-968 with Orange County Transportation Authority (OCTA), which replaces the prior Exhibit A with a revised "Combined Transportation Funding Programs Allocations" list dated December 20, 2004.

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

7. Purchase of two 2005 Chevrolet Tahoe two-wheel drive vehicles with Police packages from Woondries Fleet Group, 1247 West Main Street, Alhambra, for \$60,680.75. The purchase is in conjunction with the County of Los Angeles in order to receive volume discount pricing.

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

8. Item Withdrawn

CONSENT CALENDAR

10. Budget Adjustment No. 05-069 for \$118,000.00 for Storm Drain Emergency Repair Work Projects, to repair damaged public areas utilizing State and Federal Public Assistance Funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

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

9. Agreement with Data Ticket, Inc., 4600 Campus Drive, Suite 200, Newport Beach, for an amount not to exceed \$100,000.00, for parking citation processing including data processing, collection of fines, and administrative reviews and hearings, effective through March 31, 2010.

Mike Berry, Costa Mesa, questioned why this is not being handled on a contingency basis.

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Dixon.

MOTION: Approve agreement and authorized the Mayor and Clerk to sign on behalf of the City.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

PUBLIC HEARINGS

There being no objection, it was unanimously agreed to address the following matters Public Hearing No. 2, Public Hearing No. 3 and New Business No. 4, out of order:

2. PUBLIC HEARING: Continued from the meeting of February 22, 2005, request from Kim Berry, authorized agent for Cameo Homes, for a one-year extension of time for Planning Application PA-03-31 for a master plan amendment and variance from perimeter open space requirements (20 feet required; 6 feet proposed) for the construction of garages along a side property line, located at 550 Paularino Avenue in a Planned Development Residential - High Density (PDR-HD) zone. Environmental determination: Exempt.

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Dixon.

Charles Ives, Costa Mesa, confirmed continuance.

MOTION: Continue to the City Council meeting of April 19, 2005.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

3. PUBLIC HEARING: Resolution amending the current parkland impact fee in lieu of land dedication requirements for new residential subdivisions within the City of Costa Mesa pursuant to the City's Subdivision provisions (Article 5 of Chapter XI, Subdivisions, of Title 13 of the Costa Mesa Municipal Code).

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Foley.

MOTION: Continue to the next available City Council study session.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

NEW BUSINESS

4. Presentation by the Costa Mesa United Foundation.

Motion by: Council Member Foley, seconded by: Council Member Dixon

MOTION: Continue to continue to the meeting of April 5, 2005.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

PUBLIC HEARING

The Deputy City Clerk announced that this is the time and place set for the public hearing continued to consider:

1. PUBLIC HEARING: Continued from the meeting of February 22, 2005, an ordinance adopting an Emergency Medical Services (EMS) Subscription Program and Restructuring Emergency Medical Services Response Fees, amending Title 7 of the Costa Mesa Municipal Code.

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

The Fire Chief summarized the Agenda Report dated March 2, 2005.

Judi Berry, Costa Mesa, objected to the \$36.00 subscription fee. Mayor Mansoor asked the City Attorney to provide Ms. Berry with an opinion regarding the subscription fee and Medi-care and Medi-cal provisions.

Mayor Mansoor expressed his support of billing insurance for residents, waiving the deductible and co-insurance, and charging the Basic Life Support (BLS) and Advanced Life Support (ALS) fees to non-residents.

Mike Berry, Costa Mesa, favored billing the insurance companies.

Beth Refakes, Costa Mesa, thought that a group home rate should be included,

Paul Flanagan, Costa Mesa, experienced with medical billing, reported that emergency transportation is covered by Medi-care and Medi-cal.

Brian Evans, Costa Mesa, addressed adoption of the ordinance and resolution.

Terry Shaw, Costa Mesa, expressed confusion of some of the wording in Ordinance.

There being no other speakers, the Mayor closed the public hearing.

Motion by: Mayor Mansoor, seconded by Council Member Foley.

MOTION: To give first reading to Ordinance 05-3, as amended, to be read by title only: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES (EMS) SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES, amending Section 7-132(a) to include language for billing the insurance companies for resident claims, and waiving the deductible and co-insurance fees; amending Section 7-132(a) by adding, "The BLS and ALS Fire Department User Fees shall be established by resolution of the City Council," and deleting "The current BLS (\$185) and ALS (\$295) Fire Department user fees shall be eliminated, and in their place shall be created one Fire Department EMS Response Fee, the amount of which shall be established

by resolution of the City Council”, directing staff to prepare a resolution providing for a Basic Life Support (BLS) fee of \$215.00, the Advanced Life Support (ALS) fee of \$350 to non-residents, and to bill the non-residents, as well as their insurance companies; and to waive further reading.

Mayor Mansoor upon clarification of his motion’s intent that the subscription fee be eliminated, the City Attorney advised that the ordinance would need to further be amended as proposed to delete Sections 7-128, 7-129, 7-130, 7-131, and 7-133.

Council Member Foley withdrew her second to the motion, commenting that residents would bear the burden of the cost should they not have insurance and a subscription fee was not offered.

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Dixon

MOTION: Ordinance 05-3, be given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES (EMS) SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES, to be read by title only and waive further reading. Second reading and adoption are scheduled for the meeting of April 5, 2005.

Motion carried by the following roll call vote:
Ayes: Monahan, Bever, Dixon.
Noes: Mansoor, Foley.

Mayor Pro Tem Monahan asked that the City Attorney’s Office research the waiver of deductibles and co-payments prior to second reading of the ordinance.

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Dixon.

MOTION: To read the ordinance by title only, and to waive further reading.

Motion carried by the following roll call vote:
Ayes: Mansoor, Monahan, Bever, Foley, Dixon.
Noes: None.

Mayor Mansoor declared a recess at 8:30 p.m., and reconvened the meeting at 8:45 p.m.

NEW BUSINESS

1. Costa Mesa Job Center.

Mayor Pro Tem Monahan reviewed the Agenda Report dated March 3, 2005.

Dave Salcido, Costa Mesa, felt that the Job Center is a symptom of the problem.

Mike Berry, Costa Mesa, concurred.

Wendy Leece, Costa Mesa, opposed the job center.

Bill Turpit, Costa Mesa, volunteered his services to work with the City to find an alternative solution.

Dave Brooks, Costa Mesa, observed that the effectiveness of the Police Department will be affected by closure.

Frank Forbath, Costa Mesa, supported retention of the Job Center.

Martin Millard, Costa Mesa, opposed the job center.

Judi Berry, Costa Mesa, supported the closure of the job center.

Phil Morello, Costa Mesa, supported the closure of the job center.

Beth Refakes, Costa Mesa, cautioned awareness of potential impacts connected with closure.

The following Costa Mesa residents opposed closure of the Job Center:
Paul Flanagan; Terry Shaw; Mirna Burciaga; Christy Brooks; Pamela Frankel;
and David Stiller; Bob Graham.

Motion by: Mayor Pro Tem Monahan, seconded by: Mayor Mansoor,

MOTION: Staff was directed to terminate the lease of the Costa Mesa Job Center, as of June 30, 2005, with legal notice commencing as of April 15, 2005; to immediately post notices and distribute hand bill notices at the job center announcing that effective April 15, 2005, that the Center will implement “resident only” usage for workers and employers utilizing the Center are either residents or show proof of a City Business license; for staff to initiate contact with Labor Ready to explore joint participation possibilities in the labor market; directed staff to research and evaluate other similar programs that may be available including contacting the cities of Augora Hills and Santa Monica to evaluate such programs as the call center; to research traffic enforcement and develop an implementation plan; directed the City Attorney to research time and place requirements; and directed that staff currently assigned to the Job Center be reassigned for the Fiscal Year 2005-2006.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever.

Noes: Foley, Dixon.

The Mayor declared a recess at 10:20 p.m., and reconvened the meeting at 10:35 p.m.

NEW BUSINESS

2. Westside Revitalization Oversight Committee (WROC) Implementation Plan.

The Principal Planner summarized the Agenda Report dated March 15, 2005.

The following Costa Mesa residents and/or business owners supported the WROC Implementation Plan: Chris Eric, Committee Member; John Hawley; Paul Flanagan; Mike Harrison; Roger McGregor, McGregor Yacht Corporation; Steve Marx, Committee Member and business owner; Clarence Turner; Beth Refakes; Bill Turpit, Committee Member; Mike Evans; Martin Millard, Committee Member; Mike Berry, Committee Member; Dave Salcido, Committee Member; Frank Gutierrez, Committee Member; Bill Modick, business owner; Judi Berry; and Kathleen Eric, Committee Member.

Terry Shaw, Costa Mesa, asked some questions.

Motion by Council Member Bever, seconded by Mayor Mansoor:

MOTION: Direct staff to proceed with the implementation of the WROC zoning incentives as conceptualized in the map produced and provided by Council Member Bever, dated March 15, 2005, and with zoning incentives processed in the following order:

B1-Live/Work or Residential Overlay

D1-Residential Ownership Incentive Overlay

A2-Mixed Use, Commercial-Residential Hybrid Overlay;

directed staff to proceed with the following recommendations in the order to be determined by staff:

C4-Garbage Dumpster Standards

C5-Code Enforcement Volunteer Program

D3-Flexible Development Standards Ordinance

E1-West 19th Street Pedestrian Access Study;

and directed staff to prepare a resolution to disband the WROC committee.

Council Member Foley expressed an interest in creating a bicycle trail to the beach. The City Manager suggested having staff review the bike plan in light of the proposed bikeway.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

Motion by: Council Member Dixon, seconded by Council Member Foley.

MOTION: Approve extending the Council past the midnight hour in order to discuss the remaining item, New Business No. 3, Trinity Broadcasting Network.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever, Foley, Dixon.

Noes: None.

NEW BUSINESS

3. Trinity Broadcasting Network Conditional Use Permits (PA-96-19 and PA-98-24).
Recommendation: Refer to and request the Planning Commission to review, and if appropriate, conduct a public hearing on the conditional use permit currently detailing the operation of Trinity Broadcasting Network

Council Member Dixon reviewed the Agenda Report dated March 3, 2005.

Stacy Schofro, Costa Mesa, complained about noise caused by TBN.

John Casoria, representing Trinity Broadcasting Network, reported that TBN had worked diligently with City staff to establish workable conditions of approval.

Beth Refakes, Costa Mesa, thought that the City should ensure that residents are allowed the peaceful enjoyment of their property.

Motion by: Mayor Pro Tem Monahan, seconded by: Council Member Bever,

MOTION: Receive and file.

A substitute motion by: Council Member Foley, seconded by Council Member Dixon,

SUBSTITUTE MOTION: To refer to and request the Planning Commission to review, and if appropriate, conduct a public hearing, on the conditional use permit currently detailing the operation of Trinity Broadcasting Network.

Substitute motion failed to carry by the following roll call vote:

Ayes: Foley, Dixon.

Noes: Mansoor, Monahan, Bever.

MOTION (Original): Receive and file.

Motion carried by the following roll call vote:

Ayes: Mansoor, Monahan, Bever,

Noes: Foley, Dixon.

COUNCIL COMMENTS

Council Member Foley reported that she had attended the Costa Mesa American League and Costa Mesa National League opening day ceremonies, noting that there was a good turnout. She restated her request to establish a Neighborhood Safety Task Force. The City Manager replied that he would schedule a meeting with Council Member Foley and Council Member Dixon to fashion an application for the task force.

Council Member Bever thanked Council for their support on the west side issue and unanimous approval of the WROC report.

The Mayor declared the meeting adjourned at 12:55 a.m.