

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

APRIL 19, 2004

The City Council of the City of Costa Mesa, California, met in regular session April 19, 2004, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by the Pledge of Allegiance to the Flag led by Council Member Scheafer, and a moment of solemn expression led by the Pastor Bill Gartner, Harbor Christian Fellowship.

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem Allan Mansoor
Council Member Libby Cowan
Council Member Chris Steel
Council Member Mike Scheafer

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Acting City Attorney Tom Wood
Development Services Director
Donald Lamm
Public Services Director William
Morris
Fire Chief James Ellis
Neighborhood Improvement
Manager Muriel Ullman
Transportation Services Manager
Peter Naghavi
Fire Marshal Thomas Macduff
Senior Planner Kimberly Brandt
CDBG/HOME Coordinator Mike
Linares
Management Analyst Carol
Proctor
Management Analyst Alma
Penalosa
Deputy City Clerk Julie Folcik

MINUTES
April 5, 2004

On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 5-0, the minutes of the regular meeting of April 5, 2004, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

A motion was made by Council Member Steel, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to read all ordinances and resolutions by title only.

PRESENTATION
"Jim Ellis Day"
Proclamation

Mayor Monahan read and presented a Proclamation to Fire Chief Jim Ellis proclaiming April 19, 2004, "Jim Ellis Day", in recognition of his heroism and act of selflessness when he, and his son Kevin, rescued a man from his car that was engulfed in flames, after being involved in a head-on collision.

PROCLAMATIONS

Mayor Monahan announced that the following Proclamations were presented by the City during the month of April: Financial Literacy Month; Orange County Fair 25th Annual Youth Expo., April 30-May 2, 2004; Fair Housing Month; and National Donate a Life Month.

<p>PUBLIC COMMENTS Traffic/Pedestrian and Bicycle Safety</p>	<p>Don Elmore, Costa Mesa, commented on traffic and pedestrian safety in the City referring to photographs of intersections that have overgrown vegetation, making it difficult to see oncoming traffic. He also noted problems with bicycles traveling the wrong way in bike lanes; improper lighting at night, children not wearing helmets, and complained of the noise created by scooters with gasoline engines. Mr. Elmore asked that Council provide a Proclamation to the Military Troops serving the United States, saluting and thanking them for their support.</p>
<p>Proclamation to Military Troops</p>	
<p>Shopping Carts Produce Trucks</p>	<p>Martin Millard, Costa Mesa, complained about Stater Bros. shopping carts on Baker and Mendoza Streets, as well as produce trucks in the Mesa North tract that are not observing City codes. He asked Council about the possibility of the undergrounding of utilities on Baker Street, and suggested using plants or ivy to cover the cinder block wall on Baker Street. Mayor Pro Tem Mansoor responded that the subject matter of undergrounding utilities would be discussed at the July 12, 2004, study session.</p>
<p>Undergrounding of Utilities</p>	
<p>Budget Discussions</p>	<p>Judi Berry, Costa Mesa, discussed comments made at the previous Council meeting regarding budget issues and requests of special projects or interests, and cautioned of the accumulative effect on the budget.</p>
<p>Costa Mesa Municipal Code</p>	<p>Igal Israel, Costa Mesa, asked for clarification from the Acting City Attorney regarding Costa Mesa Municipal Code Section 1-33, which gives the City Attorney certain authority in a civil action, and questioned his authority in criminal matters. Mayor Monahan responded that the Acting City Attorney would address this matter with Mr. Israel.</p>
<p>Excessive Parking in College Park</p>	<p>Daniel Deneff, Costa Mesa, reported a serious parking problem on Wake Forest Drive, and the College Park community. He advised that a petition that was circulated received 47 signatures regarding the ongoing problem. Mayor Monahan asked that a copy of the signed petition be provided to the Public Services Director to initiate the process for "Resident Only" parking, and that an arrangement be made to allow for the teachers at College Park School to also park on the street, due to the lack of adequate parking on site.</p>
<p>Busses Parking on Park Avenue</p>	<p>Beth Refakes, Costa Mesa, thanked the Transportation Services Manager for the information he sent her regarding large busses on Park Avenue, although she questioned if the Orange County Transportation Authority (O.C.T.A.) provides additional compensation to the City for the rehabilitation of premature street deterioration because. She discussed an article in the Daily Pilot regarding the Fairview Park encroachments which stated that the issue has not been resolved, questioning why it would take several months to send out notices to the individuals who are encroaching on Fairview Park. She asked if there was a possibility of installing video cameras in high crime areas, and believed that the City has an ordinance prohibiting banners in residential neighborhoods that it is not being enforced.</p>
<p>Fairview Park Encroachments</p>	
<p>Crime</p>	
<p>Banners</p>	
<p>Senior Center Landscaping</p>	<p>Anne Hogan-Shereshevsky, Costa Mesa, appreciated the landscapers who provided the flowers and trellis at the Senior Center. She questioned when the pothole at Fairview Road and Wilson Street would be fixed. The Public Services Director responded to a question from Ms. Hogan-Shereshevsky that there are not any bike lanes on Newport Boulevard, and that according to the California Vehicle Code bicyclists have the same rights as</p>
<p>Bike Lanes on Newport Boulevard</p>	

Scooters	motorists. She complained about scooters traveling up and down Elden Avenue on weekends, and related a story about the traffic
Traffic Signal Timing	signal timing on Bristol Street and Campus Drive. Ms. Hogan-
City Newsletter	Shereshevsky read the City newsletter, but asked for more information on projects being presented to the City.
Sanitary District	Heather Somers, Costa Mesa, reported that the Sanitary District recently sent out a notice advising of changes being proposed regarding refuse receptacle pickups. She thought that Council and the community should be made aware that of the completely mechanized arm pickup of refuse receptacles, explaining that the receptacles currently used will be obsolete. Ms. Somers expressed her opposition to the mechanized pickup of the refuse, and invited citizens to attend Sanitary District meetings, or to contact the City Council Members to express their opinions regarding this issue. Mayor Monahan asked that the City Manager provide information to Council regarding this issue.
CONSENT CALENDAR	The following item was removed from the Consent Calendar: Item No. 7, Amendment to the agreement with West Coast Arborists, Inc., to extend the agreement for a period of ten (10) years beginning on April 1, 2004, through March 31, 2014, provided that cost increase requests remain within the annual Consumer Price Index (CPI) limits.
MOTION/Approved Except Item No. 7	On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the remaining Consent Calendar items were approved as recommended.
READING FOLDER	The following Reading Folder items were received and processed:
Claims	Claims received by the Deputy City Clerk: David Anderson (2); Jennifer Greene; Carlos Sanchez Ordaz; and Pablo Rubio Rojas.
Alcoholic Beverage Control Licenses	Request for Alcoholic Beverage Control Licenses from: Imari Restaurant, 375 Bristol Street, Suite A40, a person-to-person transfer of a Type 41 ABC License (on-sale beer and wine for a bona fide eating place). Cisneros Restaurant, 2263 Fairview Road, Suite L, an original Type 41 ABC License (on-sale beer and wine for a bona fide eating place).
Follow-up Reports	The following concerns received follow-up reports from staff: Staff responded to comments from the meeting of March 1, 2004, by Martin Millard, regarding an on-going problem with day laborers loitering at the Dunn Edwards paint store on Bristol Street. Staff addressed comments from the meeting of March 15, 2004, by Beth Refakes, regarding the use by the Orange County Transportation Authority (OCTA) of articulated buses on Park Avenue at the bus layover zone.
WARRANTS	The following warrants were approved:
Approved Warrant 2000	Warrant Resolution 2000, funding City operating expenses for \$1,061,881.57.

Approved Warrant 2001/Payroll 407A and Payroll 408	Warrant Resolution 2001, funding Payroll No. 408 for \$1,929,440.26, Payroll No. 407A for \$514.99, and City operating expenses for \$688,906.26, including payroll deductions.
ADMINISTRATIVE ACTIONS/Accepted Street Improvements at 2777 Bristol Street by Hedley Construction EP PS03-00028	Street improvements at 2777 Bristol Street were completed to the satisfaction of the Public Services Director by Hedley Construction and Management, Inc., 3981 Airway Avenue, Costa Mesa, in connection with Encroachment Permit No. PS03-00028 (DR-01-10). The work was accepted; and the bonds were ordered exonerated.
Approved Agreement No. SA-25-04IE with the Fairgrounds for Traffic Management Services for Interim Events	Agreement No. SA-25-04IE was approved with the 32 nd District Agricultural Association, 88 Fair Drive, Costa Mesa, for an amount not to exceed \$50,000.00, for the City to provide and coordinate traffic management services during designated interim events at the Orange County Fair and Exposition Center from April 1, 2004 through December 31, 2004, and the Police Chief was authorized to sign on behalf of the City.
Approved Agreement No. SA-24-04F with the Fairgrounds for Traffic Management Services for the 2004 Orange County Fair	Agreement No. SA-24-04F was approved with the 32 nd District Agricultural Association, 88 Fair Drive, Costa Mesa, for an amount not to exceed \$150,000.00, for the City to provide traffic management services at the Orange County Fair and Exposition Center for the 2004 Orange County Fair from July 9, through August 1, 2004, and the Police Chief was authorized to sign on behalf of the City.
Development Agreement DA-03-07 Determined and Found to be in Good Faith Compliance	The Development Agreement DA-03-07, for Kerry Madden, authorized agent for the Orange County Performing Arts Center and South Coast Repertory Theatre, for the annual review of the Segerstrom Center for the Arts Development Agreement (DA-00-03), generally located east of Park Center Drive, and west of the Avenue of the Arts between Sunflower Avenue and Anton Boulevard, was determined and found to have demonstrated good faith compliance with the terms and conditions of the agreement; and future annual reviews of this Development Agreement were delegated to the Planning Commission.
Amendment to the Agreement with West Coast Arborists, Inc.	Item No. 7 on the Consent Calendar was presented: Amendment to the agreement with West Coast Arborists, Inc., 2200 East Via Burton Street, Anaheim, to extend the agreement for a period of ten (10) years beginning on April 1, 2004, through March 31, 2014, provided that cost increase requests remain within the annual Consumer Price Index (CPI) limits.
	Heather Somers, Costa Mesa, disagreed with the approval of a long-term contract without benefit of the open bidding process, and expressed her personal dissatisfaction of the service provided by West Coast Arborists, Inc.
	Council Member Steel confirmed with the Public Services Director that West Coast Arborists, Inc. are the lowest priced tree trimming service, and the City is able to cancel the contract at any time with 30 days notice.
MOTION/Approved Amendment to the Agreement with West Coast Arborists, Inc.	A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to approve the amendment to the agreement with West Coast Arborists, Inc., 2200 East Via Burton Street, Anaheim, to extend the agreement for a period of then (10) years beginning on April 1, 2004, through March

31, 2014, provided that the cost increase requests remain within the annual Consumer Price Index (CPI) limits, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

PUBLIC HEARING
Ordinance Amending
the Zoning Code for
Motor Vehicle Retail
Sales Businesses

The Deputy City Clerk announced that this is the time and place set for a public hearing to consider an ordinance for the City Council of the City of Costa Mesa, amending the Zoning Code to establish special zoning regulations for Motor Vehicle Retail Sales Businesses. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. A communication was received from Sandra Genis, Costa Mesa, asking Council to consider other auto-related issues that have had a negative impact on neighborhoods. The Senior Planner reviewed the Agenda Report dated April 8, 2004, and responded to questions from Council.

Mike Berry, Costa Mesa, questioned the necessity of the proposed amendments as he felt the existing businesses would not be in compliance and that variances are routinely approved. Mayor Monahan clarified that the proposed code amendments would apply to new businesses or businesses undergoing a major improvement. Mr. Berry reminded council of complaints received regarding the public address system utilized by the Harbor Boulevard of Cars businesses and asked that Council consider requiring the businesses utilize other means of communication so as not to disturb residents within close proximity.

Jon Gray, President of Orange Coast Jeep/Chrysler/Dodge, Costa Mesa, noted that the Harbor Boulevard of Cars did not lobby for the proposed code amendments, and advised that they are willing to work with the City and with residents regarding specific issues. In response to Mayor Pro Tem Mansoor regarding that of use of the public address system, Mr. Gray stated that reasonably alternative means could be investigated, in addition to restricting the system to daytime use. He asked, however, that consideration not be given to the requiring discontinued use of the paging system if it was found to offer a more effective means of running their businesses.

Don Elmore, Costa Mesa, made comment regarding a seemingly routine approval of variances throughout the city and asked that whatever amendments are adopted, that they be strictly enforced. Regarding an alternative to the use of the public address system, Mr. Elmore suggested that dealerships utilize radio-phones as he has found them to be an effective and non-disruptive means of communication.

Matt Moloci, President of the Harbor Boulevard of Cars, reiterated the desire of the dealerships to work with the City and the residents to resolve issues and suggested that each dealership be reviewed separately, and that those concerns be brought to the attention of the local association of car dealerships to be addressed at their monthly meetings.

Robin Leffler, Costa Mesa, representing the Mesa Verde Homeowners Association, commented that the public address systems, test drives, and parking of cars from the dealerships, disturb the quality of life for the neighboring residents. She also voiced concerns about a landscape reduction, noting a preference in the recent addition of landscape along the thoroughfares throughout the City. She stated that the setbacks were important to allow for a deeper, well-maintained landscape as she felt that it would provide a look of well-being and prosperity in addition to

decreasing the runoff from the rain. Ms. Leffler also felt that the hanging of banners was “tacky, visual clutter”, and devalued the area and suggested the planting of more trees along the major highway.

Judi Berry, Costa Mesa, disagreed with the proposed definition of a “car dealer” as having a minimum of two (2) cars for sale, questioning the applicability to individuals. The Senior Planner clarified for the Mayor that the requirement referenced outdoor display of vehicles versus indoor display.

Terry Shaw, Costa Mesa, concurred with previous comments made by speakers and felt that if City adopted the ordinance that it must be enforced. If it is not to be enforced, any further amendments were not worth pursuing. He also suggested that the amendments should be applied to like businesses throughout the City, not only to those on Harbor Boulevard.

Sandra Genis, Costa Mesa, reiterated her concerns as mentioned in her communication presented to the Council, regarding amplified sound, storage of vehicles on residential streets, test drives on residential streets, lack of on-site parking for employees, as well as loading and off-loading of vehicles.

Igal Israel, Costa Mesa, noted while it would nice to have more landscaping, it will be difficult and “unfair” to require current businesses into conformity of the new codes.

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

Council Member Cowan opined that establishing of setbacks for landscaping purposes would not curtail the requests for variances, as many businesses do not regard landscaping as an enhancement of the property.

MOTION/Receive and File Report

A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, to deny first reading of the recommended amendments to the Zoning Code, and receive and file the Agenda Report.

Mayor Pro Tem Mansoor expressed his desire that the dealerships work on an alternative means of communicating other than by utilizing the public address system.

Council Member Steel suggested that the issue be referred back to the Planning Commission to review along with the comments found in the communication from Sandi Genis.

Mayor Monahan expressed his opposition to the motion and explained that the purpose of the changes suggested by staff were: to allow the “banner program” to be extended to other dealerships and not just those along Harbor Boulevard and to reduce the setback requirements. He felt that the comments made by Ms. Genis were separate from the purpose of the proposed ordinance and could be dealt with at a later time. He pointed out that the recommendations were suggested by staff and approved unanimously by the Planning Commission.

Mayor Pro Tem Mansoor commented that he was hesitant to support the changes at this time without having had an opportunity to discuss in detail the issues with the dealerships.

Council Member Cowan expressed her opposition to the motion as she felt that the changes were not needed at this time.

Substitute Motion
Failed To Carry

A substitute motion was made by Mayor Monahan, seconded by Council Member Scheafer, to give first reading to the ordinance, failed to carry 3-2, Mayor Pro Tem Mansoor and Council Member Cowan and Council Member Steel voting no.

The original motion carried 3-2, Mayor Monahan and Council Member Scheafer voting no.

MOTION/Provided
Direction to Staff

A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, to direct staff and the Planning Commission, to meet with representatives from the car dealerships to discuss solutions to amplified sound, and storage of vehicle inventory on residential streets.

SUBSTITUTE
MOTION/Directing
Staff Died for Lack of a
Second

A substitute motion was made by Council Member Steel, directing staff to discuss solutions for the issues regarding amplified sound, storage of vehicle inventory on residential streets, test drives in residential neighborhoods, on-site parking for employees, and on-site loading and off-loading areas provided for delivery of vehicles, died for lack of a second.

Mayor Pro Tem expressed his hesitancy in banning test drives in residential neighborhoods explaining it would be difficult to enforce the ban as the streets are for public right-of-way uses.

The original motion carried 5-0.

RECESS

The Mayor declared a recess at 7:55 p.m., and reconvened the meeting at 8:10 p.m.

PUBLIC HEARING
2004-2005 Community
Development Block
Grant Public Service
Grant Allocations

The Deputy City Clerk announced that this is the time and place set for a public hearing to consider the 2004-2005 Community Development Block Grant Public Service Grant Allocations. The Affidavit of Publication is on file in the City Clerk's office. Communications were received from Rhoda Watson, Costa Mesa, requesting that Council not reduce the funding to the Orange Coast Interfaith Shelter; and Dr. Dennis Short, Newport Beach, requesting that Council reverse their decision for a 25 percent reduction in public funds for the homeless. The CDBG/HOME Coordinator reviewed the Agenda Report dated April 5, 2004, and he and the Neighborhood Improvement Manager responded to questions from Council.

Mayor Monahan announced that allocation of CDBG funding for the Boys and Girls Club would be taken out of order and that Council Member Scheafer had recused himself from the discussion and the vote regarding the Boys and Girls club due to his wife's employment by the organization.

There was no public comment.

MOTION/Approved
CDBG Fund Allocation
for Boys and Girls Club

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 4-0, Council Member Scheafer abstaining, to approve Fiscal Year 2004-2005 CDBG Public Service Grant Funds allocation of \$5,000.00 for the Boys and Girls Club.

Dr. Dennis Short, Newport Beach, asked Council to reconsider the

allocation of only 25 percent of the CDBG Public Service Grant Funds to homeless programs. He also expressed his concern of the recommendations in the Agenda Report, of not allocating funds to the Orange Coast Interfaith Shelter, noting that the Costa Mesa Senior Corporation (Social Services Program) requested \$15,000.00, and was recommended to receive \$20,250.00. Dr. Short encouraged Council to expand their policy of only awarding 20 applicants, as well as to expand the total amount that is awarded.

Don Elmore, Costa Mesa, inquired if all of the applicants awarded funding are located in Costa Mesa. The CDBG/HOME Coordinator responded that while not all the organizations are located in Costa Mesa, they are eligible because Costa Mesa residents are served by these organizations.

Margo Allen, Costa Mesa, encouraged funding of the Orange Coast Interfaith Shelter noting that the individuals who go to the shelter are people in crisis, and described it is a haven for them.

Melody Sauley, Costa Mesa, also asked that Council reconsider the recommendation to not allocate funds to the Orange Coast Interfaith Shelter, stating she believed that many currently residing in Costa Mesa, are only one or two paychecks away from homelessness.

Martin Millard, Costa Mesa, recommended approval of the allocations as indicated in the Agenda Report, and expressed that it was a long exhaustive process for the members of 3R Committee in providing the recommendations presented to Council.

Trevor Murphy, Director of Save Our Youth, Costa Mesa, reported that Save Our Youth was started by a group of concerned Costa Mesa parents and citizens to try to address a gang epidemic. He and did not agree with the notion to base an award on the physical location of the organization or the ethnic makeup of those served by the organization and felt that the need within the community and the service it provides should be the basis for an award of funds.

Michael Arnott, Executive Director of Orange Coast Interfaith Shelter, Costa Mesa, felt that there is a negative perception of providing social services to individuals on the Westside. He stated that he would like to work with the Council and the community to dispel the negative impressions and to resolve the issues of concern. Mr. Arnott also expressed a concern of a recommendation made to the 3R Committee that the charities should provide services based upon racial quotas, explaining that the charities base their services on the need.

Bill Turpit, Costa Mesa, expressed his support of the service organizations that have applied for CDBG funding this year, and their contributions to the City of Costa Mesa, particularly the Orange Coast Interfaith Shelter who service homeless families.

Aviva Goelman, Executive Director of the Costa Mesa Senior Center, noted that the center provides services to low income seniors, and the homeless, assisting them in finding homes, directing them to other resources, by feeding them, providing some nursing assistance as well as counseling from a social worker.

Judi Berry, Costa Mesa, confirmed with the CDBG/HOME Coordinator that the amount of CDBG funds for allocation was

approximately \$5,000.00 less than the previous year.

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

Mayor Pro Tem Mansoor thanked the 3R Committee for the time and effort they provided in making their recommendations. He was glad that the funding for senior citizens had increased, as he felt that they have been under-funded in previous years.

MOTION/Approve
Recommended CDBG
Public Grant Funds
Allocations

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, to approve the recommended CDBG Public Service Grant Fund allocations for Fiscal Year 2004-2005.

Council Member Cowan requested that consideration of amending the motion to reduce the recommended funding for the two applications for Collette's Children's Home to a total of \$15,000.00 and to reallocate the \$15,000.00 to the Orange Coast Interfaith Shelter. Mayor Pro Tem Monahan expressed his satisfaction with the recommendations of the 3R Committee.

Council Member Cowan explained that the Orange Coast Interfaith Shelter is local and has instigated a new program that provides to those that they service training in skills that will assist the client in finding a job.

SUBSTITUTE
MOTION/Approve
Recommendation of
CDBG Public Grant
Funds Allocation with
Revision

A substitute motion was made by Council Member Cowan, seconded by Council Member Scheafer, to approve the recommended CDBG Public Service Grant Fund allocations with the following revisions: reduced allocation to Colette's Children's Home-Emergency Shelter and Colette's Children's Home-Transitional Housing to a total of \$15,000.00 and to reallocate the \$15,000 to the Orange Coast Interfaith Shelter.

Council Member Scheafer asked that the substitute motion be amended to include reduction of the allocation to the Camp Fire USA by \$3,000.00 and reallocating of the additional amount to the Orange Coast Interfaith Shelter. Council Member Cowan agreed with the amendment.

Mayor Monahan agreed with the recommendation made by Council Member Scheafer and also asked that the substitute motion be amended by reallocating the remainder of the \$5,000.00 recommended for Camp Fire USA to the Dayle McIntosh Center. He explained that the center serves disabled individuals and amongst other valuable assistance provides training to the disabled in skills that will help them find a job. Council Member Cowan and Council Member Scheafer agreed with the additional amendment to the substitute motion.

The substitute motion, as amended, was read back by the Deputy City Clerk:

SUBSTITUTE
MOTION/Approved
CDBG Public Service
Grant Fund Allocations
with Revisions

A substitute motion was made by Council Member Cowan, seconded by Council Member Scheafer, to approve the recommended Community Development Block Public Service Grant Fund (CDBG) allocations with the following revisions: reduced allocation to Colette's Children's Home-Emergency Shelter and Colette's Children's Home-Transitional Housing to a total of \$15,000.00; eliminated allocation to Camp Fire USA of \$8,000.00; reallocated \$5,000.00 to Dayle McIntosh Center, and \$18,000.00 to the Orange Coast Interfaith Shelter.

The substitute motion carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no.

PUBLIC HEARING
Fiscal Year 2004-2005
Funding Priorities for
CDBG and HOME

The Deputy City Clerk announced that this is the time and place set for a public hearing to consider Fiscal Year 2004-2005 funding priorities and reprogramming of funds for Community Development Block Grant (CDBG) and Home Investment Partnership Program (HOME):

Recommended allocation for the Fiscal Year 2004-2005 Community Development Block Grant (CDBG) Application and reallocation of prior years' funds and program income.

Recommended allocation for the Fiscal Year 2004-2005 HOME Investment Partnership Grant.

Authorize staff to send out Request for Proposals (RFP) for a new affordable housing project to utilize the \$954,572.00 available in HOME and Redevelopment Low/Mod funds; and provide direction to staff on the type of housing projects to be solicited (general or targeted).

Resolution authorizing the City Manager to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Manager to act in connection with the submission of the Annual Action Plan, and to provide such additional information as may be required.

The Affidavit of Publication is on file in the City Clerk's Office. No communications were received. The Management Analyst reviewed the Agenda Report dated April 19, 2004, and she and the Neighborhood Improvement Manager responded to questions from Council.

Sandra Genis, Costa Mesa, suggested to the Council, when developing the priorities, to consider an "own your own" mobile home park for senior citizens, which would be an affordable alternative of senior housing.

Mike Berry, Costa Mesa, spoke to the Request for Proposals (RFP) process. He explained that Habitat, Inc., not to be confused with Habitat for Humanity, who has been previously awarded an RFP, sell the homes that they build at a greatly reduced price, he however expressed concern because Costa Mesa residents have not been able to qualify for the purchase of those homes. He encouraged the City to be aware of the qualifications of the benefits before awarding a contract and suggested including such provisions in the RFP.

Martin Millard, Costa Mesa, agreed with Mr. Berry that non-Costa Mesa residents have moved into the homes previously built by Habitat, Inc., and misunderstood why current Costa Mesa residents are unable to qualify for these homes.

Anne Hogan-Shereshevsky, Costa Mesa, recalling the closure of the El Nido and Snug Harbor Mobile Home Parks, reiterated the need for senior and disabled housing in the City.

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

MOTION/Approved Recommended Allocation for CDBG	A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to approve the recommended allocation for the Fiscal Year 2004-2005 Community Development Block Grant (CDBG) Application and reallocation of prior years' funds and program income.
MOTION/Approved Recommended Allocation for HOME	A motion was made by Mayor Monahan, seconded by Council Member Steel, and carried 5-0, to approve the recommended allocation for the Fiscal Year 2004-2005 HOME Investment Partnership Grant.
MOTION/Provided Direction to Staff	A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to authorize staff to send out Request for Proposals (RFP) for a new affordable housing project to utilize the \$954,572.00 available in HOME and Redevelopment Low/Mod funds, and established the following preferences for housing projects to be solicited: senior or disabled housing, a preference for home ownership, priority to Costa Mesa residents, and for a Community Housing Development Organization (CHDO) development.
MOTION/Adopted Resolution 04-27	On motion by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, Resolution 04-27 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2004-2005 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.
PUBLIC HEARING Hamilton Street Rehabilitation Project	<p>The Deputy City Clerk announced that this is the time and place set for a public hearing to consider an amendment to the 2003-2004 Action Plan in order to increase Community Development Block Grant (CDBG) funding for the Hamilton Street Rehabilitation Project.</p> <p style="padding-left: 40px;">Budget Adjustment No. 04-075 for \$385,420.00 from the Gas Tax Fund and \$289,487.00 from the CDBG Fund.</p> <p>The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Public Services Director summarized the Agenda Report dated April 8, 2004.</p> <p>There being no speakers, the Mayor closed the public hearing.</p>
MOTION/Approved Amendment/Budget Adjustment No. 04-075 and Provided Direction to Staff	A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, and carried 5-0, to approve the amendment to the 2003-2004 Action Plan in order to increase Community Development Block Grant (CDBG) funding for the Hamilton Street Rehabilitation Project; to approve Budget Adjustment No. 04-075 for \$385,420.00 from the Gas Tax Fund and \$289,487.00 from the CDBG fund, and authorized staff to advertise the Hamilton Street Rehabilitation Project for construction.
NEW BUSINESS Committee Appoint- ments	The Deputy City Clerk presented appointments to Child Care and Youth Services Committee; Cultural Arts Committee; Fairview Friend/Fundraising Committee; Historical Preservation Committee; Human Relations Committee; and Investment Oversight Committee. The Management Analyst reviewed the Agenda Report dated April 5, 2004.

MOTION/Appointed Green/Noorbaksh and Ruano to Child Care and Youth Services	A motion was made by Council Member Scheafer, seconded by Council Member Steel, and carried 5-0, to reappoint Gladys Green, and appoint Ferry Noorbaksh and Gracie Ruano to the Child Care and Youth Services Committee.
MOTION/Appointed Doyle/Garbett to Cultural Arts	A motion was made by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, to appoint Diane Doyle and Linda Garbett to the Cultural Arts Committee.
MOTION/Reappointed Quatman/Bergstedt to Fairview Park Friend/Fundraising	A motion was made by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, to reappoint Kyle Quatman and Paulette Bergstedt to the Fairview Park Friend/Fundraising Committee.
MOTION/Reappointed Gardner/Johnston Goddard/Bass and Anderson to Historical Preservation	A motion was made by Council Member Steel, seconded by Council Member Cowan, and carried 5-0, to reappoint Dave Gardner, Margy Johnston, Mary Ellen Goddard, Patti Bass, and John Anderson to the Historical Preservation Committee.
MOTION/Reappointed Lightvoet and Peterson Investment Oversight	A motion was made by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, to reappoint Tom Lightvoet and Pete Peterson to the Investment Oversight Committee.
NEW BUSINESS Request for Waiver of Traffic Impact Fees	<p>The Deputy City Clerk presented a request for waiver of Traffic Impact Fees for the Renee and Henry Segerstrom Concert Hall. The Transportation Services Manager reviewed the Agenda Report dated April 2, 2004, and responded to questions from Council.</p>
	<p>Paul Freeman, representing C. J. Segerstrom and Sons, Costa Mesa, confirmed the reasons for the request as outlined in the letter he presented to the City dated September 23, 2003, which was attached to the Agenda Report. He advised that the Renee and Henry Segerstrom Concert Hall is a non-profit facility operating for the benefit of the public. Mr. Freeman believed that the impact on Town Center Drive would be negligible. He responded to questions from Council.</p>
	<p>Sandra Genis, Costa Mesa, agreed with Mr. Freeman that there are “too few dollars chasing too many needs”, and advised that the trip fees do not fully reflect the cost of all the improvements that are needed. Ms. Genis however encouraged the Council to deny the request. She opined that in granting of a waiver of fees the fees must be made up elsewhere, and likened it to simply writing a check to the applicant.</p>
	<p>Terry Shaw, Costa Mesa, noted that the waiver of fees should be denied considering that traffic will still be generated, and thought that the City will need the funds to help mitigate the traffic problems.</p>
	<p>Igal Israel, Costa Mesa, advised that he was in favor of the waiver of fees, noting that the concert hall is a non-profit facility.</p>
MOTION/ Deny Request Died for Lack of a Second	<p>A motion was made by Mayor Pro Tem Mansoor to deny the request for a waiver of traffic impact fees died for lack of a second.</p> <p>Mayor Monahan expressed his support of approving the request for the waiver of fees. He looked forward the Concert Hall as it will be a premier facility, will be located in the City of Costa Mesa, and will be funded by private donations. He felt that great benefits to the</p>

City will be received from the project and therefore contributed to his support of the waiver.

MOTION/Approved
Waiver of Traffic
Impact Fees

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 3-2, Mayor Pro Tem Mansoor, and Council Member Steel voting no, the request for waiver of traffic impact fees for the Renee and Henry Segerstrom Concert Hall was approved.

NEW BUSINESS
Request for ABC
License/Beers 2 You

The Deputy City Clerk presented a request from Beers 2 You, 1954 Placentia Avenue, Unit 105, for a finding of public convenience or necessity for an original Type 20 Alcoholic Beverage Control (ABC) License (off-sale beer and wine) for proposed retail sales of gift baskets through the Internet. The Development Services Director reviewed the Agenda Report dated April 13, 2004.

MOTION/Made the
Necessary Finding of
Public Convenience or
Necessity for Beers 2
You

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, a finding of public convenience or necessity was made to allow an original Alcoholic Beverage Control (ABC) License (off-sale beer and wine) for Beers 2 You, 1954 Placentia Avenue, Unit 105, for proposed retail sales of gift baskets through the Internet.

RECESS

The Mayor declared a recess at 10:30 p.m., and reconvened the meeting at 10:40 p.m.

NEW BUSINESS
Proposed Changes in
Firework Regulations

The Deputy City Clerk presented a request from Council Member Scheafer for consideration of proposed changes in City regulation on fireworks. Council Member Scheafer thanked the City Manager, the Fire Chief, the Fire Marshal, the Acting City Attorney, and the fireworks manufacturers for their assistance with this report, reviewed the Agenda Report dated April 14, 2004, and responded to questions from Council along with the Fire Chief, Fire Marshal, and the Acting City Attorney.

Council Member Scheafer highlighted the recommendations of the staff report: to prohibit the sale of "spinners" and hand-held devices, prohibit the single-sale of said devices (and in two years eliminate them from package sales); that the distributors fund and prepare flyers in English and Spanish to be distributed to the Costa Mesa schools and handed out at fireworks stands, regarding safety and water quality; to create new signs for the City parks warning of the penalty for discharging of fireworks in those venues and the illegal possession of dangerous fireworks; the reducing of the number of fireworks stands to a maximum of 40; that 80 percent of the members of an organization applying for the permit reside in Costa Mesa; no more than four stands per local high school and that organizations applying for the permit must be youth oriented; and no new groups may obtain permit for fireworks stands, The Fire Chief confirmed that the new regulations would tighten up the current regulations for fireworks.

Council Member Cowan referenced pictures showing evidence of the waste of spent fireworks at Balearic Park and confirmed with the Fire Marshall that fireworks are not allowed to be discharged at the city parks. She noted that an issue of great concern was the roadway discharge into the storm drains and the possible penalties that the City would face with the violation of the Federal and State Water Quality Standards (NPDES), and therefore felt that fireworks should be banned in the City.

Mayor Pro Tem Mansoor expressed that he was not in support of

banning the fireworks at this time, he suggested working with the Police Department as he felt that more enforcement and police presence in the parks could help curb some of the problems on the 4th of July. He was concerned about not allowing new organizations to apply for the permit and that it was limited to only youth oriented groups, as he felt that there might be other legitimate and worthwhile organizations that may wish to apply. He agreed with the reduction of the number of fireworks stands and with the lottery aspects of the ordinance and also felt that education on the matter was important.

Robert Hiscock, Costa Mesa, agreed that stricter regulations are required for fireworks, stated that people begin using fireworks in his neighborhood at the end of June until the middle of July. Mr. Hiscock observed that people from surrounding cities, where fireworks are banned, come to Costa Mesa and contribute to the resulting "mess." He proposed that the City ban the sale of fireworks and provide central organized displays where admission could be charged and to enforce stronger penalties for illegal fireworks.

Helen Evers, Costa Mesa, questioned the motivation for continuing to allow fireworks in the City of Costa Mesa, as it produces "horrific noise", air pollution, and the trash that is left on the streets. She wondered if the organizations have tried other methods of fundraising, suggesting private donations. Ms. Evers noted that fireworks are set off in streets, sidewalks, alleys, condos, apartments, and backyards, and the noise frighten both people and animals, and felt that there is no such thing as safe and sane fireworks, except in the hands of professionals. She offered that if a ban on fireworks were approved, she would donate to the groups for their fundraising efforts.

Judy Lindsay, Costa Mesa, stated that the sale and use of fireworks should be banned in the City of Costa Mesa, and stated that her neighborhood "is like a war zone during the month of July." She appreciated Council Member Scheafer's recommendations for stricter rules regarding fireworks.

Sandra Genis, Costa Mesa, commented that as a former council person she had previously thought that by placing restrictions on the use of fireworks would be effective, but found that has not been the reality of the situation. She noted that in her neighborhood fireworks are discharged beginning in the middle of June, and continuing until the end of July. Ms. Genis suggested that Council place this issue on the ballot in November for the voters to decide.

Anne Hogan-Shereshevsky, Costa Mesa, understood the need for the organization to raise funds however wondered how the other cities in Orange County, who do not sell fireworks, raise money for their youth organizations. She requested that fireworks be banned in the City.

Beth Refakes, Costa Mesa, agreed with a comment "that there are no safe and sane fireworks", and that neighborhoods look like war-zones following the 4th of July, due to the debris left in the streets and parks. She felt that fireworks do not belong in densely populated areas, and that they contribute to air pollution and noise pollution that affect the quality of life, and wondered as to the cost of enforcement and of clean up due to the fireworks. She also asked that Council consider placing the matter on the ballot.

Don Elmore, Costa Mesa, thanked Council Member Scheafer for bringing this issue to Council. He shared an experience where his neighbor's car was destroyed by someone who had placed a Piccolo Pete inside the car. He agreed with comments made by Council Member Cowan and asked that Council ban fireworks in Costa Mesa.

Sam Clark, Costa Mesa, also agreed with Council Member Cowan and requested that Council consider a ban on fireworks. He believed that the waste created was a significant environmental issue and that it would be easier to ban the use of the illegal fireworks if "safe-and-sane" fireworks were also banned. He suggested that if there were not a ban issued that perhaps "phasing out" in the course of two years would offer an opportunity for organizations to seek other methods of fundraising.

Terry Shaw, Costa Mesa, concurring with previous speakers, asked that Council adopt the recommendations presented by Council Member Scheafer.

Doug Bennett, Orange Coast College Foundation, Costa Mesa, expressed his support for the sale of fireworks in the City. He requested that the Council consider grandfathering in organizations such as Orange Coast College and Vanguard University as they would not qualify with the 80 percent of students living Costa Mesa. He requested that if a ban is decided that it be done through phases to allow organizations to develop other funding options. He also commented that in his experience that banning of fireworks does not necessarily stop the discharge of illegal fireworks.

Council Member Scheafer commented that he has raised money in many ways and found a real benefit with the sale of fireworks as it raised the most for the organizations. He reported that in other cities where there isn't fundraising done the cost for a child to play on the team is upwards of \$1200.00.

Mayor Monahan expressed his support of fireworks as he felt it was a patriotic tradition.

Council Member Scheafer recommended that when meeting with the fireworks industry and the youth organizations, to discuss an idea brought forth by Mayor Monahan, Mayor Pro Tem Steel and Council Member Steel for consideration regarding a deposit or fee for the fireworks sold as an incentive and or help defray costs towards the clean up efforts.

MOTION/Provided
Direction to Staff to
Prepare an Ordinance

A motion was made by Council Member Scheafer, seconded by Mayor Monahan, and carried 5-0, to direct the Acting City Attorney to prepare an ordinance to include the recommendations listed in the Agenda Report dated April 14, 2004; and to direct the Fire Department to contact representatives of the fireworks industry and the organizations that have been involved in the sale of fireworks to obtain input for the drafting of the ordinance.

COUNCIL
COMMENTS
Traffic Signal Timing

Council Member Cowan requested that the Public Services Director review the timing adjustment of the traffic signals at the Fairview Road/I-405 interchange, observing that the coordination of the signals appears slightly off causing a back up of traffic.

Sidewalks

Mayor Monahan requested that the Public Services Director add Del Mar Avenue to the list of streets to be reviewed during future discussion of the "missing links" sidewalk program. He also

Traffic Signal

requested review of the timing of the traffic signal at 22nd Street westbound, on the eastside, reporting that the signal appears short in length and is contributing to the back up of traffic at the intersection.

ADJOURNMENT

The Mayor declared the meeting adjourned at 11:35 p.m.

