

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

APRIL 5, 2004

The City Council of the City of Costa Mesa, California, met in regular session April 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 the Mayor, followed by the Pledge of Allegiance to the Flag led by Mayor Monahan, and a moment of solemn expression lead by the Reverend Tim McCalmont, Presbyterian Church of the Covenant.

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
Finance Director Marc Puckett
Recreation Manager Jana
Ransom
Legislative and Public Affairs
Manager Ann Shultz
Senior Planner Kim Brandt
Deputy City Clerk Julie Folcik

MINUTES
March 1 and 15, 2004

On motion by Council Member Steel, seconded by Council Member Scheafer, and carried 5-0, the minutes of the regular meetings of March 1 and 15, 2004, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

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

PRESENTATION
Employee of the Month

Mayor Monahan congratulated Claire Flynn on being named Employee of the Month for April, 2004, in recognition of her work as Project Manager of the 1901 Newport Plaza project. Ms. Flynn was commended for her clear communication with the community, thorough attention to detail, and essential documentation and presentation to City Council, Planning Commission, the public, and staff.

PUBLIC COMMENT
Christian Science
Prayer Effort

Diane Hill, Costa Mesa, announced that members of the Christian Science Church which she attends are praying together on one topic of concern each month for the next few months in order to support the community and the government. She reported that April's topic is "The Spiritual Perspective on Money and Supply", and she invited others to join in this effort. For further information, Ms. Hill suggested calling (714) 546-3548, Tuesday through Saturday, 11:00 a.m. to 3:00 p.m.

Millard Comments	<p>Martin Millard, Costa Mesa, referring to comments he made during the Public Comment portion of the March 15, 2004, Council meeting regarding used cars sold at the Orange Coast College Swap Meet, advised that he had received a very sarcastic letter in response to his comments from the person “in charge” of the swap meet. He urged Council to ascertain if the City receives the full amount of monies due from swap meet operations. Mr. Millard complained about produce trucks which operate in Mesa North after the 5:00 p.m. curfew, and reported of players who participated in a soccer game in Paularino Park without first obtaining a permit from the City for use the park. Council Member Steel asked Mr. Millard to supply Council with a copy of the letter he received from Orange Coast College, as well as any response. Police Chief John Hensley, in response to Mr. Millard’s complaint of the produce trucks, suggested he contact his office, (714) 754-5117, and offered to introduce him to the police officer who is responsible for the Mesa North neighborhood.</p>
Mobile Home Park Closure	<p>Don Hunter, Costa Mesa, mobile home owners consumer advocate, took exception to several comments made at previous City Council and Planning Commission meetings pertaining to mobile home closure. He commented that neither Snug Harbor, El Nido, nor Anchor Mobile Home Parks have been properly maintained by the owners and have been substandard for many years. If not for the residents, he would have encouraged closure.</p>
Costa Mesa Gangs	<p>John Feeney, Costa Mesa, addressing gang activity in the City, suggested placing articles on the graffiti reward and gang eviction ordinance in the City’s newsletter and the quarterly recreation review. He proposed a follow-up system with the Orange County Court system to track the disposition of cases involving gang members. Citing a previous use of the follow-up system for robbery arrests, he reported that after six months only 25 percent of the cases were not prosecuted (as opposed to 75 percent previously), most of the cases went to trial, and the number of convictions increased.</p>
Newport Beach/Costa Mesa/School District Joint Use Agreement	<p>Mike Berry, Costa Mesa, mentioned an article in the Daily Pilot reporting that the cities of Newport Beach and Huntington Beach are joining together to share in joint community interests, and asked if the City of Costa Mesa received an invitation to participate. He alluded to a 1987 City of Newport Beach agreement with the Newport-Mesa Unified School District which denies Costa Mesa the ability to schedule usage of school property located in Newport Beach while at the same time allows Newport Beach to schedule usage of property in Costa Mesa. He asked that the City research this document. Mayor Monahan replied that he would review the agreement. Mr. Berry commented on the common complaint of the lack of sufficient athletic fields in the City, stating that Costa Mesa should have the right to use any facility within the entire Newport-Mesa Unified School District.</p>
1901 Newport Plaza Residences Project	<p>Heather Somers, Costa Mesa, asked Council to oppose the proposed 1901 Newport Plaza Residences Project (Master Plan PA-02-11) at the Joint Redevelopment Agency/City Council meeting of April 12, 2004, and read her letter of February 24, 2004, regarding issues pertinent to the project. She alleged that this project is the wrong plan on the wrong site with the wrong intensity of use, and asked that Council reconsider the project and deny the housing element and dedication of the \$1.5 million.</p>

Fairview Park Encroachments	<p>Judi Berry, Costa Mesa, asked if the City had sent letters to the homeowners on Swan Drive regarding Council's March 15, 2004, decision regarding Fairview Park encroachments. The Public Services Director replied that a draft letter, as well as an indemnification agreement, are currently being developed, and individual meetings will be held with the Swan Drive homeowners. He reported that the meetings will occur within the next several months, and the official letter will be forwarded thereafter.</p>
Park Avenue Rehabilitation	<p>Beth Refakes, Costa Mesa, referring to the rehabilitation of Park Avenue, expressed concern regarding the double buses which use this street as a turnaround area and parking lot, noting that they will eventually cause deterioration. She asked why these large, often empty buses, are using Costa Mesa streets. The City Manager replied advising of a change of bus routes and route terminations occurring on Park Avenue, and that asphalt sections of the street have been replaced with concrete slabs to withstand the type of usage. Ms. Refakes reported that the parking is inadequate for the newly reopened Armstrong Nursery on Newport Boulevard, and noted the backup of traffic on Fairview Road on the weekend due to activities at the Orange Coast College and the Orange County Fairgrounds. She asked for statistics regarding the red light cameras.</p>
Armstrong Nursery Parking	
Fairview Road Traffic	<p>The Public Services Director responded to a question from Mayor Pro Tem Mansoor regarding Park Avenue bus traffic by stating that the Orange County Transportation Authority (OCTA) periodically reviews bus routes, and based on ridership and surveys, they propose changes, of which the cities involved are notified, and public hearings, to receive input, are held.</p>
Hogan Shereshevsky Comments	<p>Anne Hogan Shereshevsky, Costa Mesa, agreed with Ms. Somers' previous comments concerning the 1901 Newport Plaza Residences Project. She believes that Park Avenue is a beautiful street excepting the buses, and related the story of a traffic ticket she received on the 73 Toll Road. Ms. Hogan Shereshevsky announced that the Orange County Senior Expo will be held on Friday and Saturday, April 17 and 18, 2004, from 9:30 a.m. to 4:30 p.m., at the Orange County Fairgrounds, Building No. 10.</p>
Newport Boulevard Traffic Issues	<p>Igal Israel, Costa Mesa, addressed traffic issues for the 1901 Newport Boulevard project, commenting that the streets are "worn out as it is", and suggested that monies for the project be reallocated to beautifying the City. Mayor Monahan replied that extensive traffic studies had been performed, and traffic fees for improvements were included in the project. Mr. Israel objected to residents expecting the City to take charge "of everything", and suggested that residents become more proactive.</p>
Genis Comments	<p>Sandra Genis, Costa Mesa, reported that she possesses information on amplified sounds, storage of inventory, inspections and employee parking on residential streets, and test driving which she would like included in the proposed automobile dealer ordinance scheduled to be discussed at the Council meeting of April 19, 2004. Referring to the Orange Coast College (OCC) site where they are contemplating placing high-density housing, she observed that the City should have "first dibs" on the property, and proposed a ball field for the site. Ms. Genis showed a map indicating that Costa Mesa has substandard air quality near the 55/405 Freeway interchange, which she attributed to the backup of trucks entering the freeway, deliveries, and idling in the commercial areas.</p>

CONSENT CALENDAR	The following items were removed from the Consent Calendar: Item No. 7, Amendment No. 8 to Cooperative Agreement No. C-95-968 with the Orange County Transportation Authority for "Combined Transportation Funding Programs Allocations"; and Item No. 8, Contract award for Rehabilitation of Fair Drive and Southbound Fairview Road, Project No. 04-05.
MOTION/Approved Except Item No. 7 and No. 8	On motion by Council Member Cowan, seconded by Mayor Pro Tem Mansoor, 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: Brandt Development Ltd.; Carole Irene Brazda; Clint Carroll; Frank DelaVara; Fred Gilbert; John Glassell; Fred Katakura; Mary Ann Mascaro; Luis Ortiz; and Reid Washbon.
Alcoholic Beverage Control Licenses	Request for Alcoholic Beverage Control Licenses from 7-Eleven Stores, 1673 Irvine Avenue, and 204 East 17 th Street, for fiduciary transfers for a Type 20 ABC License (off-sale beer and wine).
Public Utilities Commission	Southern California Edison Company correspondence to the Public Utilities Commission regarding public notification of a proposed increase in electrical rates.
Follow-Up Reports	Staff responded to comments at the City Council meeting of March 1, 2004, from Martin Millard regarding commercial vehicles (i.e., tow trucks, and gardening trucks filled with debris) who park in Mesa North on the streets near Paularino School for extended periods of time causing traffic problems.
WARRANTS	The following warrants were approved:
Approved Warrant 1997/Payrolls 406 and 405A	Warrant Resolution 1997, funding Payroll No. 406 for \$1,937,837.54, Payroll No. 405A for \$162.49, and City operating expenses for \$351,816.16, including payroll deductions.
Approved Warrant 1998	Warrant Resolution 1998, funding City operating expenses for \$1,886,252.36.
Approved Warrant 1999/Payrolls 407 and 406A	Warrant Resolution 1999, funding Payroll No. 407 for \$1,979,865.49, Payroll No. 406A for negative \$384.80, and City operating expenses for \$1,606,150.65, including payroll deductions.
ADMINISTRATIVE ACTIONS/Adopted Resolution 04-25, Setting Hearing on May 3, 2004, for Sea Bluff Vacation	Resolution 04-25 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY ON SEA BLUFF DRIVE, setting a public hearing on May 3, 2004, at 6:30 p.m., in the Council Chambers of City Hall.
Adopted Resolution 04-26, Authorizing Records Destruction for Transportation	Resolution 04-26 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TRANSPORTATION DIVISION OF THE PUBLIC SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Awarded Storm Drain Repair at Jamaica Road, Project No. 04-02, to Sancon

Bids received for Storm Drain Repair at Jamaica Road, Project No. 04-02, are on file in the City Clerk's office. The contract was awarded to Sancon Technologies, Inc., 5881 Engineer Drive, Huntington Beach, for \$22,010.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Awarded Newport Boulevard Bike Trail Landscaping and Irrigation Project No. 04-03, to America West Landscape

Bids received for Newport Boulevard Bike Trail Landscaping and Irrigation, Adjacent to the Orange County Fairgrounds, Project No. 04-03, are on file in the City Clerk's office. The contract was awarded to America West Landscape, Inc., 12328 Woodruff Avenue, Downey, for \$167,420.00 (alternate bid), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Accepted Work at 1645 Adams Avenue by Standard Pacific, EP PS00-00053 and PS01-00094 (Tract 15882)

Street improvements at 1645 Adams Avenue were completed to the satisfaction of the Public Services Director by Standard Pacific Corporation, 15326 Alton Parkway, Irvine, in connection with Encroachment Permit Numbers PS00-00653 and PS01-00094 (Tract 15882). The work was accepted, and the bonds were ordered exonerated.

Accepted Work at 1645 Adams Avenue by Standard Pacific, EP PS01-00007, PS01-00093, PS01-00103 (Tract 15882)

Street improvements at 1645 Adams Avenue were completed to the satisfaction of the Public Services Director by Standard Pacific Corporation, 15326 Alton Parkway, Irvine, in connection with Encroachment Permit Numbers PS01-00007, PS01-00093, and PS01-00103 (Tract 15882). The work was accepted, and the bonds were ordered exonerated.

Accepted Work at 2087 Garden Lane by Joe Cefalia, EP PS01-00359 (Tract 15991)

Street improvements at 2087 Garden Lane were completed to the satisfaction of the Public Services Director by Joe Cefalia, 1649 Bayside Drive, Corona del Mar, in connection with Encroachment Permit No. PS01-00359 (Tract 15991). The work was accepted, and the bonds were ordered exonerated.

Accepted Work at 2051 Newport Boulevard by Public Storage, EP PS02-00102 (PA-01-01)

Street improvements at 2051 Newport Boulevard were completed to the satisfaction of the Public Services Director by Public Storage, Inc., 701 Western Avenue, Glendale, in connection with Encroachment Permit No PS02-00102 (PA-01-01). The work was accepted, and the bonds were ordered exonerated.

Accepted Work at 2801 Bristol Street by Bristol Metro, EP PS02-00357 (DR-00-21)

Street improvements at 2801 Bristol Street were completed to the satisfaction of the Public Services Director by Bristol Metro, LLC, 500 Newport Center Drive, Suite 930, Newport Beach, in connection with Encroachment Permit No. PS02-00357 (DR-00-21). The work was accepted, and the bonds were ordered exonerated.

Accepted Work at 708 Randolph Avenue by The Lab, EP PS03-00634

Street improvements at 708 Randolph Avenue were completed to the satisfaction of the Public Services Director by The Lab, 709 Randolph Avenue, in connection with Encroachment Permit No. PS03-00634. The work was accepted, and the cash refund of \$9,909.48 was approved.

Amendment No. 8 to Agreement C-95-968 with OCTA

Item No. 7 on the Consent Calendar was presented: Cooperative Agreement No. C-95-968 with the Orange County Transportation Authority (OCTA), deleting the prior Exhibit A in its entirety and replacing it with a revised "Combined Transportation Funding Programs Allocations" list dated January 13, 2004.

Judi Berry, Costa Mesa, reported that in checking the agenda report on the internet, Attachment 1 was unreadable. She asked for a hard copy.

On motion by Mayor Monahan, seconded by Council Member

MOTION/Approved
Amendment

Steel, and carried 5-0, the amendment was approved, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Rehabilitation of Fair
Drive and Fairview
Road, Project No. 04-
05, to All American
Asphalt

Item No. 8 on the Consent Calendar was presented: Contract award for Rehabilitation of Fair Drive and Southbound Fairview Road, Project No. 04-05. Mayor Pro Tem Mansoor opined that the sidewalk repair should include the entire sidewalk area. The Public Services Director suggested a change order, noting that funds are held in contingency. He thought that the entire additional cost would be approximately \$20,000.00.

MOTION/Awarded
Contract to All
American Asphalt

On motion by Mayor Pro Tem Mansoor, seconded by Mayor Monahan, and carried 5-0, the contract was awarded to All American Asphalt, P.O. Box 2229, Corona, for \$749,749.00, the Mayor and Deputy City Clerk were authorized to sign on behalf of the City, and staff was directed to locate additional funds in order to accomplish the complete sidewalk repair and tree removal and replacement.

Council Member Cowan supported the motion but was concerned about the removal of the trees. She noted the successful sidewalk rehabilitation on Baker Street between Fairview Road and Harbor Boulevard which did not include tree removal, and asked that the options to tree removal be fully explored. Mayor Pro Tem Mansoor mentioned the liability involved from sidewalks that are broken due to tree root damage, and suggested that the existing tree policy be followed. The Public Services Director explained that every tree is individually evaluated to ascertain if it can be saved yet assuring that it is safe for the public. Mayor Pro Tem Mansoor added that if a tree is removed, the ratio for replacement is 3 to 1, and explained that he is mainly interested in a "long-term fix".

PUBLIC HEARING
Mobile Home Park
Conversions

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending the Costa Mesa Municipal Code by adding a new Article 17 to Title 13, Zoning Code, regarding mobile home park conversions, and amending other affected provisions of Title 13. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. Communications were received from Milt Burdick, Vice President of Golden State Manufactured Homeowners League (GSMOL), supporting the proposed ordinance; John Campbell, Costa Mesa, opposing the ordinance; and Tom Carson, Costa Mesa, urging Council to take no action because State law provides sufficient mechanisms regarding mobile home parks. The Senior Planner summarized the Agenda Report dated March 18, 2004, and responded to questions from Council.

Council Member Steel complimented the Planning Division and the Planning Commission for their efforts on this project. He advised that Council had received a letter from a Ms. Halaska, dated March 3, 2004, a resident of the El Nido Mobile Home Park, and stated that letters such as hers give weight to the need for a closure ordinance. Council Member Cowan also thanked staff for their efforts and commented that it will provide direction in the future to Council and the Planning Commission regarding evaluating relocation reports.

Mayor Pro Tem Mansoor expressed his concerns regarding the proposed ordinance, stating that it "gives quite a bit to the tenants or the renters", by providing a provision for a replacement lot,

payment of the cost of physically moving, the moving cost of all personal property, reasonable living expenses, a lump sum based on on-site market value, provision of relocation specialist services, and payment of a lump sum to compensate for any rent differential during the first year. He believed that State law provides adequate guidelines for conversion, and the items in the ordinance will cause an additional burden for the property owner.

Mike Berry, Costa Mesa, alleged that raising costs for the property owner reduces his ability to adequately compensate the residents or to address the issues in a timely manner. He asked why a certificate of occupancy is not required.

Dick Matherly, Costa Mesa, a former resident of El Nido Mobile Home Park who has recently been relocated to another mobile home park by Mr. Brown, the owner of El Nido, applauded Mr. Brown's efforts but thought that the process had been too lengthy. He supported the ordinance, stating that it would provide security and confidence to the residents.

Richard Delaney, San Bruno, managing owner of Tropic Trailer Courts in Costa Mesa, and manager of 26 parks in 5 states, opposed the ordinance because it creates a separate class of people at the expense of the park owners, and the City would be asked to defend the ordinance. He reported that he has operated Tropic Trailer Courts since 1985, and this is the first time that, to his knowledge, a park closure has occurred.

Dave Salcido, Costa Mesa, advised that many of his neighbors are mobile home park residents who have resided in their mobile homes for years and are living on a fixed income. He supported the ordinance.

Terry Shaw, Costa Mesa, noted several changes in the ordinance which had been made at the Planning Commission level, such as the addition of a bankruptcy clause, and encouraged Council to further enhance the ordinance.

Irene Shannon, Costa Mesa, reminded Council that she has repeatedly supported an ordinance regarding mobile home conversion to fill a loophole which is covered by State law but not local law.

Don Hunter, Costa Mesa, mobile home owners consumer advocate, supported the ordinance with two exceptions: he believed that the distance of a 50-mile radius is excessive in locating a replacement lot in a comparable park; and he compared the payment to a mobile home owner of a lump sum based upon consideration of the "off-site market value" as equal to salvage value.

Vickie Talley, Laguna Hills, Director of the Manufactured Housing Educational Trust, and representing the mobile home community owners, discouraged adoption of the proposed ordinance. She reiterated objections previously submitted, felt that the State law works, and further commented that the "one year of uncertainty" discussed by Mr. Matherly could have been avoided had the Council not embarked upon the discussion of drafting an ordinance as a separate layer on top of the State law. Ms. Talley is not aware of any parks which will close in the near future.

Jean Stirling-Stevens, Region 5 Manager for the Golden State

Manufactured Homeowners League (GSMOL), and an advocate for personal and property rights, provided elements to include in the conversion ordinance, such as in-place evaluation in a fully operational park which she deemed the only proper and equitable way to appraise a manufactured home.

Tom Carson, owner of Green Lake Mobile Home Park on Whittier Avenue between 17th and 18th Streets, announced that he has no intention of closing his park nor making any land-use changes. He opposed the ordinance, believing that it would add a new layer of bureaucracy and cost to anyone who intended to develop their land.

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

Mayor Monahan thanked the Senior Planner, the Planning Commission, the tenants, the mobile home owners, and staff for their work on this ordinance. He indicated that he is not “thrilled” with the final product, stating that it does not solve the existing problems, and believed that the recent closures would have occurred sooner had Council not been proceeding with the ordinance.

MOTION /Received
and Filed

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, to receive and file the report.

Council Member Cowan opposed the motion, observing that the ordinance addresses many of the areas with which the City has struggled during the course of the closure of El Nido and Snug Harbor. She added that it clearly defined what the State has mandated the City to accomplish. She did not believe that it should be easy to convert or close a mobile home park, nor should it necessarily be onerous for property owners who do choose to change their land use. Council Member Cowan disagreed that residents of El Nido and Snug Harbor would have received benefits had the ordinance not been pursued.

Council Member Steel opposed the motion but thought that the property owner should be able to prepare the closure report, and questioned the payment of relocation benefits to recreational vehicle owners and to non-residents. He felt that Costa Mesa residents need to be protected, commenting that the ordinance is reasonable. Council Member Steel supported having “something in writing” to protect residents in future situations.

SUBSTITUTE
MOTION/To Give First
Reading to Ordinance

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

The original motion carried 3-2, Council Member Cowan and Council Member Steel voting no.

The Senior Planner asked for clarification, indicating that the current ordinance does not address mobile home park closures, and asking if it was Council direction to maintain the current City code to exclude mobile home park closures or should staff return with an ordinance which only addresses mobile home park closures in conversion procedures. Council Member Cowan encouraged adopting an ordinance that defines a closure because

it is not defined at this time. The Acting City Attorney volunteered to work with the Planning Division to prepare a report with recommendations. Mayor Monahan was not confident that he was willing to expend additional staff time on this issue.

RECESS

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

PUBLIC HEARING
Banners on Athletic
Fields

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending the Costa Mesa Municipal Code by amending Title 13, Zoning Code, regarding the use of banners on athletic fields. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. A communication was received from Tim Cromwell, Costa Mesa, supporting the use of banners at fields for Costa Mesa National Little League teams. The Recreation Manager reviewed the Agenda Report dated March 25, 2004, and responded to questions from Council. She clarified for Mayor Monahan that the ordinance did not require that the sponsors be identified, only that the number of banners, size, colors, material, and the time period they will be displayed.

Council Member Scheafer explained the sponsorship process, advising that the league accepts a donation from a sponsor, and a sponsorship director for the league will purchase banners, usually with a white background because they are less expensive. Addressing the difficulty in mounting and unmounting the banners, Council Member Steel proposed using hooks. He wondered if in the future a game program listing sponsors, including coupons, would suffice. Council Member Scheafer replied that printing a program would be quite expensive.

Mayor Pro Tem Mansoor remarked that of all the issues regarding the ballfields such as trash and parking problems, the banner issue is of the least importance. Regarding issues within the City that are contentious, he suggested that staff provide their suggestions in the form of alternatives. He thought that the banners could be solidly hung with a hook on each corner and one in the center, top and bottom, delegating responsibility for mounting and un-mounting the banners to the parents.

Mike Berry, Costa Mesa, stated that these sports activities are supposed to be about kids, not advertising. He opined that there are members of the Council who should abstain from voting on this issue.

William Bonham, Costa Mesa, felt that regarding the advertising, the kids and the sponsors are the winners and the residents and schools loose.

A player representative for the Costa Mesa National League reported that the teams need sponsors because they do not receive any money for support from the City. He reported that they have beautified the fields, spending over \$10,000.00 of sponsor money in the last year, and that they have made a concentrated effort to be a good neighbor. Since researching safety hooks for hanging banners, he indicated that a "zip tie" is the safest on the market.

Martin Millard, Costa Mesa, asked Council to support the homeowners by directing that the banners be hung and removed every day. He objected to the definition of an athletic field as

contained in the ordinance, calling it “too broad”.

Amy Stephens, President of the Costa Mesa American Little League, supported the ordinance as written, and reminded Council that sponsors are an important source of income for the league. She reported that the league fees have not been raised in the last five years due to the support. She stated that they have attempted to be a good neighbor but felt that some of the residents requests, such as mounting and unmounting banners every day, are unreasonable.

Dave Salcido, Costa Mesa, thought that the league is obligated to remove the banners after each game. He cited the residents concerns that the little league activity renders the neighborhood less desirable and lowers property values.

Terry Shaw, Costa Mesa, recommended revising the ordinance to delete the restriction that banners will not contain more than 3 colors, and thought that the banners should be taken down every day.

A Costa Mesa resident stated that he understood the need for sponsorship but thought that the banners should only be in view during the hours that the athletic field is in use. He asked Council to think of the residents when making their decision.

Charles Graham, Costa Mesa, a District 62 certified umpire and Assistant Umpire and Chief for Costa Mesa National Little League, thought the issue trivial since the banners are the same ones that have hung for eight years uncontested. He mentioned that the fields are used every day except for Sunday, and thought it a hardship to take the banners down every night. Mr. Graham asked that the children receive the opportunity for safe and fair play.

Lori McDonald, Costa Mesa, complained that the Mayor advertised his restaurant on the premises of St. Joachim’s Catholic Church and advertises in the church newsletter, yet as a Council Member voted on expansion of the church. She cited a conflict of interest. For the record, Mayor Monahan reported that the church expansion never reached the City Council level and he, therefore, could not participated in voting on the matter.

John Stephens, Costa Mesa, member of the Costa Mesa American Little League Board of Directors and the American Little League Umpire and Chief, reported that since 1998 when he first joined the Board, there has not been a banner problem. He added that the banners defray the costs of equipment and uniforms.

Sandra Genis, Costa Mesa, objected to the sections of the ordinance which reference uncodified material, and thought that the ordinance should be inclusive of those regulations and should be administered through the Planning Division, not the Recreation Division. She supported removing the banners daily.

John Feeney, Costa Mesa, observed that the ordinance allows anyone to put up signs, and noted several instances of content regulation in the document.

Judi Berry, Costa Mesa, suggested that sponsors put their names on the uniforms, hats, ball, gloves, etc., instead of banners.

Joseph Moody, Costa Mesa, thought that California TeWinkle

School was an unsuitable facility for an athletic field. He observed that a main purpose of the code is to prevent a residential area from being exposed to commercial-type signage, and noted the impact on property values.

A Costa Mesa resident complained about a Costa Mesa Sanitary District banner which is visible from his home on Iowa Street, the outhouses 180 feet from his front door, the bleachers which are 80 feet from his back patio, and a decibel level during games of between 87 to 98. He recommended that a sports arena be constructed for little league use.

Greg Pierce, Costa Mesa, President of Costa Mesa National Little League, explained that a picture shown earlier of an outfield fence covered with banners was taken at the closing game the previous season, and added that all the banners had been moved to one field for the All-Star Game. He advised that this year the banners have been scattered and that there are only 4 or 5 on each major field. Mr. Pierce argued that having the banners hung during practice is of value to the sponsors who are mostly family-owned businesses.

Heather Somers, Costa Mesa, was saddened by the commercialization of youth sports activities, believing that the City should not provide the platform for advertising on City and school property. She proposed the use of a design sponsor thank you board which could be transported from field to field and taken down when the game is over. Ms. Somers commented that banners are everywhere in the City, on walls, buildings, houses, etc., advertising everything from roofing to fumigation, and opposed the proposed ordinance.

An Iowa Street resident supported the location of a sports complex in an area other than the one in which he resides, citing the need for a more space.

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

Council Member Cowan indicated that there is a question regarding the regulations for banner usage being consistent with the sign ordinance, and reiterated her inquiry asking if the banner rules apply only to little league. She suggested refining the ordinance to meet the requirements of the sign ordinance, allowing banners only on baseball and softball fields with outfield fences, allowing them to be hung only on those fences, and defining a time frame in which they may be hung. She supported sponsor banners. Council Member Cowan acknowledged that she would like the hanging and removal of banners to have the least amount of impact on little league volunteers as possible.

Council Member Steel supported hanging and removing the banners daily, and complimented speaker Greg Pierce for his attempt to effect a compromise. Mayor Pro Tem Mansoor endorsed the comments made by Council Member Cowan, clarifying that the intent is to abolish the need for an administrative regulation. He proposed that both sides of the issue regarding banner installation should be investigated.

A motion was made by Mayor Monahan, seconded by Council Member Scheafer, and carried 4-1, Council Member Steel voting no, directing staff to work with Council Member Cowan to refine the

MOTION/Gave
Direction to Staff

ordinance addressing such suggestions to include banner size, manner of hanging, the securing of the banner, that banners only hang on the outfield fences in the baseball and softball fields, define a time frame in which banners may be hung, that the regulations regarding the display of banners comply and are included in the existing codified sign ordinance, and that the banners currently displayed shall be allowed to remain during the current season ending June 16, 2004.

Based on the length of time the banners have been hung, Mayor Pro Tem Mansoor supported the motion, stating that it is a good start in order to refocus on something more specific. In light of Council's determination that staff continue reviewing this matter and prepare a modified ordinance, the Acting City Attorney indicated that it is reasonable to direct staff not to pursue enforcement against existing banners in light of the pending change.

Council Member Steel opposed the motion because the banners will be allowed to remain until mid-June, 2004. Council Member Scheafer asked that staff include in their report the field usage times, as well as anticipated times for hanging and removing the banners. Mayor Monahan was not happy that this matter had become so involved.

RECESS

The Mayor declared a recess at 10:30 p.m., and reconvened the meeting at 10:45 p.m.

OLD BUSINESS
DA-00-02, Segerstrom
Town Center

The Deputy City Clerk presented from the meeting of March 15, 2004, second reading and adoption of Ordinance 04-3, approving an amendment to Development Agreement No. DA-00-02, located east of Bristol Street, south of Sunflower avenue, west of Avenue of the Arts, and north of Anton Boulevard, excluding the Segerstrom Center for the Arts.

MOTION/Adopted
Ordinance 04-3

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, Ordinance 04-3 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT NO. DA-00-02 FOR SEGERSTROM TOWN CENTER.

OLD BUSINESS
Minimum Lot Size in
Residential Projects

The Deputy City Clerk presented from the meeting of March 15, 2004, second reading and adoption of Ordinance 04-4, regarding minimum lot size and common lot requirements in small-lot residential projects located in residential and planned development zoning districts.

Heather Somers, Costa Mesa, pointed out that minimizing small-lot development to 3,000 square feet brings greater closeness in proximity to fill-in projects, specifically on the east side. She asked Council to reconsider lowering the square footage, suggesting retention of the current standard.

Mayor Pro Tem Mansoor noted his understanding that the ordinance clarifies language and does not make major changes.

MOTION/Adopted
Ordinance 04-4

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Cowan, and carried 5-0, Ordinance 04-4 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE

REGARDING MINIMUM LOT SIZE AND COMMON LOT REQUIREMENTS IN SMALL-LOT RESIDENTIAL PROJECTS LOCATED IN RESIDENTIAL AND PLANNED DEVELOPMENT ZONING DISTRICTS.

OLD BUSINESS
New Revenue Sources; and Prioritization of Programs and Services

It was unanimously agreed to consider Old Business Items 3 and 4 concurrently.

The Deputy City Clerk presented the following items continued from the meeting of March 15, 2004:

Consideration of potential new revenue sources.

Consideration of Prioritization of Programs and Services Efforts.

The City Manager suggested, because of the importance of the two items and considering the lateness of the hour, that they be continued to an Adjourned Regular City Council meeting to be held on Monday, April 12, 2004, at 4:30 p.m.

Judi Berry, Costa Mesa, supported an increase in business license fees, and noted a general downward trend in net revenue. She suggested looking at both the expense and revenue sides of the budget.

The Finance Director explained that the schedule information shown by Ms. Berry had been extracted from the City's last four budgets. He addressed that information, and responded to questions from Council.

Sandra Genis, Costa Mesa, stated that the biggest cost to the City is personnel, and mentioned the recent increase in retiree benefits. She felt that employee wages, benefits, and number of holidays should be more in-line with the private sector. She also suggested the installation of parking meters as possible revenue enhancement.

Bill Turpit, Costa Mesa, supported retaining the Costa Mesa Job Center, stating that it is an appropriate and effective application of funds and deals with issues of public safety, public health, and the resident's well-being.

Mike Berry, Costa Mesa, recommended zero-based budgeting.

Mayor Monahan informed the general public that Costa Mesa is fiscally strong with a \$14 million reserve and a strong retail base, and the plan is to discover some long-term revenue sources.

MOTION/Continued to April 12, 2004

On motion by Mayor Monahan, seconded by Council Member Steel, and carried 5-0, these items were continued to an Adjourned Regular City Council meeting to be held on Monday, April 12, 2004, at 4:30 p.m., in Conference Room 1A, City Hall, 77 Fair Drive, Costa Mesa.

NEW BUSINESS
Harbor Lawn Veteran's Memorial

The Deputy City Clerk presented a request from Bud Hohl, President of the Costa Mesa Chapter of the Veterans of Foreign Wars, for City support for a proposed Veterans' Memorial to be constructed at Harbor Lawn Memorial Cemetery for an estimated cost of \$131,392.00. The Legislative and Public Affairs Manager reviewed the Agenda Report dated March 1, 2004.

Bud Hohl, Costa Mesa, advised that the memorial is a tribute to

those who served their country and lost their lives in combat.

The following Costa Mesa residents asked the City to support the memorial: Terry Shaw; Irene Shannon; Beth Refakes; Heather Somers, who stated that contributions may be made through the Costa Mesa Community Foundation; and Mary Hornbuckle, President of the Costa Mesa Community Foundation, advised that donations should be send to the Foundation, Post Office Box 10268, Costa Mesa.

Val Santo, Costa Mesa Fire Fighter/Paramedic, member of American Legion Post 291, Newport Beach, observed that it is time to stand up and show appreciation to veterans.

MOTION/Gave Directions to Staff and Costa Mesa Community Foundation

A motion was made by Mayor Monahan, seconded by Council Member Scheafer, and carried 5-0, to approve support of the Veterans' Memorial, the Costa Mesa Community Foundation was instructed to accept funds for the project, staff was directed to work with the Foundation and Bud Hohl, and the Foundation was directed to provide Council with a recommended level of financial support.

Mayor Pro Tem Mansoor thanked Mr. Hohl and staff for their work on this item. Council Member Scheafer echoed Mayor Pro Tem Mansoor's comment, advised that he would seek financial assistance for the project from the Costa Mesa-Newport Harbor Lions Club, and challenged members of the Costa Mesa Orange Coast Breakfast Lions and the Harbor Mesa Lions Club, and Elks from Lodge 1767 in Newport Beach to contribute. Council Member Steel thanked staff and Bud Hohl.

NEW BUSINESS
Community Foundation By-Laws Amendments

The Deputy City Clerk presented amendments to the Costa Mesa Community Foundation By-Laws. The Legislative and Public Affairs Manager reviewed the Agenda Report dated March 22, 2004.

MOTION/Approved Amendments

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the amendments were approved.

COUNCIL
COMMENTS/Fairview Park Encroachment

Council Member Cowan asked that official letters of notification to the residents on Swan Drive regarding Fairview Park encroachments be prepared and are ready to be mailed by July 1, 2004. The City Manager replied that a complete report and timetable will be prepared for Council. Council Member Cowan indicated that a report is needed only if action is required.

ADJOURNMENT

The meeting was adjourned to the meeting of April 12, 2004, to be held in Conference Room 1A, City Hall, 77 Fair Drive, Costa Mesa, at 4:30 p.m.

