

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

JANUARY 5, 2004

The City Council of the City of Costa Mesa, California, met in regular session January 5, 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 Mayor Pro Tem Mansoor, followed by the Pledge of Allegiance to the Flag led by Council Member Steel, and invocation by Pastor Rod Randall, Harbor Trinity Baptist Church.

ROLL CALL

Council Members Present: Mayor Gary Monahan
(entered at 7:30 p.m.)
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
Finance Director Marc Puckett
Police Chief John Hensley
Police Sergeant Clay Epperson
Associate Planner Claire Flynn
CDBG/HOME Coordinator
Mike Linares
Deputy City Clerk Julie Folcik

MINUTES/July 14,
August 11, October 13
and 27, December 8,
2003; and November
3, December 1, 2003

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 4-0, Mayor Monahan absent, the minutes of the special meetings of July 14, August 11, October 13, October 27, and December 8, 2003, and the regular meetings of November 3 and December 1, 2003, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

A motion was made by Council Member Cowan, seconded by Council Member Scheafer, and carried 4-0, to read all ordinances and resolutions by title only.

PRESENTATION
Certificate of Recogni-
tion, Kelly Feldman

Council Member Cowan commended Kelly Feldman, Parks and Recreation Commissioner, for her outstanding service to the City as a member of the Parks and Recreation Commission for three years, serving one year as its chair, and previously as a member of the Child Care and Youth Services Committee.

PRESENTATION
Employee of the
Month

Mayor Pro Tem Mansoor congratulated Fire Department Captain Fred McDowell on being selected Employee of the Month for January, 2004, commending his commitment to service and for his conduct of going above and beyond the call of duty.

PRESENTATION
Sister City Proclama-
tion

The City Manager recognized Steve and Diane Butyn from Sister City Wyndham, Victoria, Australia, for contributions to increasing understanding between nations and enriching the education experiences of students and educators in the Newport-Mesa and Wyndham communities. Mayor Pro Tem Mansoor presented a

proclamation to Mr. Butyn, who is president of Werrabee Secondary College and Coordinator of the Australian Educational Exchange Program.

**PRESENTATION
Stormwater Pollution
Prevention Awards**

The City Manager announced that certificates had been awarded to the following Costa Mesa businesses in recognition of their outstanding performance and lasting contribution to Stormwater Pollution Prevention: Car Wash of America; Detail King; JWC Environmental; MBC Applied Environmental Sciences; Mouse Graphics; Reclaim; Saks Fifth Avenue; Tri-S Environmental; Unique Handwash and Auto Detailing; and the Wyndham Hotel. The City Manager commended Gary LaForge, Associate Engineer in the Public Services Department, for his contributions to maintaining a clean environment and protecting the community.

**PUBLIC COMMENTS
1901 Newport Boule-
vard Project**

Judi Berry, 2064 Meadow View Lane, Costa Mesa, asked for confirmation that the 1901 Newport Boulevard project will be on the City Council agenda for the meeting of January 20, 2004. The City Manager confirmed that information, adding that the meeting will be held on a Tuesday since Monday is Martin Luther King, Jr. Day, which is observed as a City holiday.

Terry Shaw, 420 Bernard Street, Costa Mesa, in connection with the 1901 Newport Boulevard project, suggested installing poles in the parking lot where the building will be located in order to measure the shadows created during various times of the day. Mayor Pro Tem Mansoor indicated that installation of poles on other developments had not been supported by Council. The City Manager reported that an informal meeting with the residents on Bernard Street will be held prior to the meeting of January 20th when the project will be addressed.

Sid Soffer

Brian Evans, Post Office Box 15070, Newport Beach, reiterated previous requests from Sid Soffer, former Costa Mesa resident. Council Member Cowan replied that the issue is no longer under Council's jurisdiction. The City Manager confirmed that matters presented to Council must be within their control, Soffer v. City of Costa Mesa has been adjudicated, and suggested that Mr. Soffer contact the Orange County District Attorney's office.

Costa Mesa Buses

Mike Berry, 2064 Meadow View Lane, Costa Mesa, commented that the buses en route through the City are enormous and usually empty, reporting that buses which travel through the City of Huntington Beach are small and van-like. He asked that the Orange County Transportation Authority (OCTA) be requested to cut back on the size of Costa Mesa buses, especially in residential areas. The City Manager replied that OCTA has been cooperative regarding previous matters, and they will be asked to provide information to Mr. Berry regarding his request.

Millard Comments

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, commented that Costa Mesa is "unbalanced" with 14 percent of the land being used for industrial, and suggested that this be cut in half, especially on the west side of the City. He reported gang graffiti on Baker Street and Grant Avenue, the wall in front of the "Fillmore slum" on Baker Street and Coolidge Avenue is falling down, and advocated installation of a red light camera at the intersection of Baker Street and Fairview Road. Mr. Millard addressed the \$2 million received from C. J. Segerstrom and Sons, in connection with the Home Ranch Project, claiming that the foundations which had been created are not under the jurisdiction of the Brown Act.

El Nido/Snug Harbor
Mobile Home Parks
Closure/19th Street
Traffic

Anne Hogan-Shereshevsky, 2152 Elden Avenue, No. 1, Costa Mesa, referring to the imminent closure of El Nido and Snug Harbor Mobile Home Parks, advised that mobile homes are one of the few means for senior citizens to live reasonably. She opined that senior citizens from Bethel Towers are unable to go to the Costa Mesa Senior Center across the street due to increased traffic on 19th Street, and asked that the intersections of 19th Street/Pomona Avenue and 19th Street/Monrovia Avenue be investigated. Regarding mobile home park closure, Council Member Cowan informed Ms. Hogan-Shereshevsky that Council intends to receive a third-party recommendation on the relocation report and then address the issue. Mayor Pro Tem Mansoor, in reply to a question regarding a repair on 19th Street, reported that it will be accomplished when the utility undergrounding is completed and in conjunction with installation of landscape medians.

Irene Shannon, 1640 Newport Boulevard, Space 17, Costa Mesa, volunteered to assist with issues regarding mobile home park relocation.

Jean Sterling-Stevens, Post Office Box 7265, Newport Beach, Region 5 Manager of the Golden State Manufactured Homeowners League for the State of California, provided information to Council which included a legal opinion on park closure.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, asked if the former City Attorney, Jerry Scheer, had re-filed his lawsuit. The City Manager responded in the affirmative, noting that the dollar amount was the same as previously announced which was approximately \$5 million.

CONSENT
CALENDAR

The following items were removed from the Consent Calendar: Item No. 7, Contract award for Joann Street Bike Trail Fencing Improvements, Project No. 03-10; Item No. 11, Agreement with the Orange County Humane Society to provide animal shelter and related services; Item No. 12, Site Improvements at Hamilton Street Community Garden, Project No. 03-28; Item No. 14, Agreement with Purkiss Rose-RSI for the design of a skateboard facility at TeWinkle Park; and Item No. 15, Completion of Rehabilitation Improvements for Several Arterial and Residential Streets, Project No. 03-05.

MOTION/Approved
Except Item Nos. 7,
11, 12, 14, 15

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 4-0, 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: Gina Anderson; William Bamish; Connell Chevrolet; Developers Surety (Anderson/White); Linda Duffy; James Jennings; Shane N. Johnson; Bin Li; Danna Mao; Amanda Mroz; Hazel M. Roberts; Application for Leave to Present a Late Claim from Kathleen June Dunne; and Application for Leave to Present a Late Claim from Thomas C. Mouradick.

ABC Licenses

Request for Alcoholic Beverage Control Licenses were received from:

Asia Café, 2360 Newport Boulevard, Suite B, for a person-to-person transfer of an existing Type 41 ABC license (on-sale beer and wine for a bond fide eating place).

Culinary Wraps & Bistro, 250 East 17th Street, Suite D, for 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 made at the meeting of November 17, 2003, regarding the Automated Red Light Enforcement Program.

At the meeting of November 17, 2003, Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, asked staff to investigate the damaged block wall on Baker Street.

WARRANTS

The following warrants were approved;

Approved Warrant 1982

Warrant Resolution 1982, funding City operating expenses for \$929,657.79.

Approved Warrant 1983/Payroll 325 and 324A

Warrant Resolution 1983, funding Payroll No. 325 for \$1,996,476.58, Payroll No. 324A for \$4,703.03, and City operating expenses for \$1,001,868.20, including payroll deductions.

Approved Warrant 1984

Warrant Resolution 1984, funding City operating expenses for \$862,337.15.

Approved Warrant 1985/Payroll 326 and 325A

Warrant Resolution 1985, funding Payroll No. 326 for \$2,086,512.15, Payroll No. 325A for \$7,203.80, and City operating expenses for \$468,848.96, including payroll deductions.

Approved Warrant 1986

Warrant Resolution 1986, funding City operating expenses for \$1,202,070.69

ADMINISTRATIVE ACTIONS/Awarded Contract for Rehabilitation of 17th Street, Project No. 03-24, to All American Asphalt

Bids received for Roadway Rehabilitation of 17th Street from West of Superior Avenue to Placentia Avenue (Project A) and from Fullerton Avenue to Orange Avenue (Project B), Federal Project Nos. STPL-5312 (047) and (043), City Project No. 03-24, are on file in the City Clerk's office. The contract was awarded to All American Asphalt, Post Office Box 2229, Corona, for \$1,009,610.22 (base bid plus all additive bid items), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Awarded Contract for Rehabilitation of Bristol Street, Project No. 03-25, to R. J. Noble

Bids received for Roadway Rehabilitation of Bristol Street from Bear Street to Randolph Avenue, and Bear Street from Baker Street to Paularino Avenue, Federal Project Nos. STPL-5312 (044) and (045), City Project No. 03-25, are on file in the City Clerk's office. The contract was awarded to R. J. Noble Company, 15505 East Lincoln Avenue, Orange, for \$1,254,540.38 (base bid plus all additives), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Marina View Lighting, Project No. 03-27

The following action was taken regarding Marina View Park Security Lighting, 1035 West 19th Street, Project No. 03-27:

Rejected Non-Responsive Bids

Non-responsive bids from Pro Tech Engineering Corporation and Rafat H. Mina, doing business as Y & M Construction, were rejected.

The contract was awarded to RMF Contracting, Inc., doing

Awarded Contract to R & M Electrical Contracting Approved Adjustment No. 04-024

business as R & M Electrical Contracting, 22541 Aspan Street, Suite C, Lake Forest, for \$56,225.00 (base bid only), the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Budget Adjustment No. 04-024 for \$46,180.00 was approved.

Approved 04-024

Approved Agreement 12-490 with CALTRANS for Harbor/I-405 Improvements

Cooperative Agreement 12-490 was approved with the State of California Department of Transportation (CALTRANS) for improvements at the Harbor Boulevard/I-405 interchange, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Accepted Work for Construction of Ketchum-Libolt Park, Project No. 03-06, by Hondo

Construction of Ketchum-Libolt Park, 2150 Maple Street, Project No. 03-06, by Hondo Company, Inc., 2121 South Lyon Street, Santa Ana, was completed to the satisfaction of the Public Services Director on November 26, 2003. 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 12 months thereafter.

Accepted Work for Replacement of Carpeting at Various Locations, Project No. 03-12, by The Environmentalists

Replacement of Carpeting at Various Locations, Project No. 03-12, was completed to the satisfaction of the Public Services Director on October 27, 2003, by Dupont Flooring Systems, doing business as The Environmentalists, 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 12 months thereafter.

Accepted Work for Rehabilitation of Alley No. 110, Project No. 03-18, by Kalban

Rehabilitation of Alley No. 110, Project No. 03-18, was completed to the satisfaction of the Public Services Director on November 24, 2003, by Kalban, Inc., 9075 Glenoaks Boulevard, Sun Valley. 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 12 months thereafter.

Accepted Work for Civic Center Parking Lot Slurry Seal, Project No. 03-26, by Wheeler Paving

Slurry Seal of the Civic Center Parking Lot, Project No. 03-26, was completed to the satisfaction of the Public Services Director on November 27, 2003, by Wheeler Paving, Inc., 7724 Mission Boulevard, Riverside. 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 12 months thereafter.

Approved Budget Adjustment No. 04-049 for Newport Boulevard Bicycle Trail and Landscape Improvements

Budget Adjustment No. 04-049 was approved to appropriate \$207,090.00 of grant funds from the State of California Department of Transportation (CALTRANS) Bicycle Transportation Account Program to Streetscape and Median Improvements Project, for bicycle trail and landscape improvements on the west side of southbound Newport Boulevard frontage road between Arlington Drive and Fair Drive.

Budget Adjustment No. 04-004 was approved for \$30,710.00, for

Approved Budget Adjustment No. 04-004 the California Integrated Waste Management Ninth Cycle Used Oil Recycling Block Grant.

Adopted Resolution 04-1, Revising Job Titles Resolution 04-1 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE JOB TITLE OF JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION, amending Resolution No. 02-64 and revising the Chief Electrical Inspector and Chief Plumbing and Mechanical Inspector job titles to the new job classifications of Senior Electrical Inspector and Senior Plumbing and Mechanical Inspector, respectively.

Awarded Graffiti Monies A private citizen who reported gang-related graffiti was awarded \$1,500.00, in accordance with Costa Mesa Municipal Code Section 11-147.

Adopted Resolution 04-2, Adopting Vantagecare Retirement Health Savings Program Resolution 04-2 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING VANTAGECARE RETIREMENT HEALTH SAVINGS PROGRAM, effective January 1, 2004, to augment retiree medical benefits in accordance with Council Policy No. 300-1, and the Mayor and Director of Finance (as Plan Trustee) were authorized to execute all documents necessary to adopt and implement the plan.

Joann Street Bike Trail Fencing Improvements, Project No. 03-10 Item 7 on the Consent Calendar was presented: Contract for Joann Street Bike Trail Fencing Improvements from Harbor Boulevard to Placentia Avenue, Project No. 03-10. Mayor Pro Tem Mansoor asked what type of "illegal activity", as mentioned in the Agenda Report, had occurred on the bike trail. The Public Services Director responded that the activity included trespassing and trash incidents. Mayor Pro Tem Mansoor also wondered of materials other than chain-link fencing that may have been considered.

Mike Berry, 2064 Meadow View Lane, Costa Mesa, questioned the \$180,000.00 required to complete the job; suggested that matters relating to errant golf balls should be addressed to the operator of the Costa Mesa Golf Course; and did not believe that fences are a deterrent to crime.

Mayor Monahan entered at 7:30 p.m.

MOTION/Rejected Bid; Gave Directions to Staff A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, to continue the item, and staff was directed to address crime, and to review costs and beautification issues.

Agreement with Humane Society for Animal Shelter Services Item No. 11 on the Consent Calendar was presented: Agreement with the Orange County Humane Society to provide animal shelter and related services. Tracy Dorame, 2016 Arnold Avenue, Costa Mesa, reported that several animals have been stolen from the Humane Society in Huntington Beach, including a lost puppy which she had taken to the shelter. She indicated that the new contract includes a clause which stipulates that the security will be improved within 12 months, and argued that a year is a long time to wait. Addressing the change of ownership discussed by Ms. Dorame, Council Member Cowan advised that the City conducts an annual review of all contracts and the change would have been discovered at that time.

Samir Botros, Chief Officer of the Orange County Humane Society, a nonprofit organization, mentioned that the facility is broken into

periodically but not due to negligence. He reported that the money they receive from the City contract does not cover their expenses. Mayor Pro Tem Mansoor thought that many of Ms. Dorame's concerns are addressed in the new contract. The Acting City Attorney noted that the actual agreement is between the City and the veterinarian in charge of the hospital. The Police Sergeant responded to a question from Mayor Monahan by stating that utilizing the facility at the Orange County Humane Society in the City of Orange was not a viable option. He observed that the Huntington Beach facility provided a better standard of care.

MOTION/Approved Agreement

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to approve the agreement with the Orange County Human Society, 21362 Newland Street, Huntington Beach, to provide animal shelter and related services for a three-year period ending December 31, 2006, for an amount not to exceed \$150,000.00, amending the contract to stipulate that new security requirements shall be completed within six months of the initiation of the contract.

Construction of Site Improvements at Hamilton Street Community Garden, Project No. 03-28

Item No. 12 on the Consent Calendar was presented: Construction of Site Improvements at Hamilton Street Community Garden, 523 Hamilton Street, Project No. 03-28. Mayor Pro Tem Mansoor thought that this space would be used by more residents if it were a neighborhood park, citing that park and open space is needed on the west side. Council Member Steel supported the community garden because it is the most fiscally conservative alternative and serves the community.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, opposed the community garden, stating that it serves only approximately 48 people. He believed that a small park would provide a better use, and opposed spending \$63,000.00 on a special interest group. Mr. Millard proposed leasing the land to those interested for \$1.00 per year and allowing them to improve the property. The City Manager indicated that the source of funding for the community garden is park development funds under the Urban Park Act of 2001 Grant.

Sam Clark, 3077 Coolidge Avenue, Costa Mesa; and Beth Refakes, 320 Magnolia Street, Costa Mesa, supported using the land for a park.

Mayor Monahan thought that the land should be sold, and opposed the recommended action. Council Member Steel indicated that he could support a motion to lease the property to the persons interested for \$1.00 per year, as previously suggested.

MOTION/To Reject the Recommended Action Died

A motion was made by Mayor Pro Tem Mansoor, seconded by Mayor Monahan, to reject the recommended action, and to either revisit the concept of a creating a community park or sell the property.

The City Manager advised that instead of making a motion on a Consent Calendar item to reverse the Council's prior direction, the item should be placed on a future agenda so that the public may be advised. Mayor Monahan withdrew his second to the motion. The motion died for lack of a second.

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 3-2, Mayor Monahan and Mayor

MOTION

Pro Tem Mansoor voting no, the following action was taken:

Awarded Contract to L. H. Engineering

The contract was awarded to Paul H. Lee, doing business as L. H. Engineering Company, 708 North Valley Street, Suite Q, Anaheim, for \$63,453.63 (base bid only), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Minor irregularities in the bids submitted were waived.

Waived Irregularities

Adopted Resolution 04-3

Resolution 04-3 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN PARK ACT OF 2001 PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 FOR HAMILTON STREET COMMUNITY GARDEN.

Agreement for the Design of Skateboard Facility at TeWinkle Park

Item 14 on the Consent Calendar was presented: Agreement with Purkiss Rose-RSI for the design of a skateboard facility at TeWinkle Park. Mayor Pro Tem Mansoor expressed concern regarding the location, asking that safety issues and rule compliance be addressed.

MOTION/Approved Agreement

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 agreement was approved with Purkiss Rose-RSI, 801 North Harbor Boulevard, Fullerton, for an amount not to exceed \$50,000.00, for the design of a skateboard facility at TeWinkle Park, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Completion of Rehabilitation Improvements for Several Streets, Project No. 03-05

Item No. 15 on the Consent Calendar was presented: Completion of Rehabilitation Improvements for Several Arterial and Residential Streets (Project B), Project No. 03-05, by R. J. Noble Company, 15505 East Lincoln Avenue, Orange. Mayor Pro Tem Mansoor stressed the importance of focusing City funds on infrastructure and public safety.

MOTION/Accepted Work

On motion by Mayor Pro Tem Mansoor, seconded by Mayor Monahan, and carried 5-0, 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 12 months thereafter.

PUBLIC HEARING Vacation at 1902 Santa Ana Avenue

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a resolution ordering the vacation of excess right-of-way on East 19th Street at 1902 Santa Ana Avenue. The Affidavits of Posting and Publishing are on file in the City Clerk's office. The Public Services Director summarized the Agenda Report dated December 23, 2003.

Beth Refakes, 320 Magnolia Street, Costa Mesa, asked about the potential widening of East 19th Street. Mayor Monahan replied that 19th Street had been downgraded, that the subject land was held by the City for right-of-way purposes, but that it is no longer necessary and it is being deeded back to the property owner.

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

MOTION/Adopted
Resolution 04-4

On motion by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, Resolution 04-4 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY ON EAST 19TH STREET AT 1902 SANTA ANA AVENUE, and the Mayor was authorized to sign Quitclaim Deed No. 3512.

PUBLIC HEARING
2003-04 User Fees
and Charges

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider Fiscal Year 2003-04 User Fees and Charges: Vacation/abandonment excess right-of-way application fee; and a resolution establishing and adopting schedules of rates, fees, and charges for Fiscal Year 2003-2004 for services provided by the City of Costa Mesa.

The Affidavit of Publication is on file in the City Clerk's office. The City Manager remarked that numerous questions had been received from Council and the public, and a request was received from Southern California Edison Company asking for a continuance of various fees and charges as identified in the Agenda Report. The Finance Director reviewed the Agenda Report dated December 10, 2003, and responded to questions from Council. The Public Services Director addressed the vacation/abandonment excess right-of-way application fee, providing options to waiving the fee; changing the fee to two-tiers where the first payment would be approximately \$150.00 to initially process the proposal; or leaving the fee in tact.

Judi Berry, 2064 Meadow View Lane, Costa Mesa, questioned the \$60.00 charge for a plot in the community garden. The Finance Director offered to research the basis of that fee.

Mike Berry, 2064 Meadow View Lane, Costa Mesa, verified that the fees do not include the 47 percent indirect cost.

Beth Refakes, 320 Magnolia Street, Costa Mesa, confirmed with staff that two of the fees which were increased remained on a per hour basis, and was concerned about several of the fee reductions.

Jane Brown, Southern California Edison, Post Office Box 11982, Santa Ana, asked that several of the user fee items be continued so Edison will have an opportunity to meet with City staff regarding questions pertaining to the following fees: Encroachment Permit; Lane Closure Permit; Public Right-of-Way Inspection; Street Cut – Arterial; Street Cut – Local; and Utility Permit.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, in lieu of raising fees, suggested not funding the Community Garden, the Costa Mesa Job Center, the shopping cart retrieval program, and proposed that the City begin arresting persons who steal the carts. Council Member Steel concurred with Mr. Millard regarding the Job Center. The Finance Director and City Manager responded to questions from Council.

MOTION/Continued to
January 20, 2004

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, to continue the resolution establishing and adopting schedules, rates, fees, and charges for Fiscal Year 2003-2004 to the meeting of January 20, 2004.

Council Member Cowan questioned continuing the user fees for the five or six items called out by Southern California Edison which have only been raised a few dollars. Mayor Monahan replied that

the City typically honors a request to continue which, in this case, would provide the opportunity for Edison and staff to confer.

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

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, to approve a vacation/abandonment excess right-of-way application fee of \$150.00 as the only fee.

MOTION/Approved
Application Fee

Mayor Monahan reasoned that the property was originally taken from the property owner and felt that they should not be charged to regain their own property.

The motion carried 5-0.

PUBLIC HEARING
Floodplain Manage-
ment Regulations

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending Title 13 of the Costa Mesa Municipal Code regarding Floodplain Management Regulations to comply with the Federal Emergency Management Agency (FEMA) National Flood Insurance Program. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. The Associate Planner summarized the Agenda Report dated December 17, 2003.

MOTION/Gave
Ordinance 04-1 First
Reading

On motion by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, Ordinance 04-1 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13, ARTICLE 10 OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODPLAIN AND FLOODWAY DISTRICTS. Second reading and adoption are scheduled for the meeting of January 20, 2004.

The Mayor declared a recess at 8:50 p.m., and reconvened the meeting at 9:03 p.m.

RECESS

The Deputy City Clerk presented a request for "Resident Only" parking restriction on Cornell Drive between Wilson Street and Joann Street. The Public Services Director reviewed the Agenda Report dated December 17, 2003, and reported that a petition had been received from all 14 residents on Cornell Drive between Wilson Street and Joann Street requesting the parking restriction. He revealed that a license plate survey indicated that 52 percent of the available parking on the street was taken up by non-residents.

NEW BUSINESS
Cornell Drive Parking
Restriction

Mayor Pro Tem Mansoor acknowledged parking problems throughout the City, and supported a restriction.

The following Costa Mesa residents supported the "Resident Only" restriction on Cornell Drive: Don Bendz, 2269 Cornell Drive; Jude Sturman, 2268 Cornell Drive; Tom Phelan, 2257 Cornell Drive; John Cardos, 2279 Cornell Drive; Roger Misiolek, 2273 Cornell Drive; Ramon Diaz, 2252 Cornell Drive; Tayna Crabbe, 2278 Cornell Drive; and Kelly Glascock, 2284 Cornell Drive.

Mayor Monahan asked the Public Services Director and the Development Services Director to investigate the parking "intrusion" on Cornell Drive from residents and visitors at the Costa Mesa Mobile Estates, 323 Wilson Street, to provide suggestions for a means to alleviate the problem, and to identify other potential problems.

MOTION/Adopted
Resolution 04-5

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, to adopt Resolution 04-5, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROHIBITING PARKING ON A PORTION OF CORNELL DRIVE, and staff was directed to review parking requirements for mobile home parks, apartment complexes, etc., to determine restrictions which may be placed on multi-family units in an attempt to control "spill-over" parking affecting single-family resident areas.

Council Member Cowan indicated her concern regarding the need for resident only parking, and cited the need to review parking requirements. Mayor Monahan indicated that concerned residents will receive a copy of the results of the study made by staff.

NEW BUSINESS
Police Patrol Fleet
Color Scheme

The Deputy City Clerk presented the proposed conversion of the color scheme of the police patrol fleet from the existing all white color to the traditional black and white scheme. Two communications were received from Jess Gilman, President of the Costa Mesa Police Officer's Association (via e-mail), supporting the change to black and white police vehicles. The Police Chief reviewed the Agenda Report dated December 3, 2003.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, asked that the City retain the white Police cars, believing that they create a "friendly" image. He thought that the older Orange County cities used black and white vehicles, stating that newer cities such as Irvine, Newport Beach, and Laguna Beach utilize white only cars.

A motion was made by Mayor Monahan, seconded by Council Member Scheafer, and carried 4-1, Council Member Cowan voting no, to approve the conversion.

MOTION/Approved

Council Member Steel thought the change was "reasonable". Mayor Pro Tem Mansoor supported the motion, and thanked the chief for his report and for doing a "phenomenal job". He also thanked Costa Mesa Police Officers for being very professional, agreed with the visibility and morale issues of the black and white vehicles, and appreciated that a funding source had been identified. Council Member Cowan opposed the motion, stating that she liked the white vehicles believing that a change would be a step backwards.

The Deputy City Clerk presented Community Development Block Grant public service grant Policies and Procedures and application. The CDBG/HOME Coordinator summarized the Agenda Report dated December 15, 2003.

NEW BUSINESS
CDBG Policies and
Procedures

Council Member Steel asked if the application for a "new charity" to locate in the City is currently reviewed by City Council, and thought that grant funds allocated for homelessness should be reduced even further than that recommended by the Redevelopment and Residential Rehabilitation (3R) Committee, which is from 40 percent to 25 percent. He encouraged neighboring cities to create their own homeless shelters. Mayor Pro Tem Mansoor proposed that Newport Beach donate the portion of their CDBG public service grant funds allocated for homeless programs to Costa Mesa (reference Page 14 of the Agenda Report). Regarding Police Call/Crime Statistics regarding incidents which occur at or near some of the charities which receive CDBG funding, he asked for clarification on specific crimes such as number of assaults, robberies, and drug use, as opposed to car alarm incidents (Page

15). Mayor Pro Tem Mansoor supported requiring applicants to provide salary benefits and requiring Police Department incident and crime reports for all applicants.

The CDBG/HOME Coordinator responded to questions from Council including Council Member Cowan's inquiry of whether a reduction in homelessness prompted the staff recommendation to reduce the allocation, of which he replied that the recommendation is based on feedback from the 3R Committee.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, supported requiring 990 tax filings as part of the application process. He proposed adding "Racial/Ethnic Proportionality" to the Criteria on Page 22 of the Agenda Report, believing that charities should be awarded points if they are serving a rough balance of the "proportionality" in the City.

MOTION/To Approve
Recommended
Action

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, to approve the recommended actions: Reduce the amount of CDBG Public Service grant funds allocated for homelessness prevention/assistance from 40 percent to 25 percent; require grant applicants to submit most current 990 tax filings as part of the application process; require applicants to provide salary/benefit information for executive directors even though no CDBG funding is sought for this position, and require incident and crime reports from the Police Department for all applicants with program locations in Costa Mesa.

Council Member Cowan opposed the motion because of the proposed cut in the homeless funds to 25 percent, citing the small amount that the community provides to the homeless on an annual basis. She supported requiring the 990 tax filings but took issue with requiring applicants to provide salary/benefit information for executive directors. She cautioned that there are fundamental flaws in crime reporting which may not necessarily show whether a particular agency has problems.

Council Member Steel asked that staff create a policy or requirement that City Council could not only review but have the right of approval prior to a charity or group home being introduced into the City.

A substitute motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, to reduce the amount of CDBG Public Service grant funds from 40 percent to 25 percent for homelessness.

SUBSTITUTE
MOTION/Approved
Reduction in Homeless
CDBG Public Service
Grant Funds

Mayor Pro Tem Mansoor supported the motion, stating that the monies the City now contributes to homelessness is not a "pittance", and observed that they also receive funding from other cities.

Mayor Pro Tem Mansoor withdrew his original motion. The substitute motion carried 3-2, Council Member Cowan and Council Member Scheafer voting no.

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to require grant applicants to submit their most current 990 tax filings as part of the application process.

MOTION/Approved
Filing Submittals

A motion was made by Mayor Monahan, seconded by Mayor Pro

MOTION/Approved
Requiring Incident
and Crime Reports

Tem Mansoor, and carried 4-1, Council Member Cowan voting no, to require the incident and crime reports from the Police Department for all applicants with program locations in Costa Mesa.

MOTION/To Provide
Salary/Benefit Infor-
mation Failed to Carry

A motion was made by Council Member Steel, seconded by Mayor Pro Tem Mansoor, to require applicants to provide salary/benefit information for executive directors. The motion failed to carry 3-2, Mayor Monahan, Council Member Cowan, and Council Member Scheafer, voting no.

MOTION/To Approve
Charities Died

A motion was made by Council Member Steel directing that the City Council have the approval right for any charity or group home which intends to locate in the City.

Council Member Steel noted the impact and consequences from these organizations, specifically the affect on schools and crime rate. He proposed that Council "step up to the plate" and make these tough decisions. The motion died for lack of a second.

Mayor Monahan commented that there are hundreds of charities which include high school booster clubs, etc., and found it unrealistic for Council to look at each application. He suggested that any control be directed towards land use, and indicated that he would work with Council Member Steel and the Development Services Director on a conditional use permit process. Mayor Pro Tem Mansoor observed that he would require additional information on the specifics of the proposal. Council Member Steel stated that his comments are in reference to the Someone Cares Soup Kitchen, 720 West 19th Street, and Share Our Selves, 1550 Superior Avenue, and agreed to gather more information.

The Deputy City Clerk presented General Plan Screening Request GPS-03-03 for property located at 1695 Superior Avenue and 635 West 17th Street. The Associate Planner summarized the Agenda Report dated December 17, 2003.

NEW BUSINESS
General Plan Screen-
ing Request GPS-03-
03, Growers Direct

Julio Gener, Studio 3 Architects, 20101 Southwest Birch Street, Suite 210, Newport Beach, architect for the project, indicated that his intent is to ask for a continuance in order to work with staff to ensure compliance.

The Associate Planner replied to a question from Mayor Pro Tem Mansoor by stating that staff's recommendation to reject the request was based on the evaluation of the request in relation to the three acceptance criteria which are specified in Council Policy 500-2, and the project was found to be inconsistent.

Mayor Pro Tem Mansoor reported that he had visited Grower's Direct, the applicant, and observed that the existing market is a benefit to the community, stating that the proposed location, which is currently blighted, would be improved by a retail business.

Council Member Cowan expressed an interest in going forward with the screening, and proposed placing restrictions on the vacated building to assist with traffic control in that area.

Judi Berry, 2064 Meadow View Lane, Costa Mesa, supported Growers Direct which is a healthy, attractive business on the west side of Costa Mesa instead of "another oil change place or another car wash".

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, supported the application, alluded to a “shift in commercial” going down West 17th Street, and cited a more elite clientele who shop at Growers Direct and Trader Joes. He encouraged sustaining this trend.

Mike Berry, 2064 Meadow View Lane, Costa Mesa, thought that the development of this area may require redirecting traffic which could alleviate the Superior Avenue, Anaheim Avenue, and 17th Street intersection problem.

William Pezzullo, 2400 Meadow Brook, Costa Mesa, believed that Growers Direct is a good neighbor, the type of business that will be beneficial to the west side, and believed that they have shown a willingness to cooperate with the City. He recommended that the City work with Growers Direct to arrive at a viable solution for traffic concerns in order to allow the property to be developed.

Kathleen Eric, 1825 Placentia Avenue, Costa Mesa, supported the project as the type that Costa Mesa, especially the west side, needs.

Christian Eric, 1825 Placentia Avenue, Costa Mesa, reported that this high visibility corner has the potential to introduce the west side to those who are traveling from 17th Street/Newport area to 17th Street/west side area. He felt that the addition of Trader Joes was a step in the right direction, and did not feel that a relocation by Growers Direct to a lot across the street from their present store would cause an increase in traffic.

Julio Gener reported that the reason that Growers Direct wishes to move across the street is that they have outgrown their current location, and the additional space will be used for storage, office area, and rest rooms.

MOTION/Accepted
GPS-03-03 for
Processing

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Cowan, and carried 5-0, GPS-03-03 was accepted for processing, and the Planning Commission was directed to examine the two lots on 17th Street west of the proposed location and west of Superior Avenue, and two lots south of Superior Avenue towards 16th Street (the area shown on the map on handwritten Page 9 of the Agenda Report), to (1) ensure that it is not site specific, and (2) investigate lot combination incentives at this location.

The Deputy City Clerk presented proposed modifications to the plant palette for 19th Street median islands and parkways, between Park Avenue and Placentia Avenue. The Public Services Director reviewed the Agenda Report dated December 23, 2003.

NEW BUSINESS
19th Street Median
Islands

A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to approve the staff recommendations as listed in the Agenda Report, adding Yellow Gazanias to the plant palette.

MOTION/Approved
Recommendations

Council Member Scheafer asked that Sea Lavender, which attracts bees, not be planted near the Costa Mesa Senior Center.

The Deputy City Clerk presented the participation of Costa Mesa in future meetings regarding John Wayne Airport with the City of

NEW BUSINESS
John Wayne Airport

Newport Beach and the County of Orange. Mayor Pro Tem Mansoor felt that the City had “dropped the ball” regarding airport issues with the El Toro Marine Corps Air Station and John Wayne Airport, and felt that this is an opportunity to participate in order to protect the best interests of Costa Mesa. In response to a question from Council Member Steel, Mayor Pro Tem Mansoor replied that prior to his time on the Council, he felt that Council should have taken a more proactive voice in terms of ensuring that an airport was developed at El Toro.

Tamar Goldmann, 2324 College Drive, Costa Mesa, thanked Mayor Pro Tem Mansoor for his efforts on this matter, and asked for Council support of the request.

Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, concurred with Mrs. Goldmann, stating that it is important for Costa Mesa to be a full participant in the decisions.

Beth Refakes, 320 Magnolia Street, Costa Mesa, commended Mayor Pro Tem Mansoor for showing leadership, and believed that Costa Mesa should play a major role.

Willard Chilcott, 167 Rochester Street, Apt. B, Costa Mesa, thought that the City of Newport Beach was interested in controlling John Wayne Airport, and opined that the airport should remain under the jurisdiction of the County of Orange so that all the cities are represented.

MOTION/Approved
Request

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Cowan, and carried 5-0, to approve issuing a formal request to the Orange County Board of Supervisors and the City of Newport Beach City Council to include representatives of the City of Costa Mesa in their upcoming deliberations regarding the future operation of John Wayne Airport, and staff was directed to prepare a formal request for the Mayor’s signature expressing the City’s interests and reiterating the points stated in the staff report on this matter.

The Acting City Attorney presented the Closed Session request regarding pending litigation: Scheer v. City of Costa Mesa, et al., and asked that it be trailed to the end of the Council Comments.

NEW BUSINESS
Request for Closed
Session, Scheer v. City

COUNCIL
COMMENTS
Red Light Cameras;
Elm Street Parking

Council Member Scheafer, referring to a report from Police Lieutenant Karl Schuler regarding the Red Light Cameras, commented on the reduction in traffic collisions on Newport Boulevard since their installation. He reported on the parking situation on Elm Street behind the Paul Mitchell Salon where vehicles are parked on the corner of the street and infringe into Royal Palm Drive. He asked that staff investigate painting the corner curbs red.

Bob Wilson

Mayor Monahan announced the passing of former Mayor Bob Wilson and, at the request of the family, thanked the community for their support. He stated that a memorial service would be held on Saturday, January 31, 2004, 11:00 a.m., at the Calvary Chapel in Costa Mesa. He paid tribute to Mr. Wilson by stating that he was instrumental in the incorporation of the City in 1953, was one of the original Planning Commissioners, and a Council Member for almost 20 years, 3 times as Mayor. Mayor Pro Tem Mansoor, Council Member Steel, and Council Member Scheafer expressed their sadness at the loss, and a moment of silence was observed.

ADJOURNMENT TO
CLOSED SESSION

At 11:10 p.m., Mayor Monahan adjourned the City Council meeting to a closed session in first floor Conference Room B, pursuant to Section 54956.9(a) of the California Government Code, a closed session has been scheduled for the City Council to confer with the legal counsel regarding pending litigation: Scheer v. City of Costa Mesa, et al. (Orange County Superior Court Case No. 30CC11070).

MEETING
RECONVENED

At 11:55 p.m., Mayor Monahan reconvened the meeting and announced the action taken during closed session:

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, and carried 5-0, to approve the proposed mutual release and settlement agreement between Jerry Scheer and the City of Costa Mesa, contingent upon all parties signing the agreement.

MOTION/Approved
Agreement

Mayor Monahan declared the meeting adjourned at 11:58 p.m.

ADJOURNMENT

