

Minute Excerpt - City Council Meeting of January 3, 2005

	sidewalks at various locations on 20 th Street, and authorized the Mayor and Deputy City Clerk to sign on behalf of the City.
Awarded Fairview Park Multipurpose Trail, Project No. 04-24, to Sol; Approved Budget Adjustment 05-042	Awarded contract for Fairview Park Multipurpose Trail, Project No. 04-24, to Sol Construction, Inc., 19497 Hebron Court, Riverside, for \$261,174.00 (base bid only), authorized the Mayor and Deputy City Clerk to sign on behalf of the City; and approved Budget Adjustment No. 05-042 for \$84,400.00.
Accepted Work for Carpet Replacement at NCC, Project No. 04-15, by The Irvironmentalists	Carpet Replacement at the Neighborhood Community Center, 1845 Park Avenue, Project No. 04-15, was completed to the satisfaction of the Public Services Director on November 30, 2004, by The Irvironmentalists Commercial Services Company, doing business as The Irvironmentalists, 1355 South Acacia Avenue, Fullerton. The work was accepted; the Deputy City Clerk was authorized to file a Notice of Completion; authorization was given to release retention monies 35 days thereafter; the Labor and Material bond was ordered exonerated 7 months thereafter; and the Performance Bond was ordered exonerated 6 months thereafter.
OLD BUSINESS City Seal	The Deputy City Clerk presented from the meeting of December 6, 2004, second reading and adoption of Ordinance 04-16, pertaining to restrictions for use of the City Seal and penalties for misuse. Mike Berry, Costa Mesa, mentioned that the motivation behind the ordinance was display of the City Seal during the previous November, 2004, election, and pointed out that during that election a City fire truck had displayed election banners supporting candidates. He thought that both issues should be addressed. Council Member Foley advised that the City Seal is being used by several businesses within the community, therefore this issue is broader than simply the previous election.
MOTION/Adopted Ordinance 04-16	On motion by Mayor Pro Tem Monahan, seconded by Council Member Dixon, and carried 5-0, Ordinance No. 04-16 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 2-15 TO THE COSTA MESA MUNICIPAL CODE PERTAINING TO RESTRICTIONS FOR USE OF THE CITY SEAL AND PENALTIES FOR MISUSE THEREOF.
OLD BUSINESS Appointment of Commission, Boards, and Committees	The Deputy City Clerk presented from the Special Meeting of December 13, 2004, second reading and adoption of Ordinance 04-17, regarding City Council appointment of commissions, boards, and committees.
MOTION/Adopted Ordinance 04-17	On motion by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, and carried 4-1, Council Member Foley voting no, Ordinance No. 04-17 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 2, 12, AND 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CITY COUNCIL APPOINTMENT OF COMMISSIONS, BOARDS, AND COMMITTEES.
NEW BUSINESS Commission Appoint- ment Process	The Deputy City Clerk presented commission appointment process and selection. The City Manager reviewed the Agenda Report dated December 21, 2004.

MOTION/Accepted Applications

A motion was made by Council Member Foley, seconded by Mayor Mansoor, and carried 5-0, to accept applications which had been received after 5:00 p.m. on the date which they were due.

Sandra Genis, Costa Mesa, suggested a method of interviewing candidates which included the five Council Members interviewing selected candidates at the same time, Council discussion after the interview, ranking of the top five candidates, and reaching a consensus together.

Beth Refakes, Costa Mesa, expressed interest in viewing the letters of interest and resumes. The City Manager advised that applications were available in the City Manager's office for public review. Ms. Refakes agreed that the candidates selected should be interviewed by all five Council Members at the same time, and proposed that more than a simple majority be required.

MOTION/To Approve Option 1 Failed to Carry

A motion was made by Council Member Foley, seconded by Council Member Dixon, to approve interview Option No. 1 as amended, allowing for 15 to 20 minute interviews with the candidates that had previously been selected by each Council Member.

Mayor Mansoor opposed the motion, stating that he was not interested in this type of formal interview. He observed that Council is familiar with many of the applicants who regularly attend City Council and Planning Commission meetings. Council Member Bever opposed the motion, adding that the applicant's resumes and letters of interest provide adequate information.

The motion failed to carry 3-2, Mayor Mansoor, Mayor Pro Tem Monahan, and Council Member Bever voting no.

MOTION/Approved Conducting Individual Interviews

A motion was made by Mayor Mansoor, seconded by Mayor Pro Tem Monahan, to provide for City Council Members to individually conduct interviews of any of the applicants for the Planning Commission and the Parks and Recreation Commission.

Council Member Dixon indicated that she would like to ensure that there will be unanimous approval of the ten commissioners who will serve the community.

The motion carried 3-2, Council Member Dixon and Council Member Foley voting no.

MOTION/Approved Selection Process

A motion was made by Mayor Pro Tem Monahan, seconded by Mayor Mansoor, to approve voting selection Option No. 3: to establish a procedure for the selection of commissioners to the Planning Commission and the Parks and Recreation Commission that provides: a random draw of numbers by Council Members to determine the order in which each nomination will be made; that for each nomination receiving a second, a vote will immediately be taken; that the right to nominate moves to the next Council Member, in order of draw, for those nominations not receiving a second; and that the process continues until five commissioners for each of the commissions are selected.

MOTION/To Approve Option 2 Failed to Carry

A substitute motion was made by Council Member Foley, seconded by Council Member Dixon, to approve voting selection Option No. 2, as noted in the Agenda Report dated December 21, 2004.

Council Member Foley preferred Option No. 2 because it provides for a system where every Council Member has the opportunity to put forward a nominee and to build consensus. She believed that Option No. 3 had the potential to confuse the nominating process. Council Member Bever thought that Option No. 3 was clear ensuring that the nomination process was straightforward.

The substitute motion failed to carry 3-2, Mayor Mansoor, Mayor Pro Tem Monahan, and Council Member Bever voting no.

The original motion carried 4-1, Council Member Foley voting no.

NEW BUSINESS
Eastside Annexation
Area 7

The Deputy City Clerk presented Eastside Annexation Area 7 Policy Direction. The Assistant Development Services Director reviewed the Agenda Report dated December 22, 2004, and responded to questions from Council.

Since the City of Newport Beach City Council will consider a resolution of application to annex West Santa Ana Heights at their meeting of January 25, 2005, Mayor Pro Tem Monahan suggested forwarding a letter to Newport Beach, or to the Local Agency Formation Commission (LAFCO), to advise that the City of Costa Mesa is not interested in relinquishing its sphere of influence at this time but would be interested in participating in discussions relating to sphere issues. Council Member Foley supported Mayor Pro Tem Monahan's suggestion, and encouraged working with the City of Newport Beach to negotiate a resolution to the different areas.

Cal McLaughlin, Costa Mesa, coordinator of the protest regarding annexation to the City of Costa Mesa, reported that of the 500 registered voters in the area south of Mesa Drive in the Santa Ana County Club region, 79 percent supported annexation to Newport Beach, 5 percent to Costa Mesa, and 15 percent abstained. He indicated that the "County island" has existed for 40 years.

Art Cencel, Newport Beach, member of the Santa Ana Country Club, stated that 50 percent of the Club members are Newport Beach residents, and 5 percent are residents of Costa Mesa, noting that the majority support annexation to Newport Beach.

Mike Berry, Costa Mesa, asked Council to deny the City of Newport Beach's efforts to annex this area, and encouraged review of the fiscal impact. He observed that there are additional options, and commented that the Newport-Mesa Unified School District, the Mesa Consolidated Water District, and the Costa Mesa Sanitary District will be affected by this decision.

Martin Millard, Costa Mesa, approved negotiating with the City of Newport Beach, but thought that additional areas could be at risk for annexation.

Robert Graham, Costa Mesa, disagreed with the recommendation in the Agenda Report dated January 3, 2005, to not oppose efforts by Newport Beach to annex the West Santa Ana Heights area, commenting that it legitimately belongs to Costa Mesa. He supported retaining all three areas.

Beth Refakes, Costa Mesa, concurred that the West Santa Ana Heights region should be retained in Costa Mesa, and asked the amount of property tax and sales tax which are generated by each of the three areas in question, as well as the annexation costs.