

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA

AUGUST 16, 2004

The City Council of the City of Costa Mesa, California, met in regular session August 16, 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 Pro Tem Mansoor, and a moment of solemn expression led by Dr. Dennis Short, Harbor Christian Church.

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  
Assistant City Manager Steve  
Hayman  
Transportation Services Manager  
Peter Naghavi  
Recreation Manager Jana  
Ransom  
Fire Chief Jim Ellis  
Deputy Fire Chief Gregg Steward  
Management Analyst Carol  
Proctor  
Deputy City Clerk Julie Folcik

MINUTES  
August 2, 2004

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the minutes of the regular meeting of August 2, 2004, were approved as distributed.

ORDINANCES AND  
RESOLUTIONS

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

PRESENTATION  
Rafael Reynosa  
Proclamation

Mayor Monahan read a proclamation honoring Lance Corporal Rafael Reynosa who was killed during Operation Freedom in Iraq. He offered condolences to the family and presented them with the proclamation and a plaque from the Costa Mesa Police Department in recognition of Lance Corporal Reynosa's bravery in preserving the Democratic principles of our country.

PUBLIC COMMENT  
Millard Comments

Martin Millard, Costa Mesa, wondered why test scores in Costa Mesa schools were low compared to those in Newport Beach schools, the crime rate is higher than any other cities except Santa Ana, there is more industrial zoning, the median home price is lower than other cities, there are more renters than homeowners, a growing gang problem, and an overabundance of charities. He believed that the City Council is ultimately responsible for

conditions within the City, and hoped that the new Council Members elected on November 2, 2004, will assist the City to “get back on track”.

Additional Police Officers	Rich Reiser, Newport Beach, asked Council to provide additional police officers in order to enforce the California State Vehicle Code sections regarding vehicles yielding to pedestrians.
Fireworks/Fairgrounds	Beth Refakes, Costa Mesa, thanked the City Manager and the Police and Fire Departments for posting fireworks enforcement results for the 4 <sup>th</sup> of July on the City’s website. She thought that her neighborhood was one of the worst in the City, and suggested banning fireworks. She also encouraged Council to be proactive in opposing the potential sale of the Orange County Fairgrounds.
Fairview Park Parking	Robert Graham, Costa Mesa, addressed the parking situation in Fairview Park, showing photographs where a new lot could be constructed and pictures of other areas in the park, questioning accessibility.
Candidate Forum	Cindy Brenneman, Costa Mesa, extended an invitation to attend the Mesa Verde Community, Inc., Candidate Forum on August 25, 2004, 7:00 p.m., at the Neighborhood Community Center. She stated that the event will be taped for replay on Costa Mesa Television, Channel 24, and the emcees will be the president and vice president of Mesa Verde Community, Inc.
Fireworks	Anne Hogan-Shereshevsky, Costa Mesa, advised that fireworks are still allowed in the cities of Buena Park, Costa Mesa, Garden Grove, Santa Ana, and Stanton, and commented on the report prepared by the City. She believed that if the City condones legal fireworks, then illegal fireworks will follow, and encouraged Council to place this issue on the ballot. Ms. Hogan-Shereshevsky thanked staff for the six new handicap spaces in the Costa Mesa Senior Center parking lot.
Legal Issues	Igal Israel, Costa Mesa, asked the Acting City Attorney “where is the authority given to the Assistant City Attorney Marianne Milligan to take an individual to court.” The Acting City Attorney indicated that he had previously responded to Mr. Israel’s questions but that the answers had evidently not been to his satisfaction. The Development Services Director reported that the City has been involved for almost two years in a dispute with Mr. Israel regarding building permits for his property on Newport Boulevard.
CONSENT CALENDAR	Item No. 4, Amendment to Cooperative Agreement No. C-3-0209 with Orange County Transportation Authority for Preliminary Engineering of the Centerline Light Rail System, was removed from the Consent Calendar.
MOTION/Approved Except Item No. 4	On motion by Council Member Scheafer, 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: Jason and/or Sondra Dufresne; Enterprise Rent-a-Car; Edward Petros; and James Simakis.
Alcoholic Beverage Control Licenses	Request for Alcoholic Beverage Control License from Shooters Restaurant and Bar, 725 Baker Street, for a person-to-person

transfer of an existing Type 48 ABC License (on-sale general - public premises).

Public Utilities  
Commission

Southern California Edison Company filed Application No. A.04-07-012 with the Public Utilities Commission requesting a change in electric rates due to increases in Low-Income Assistance programs for 2005.

Follow-Up Report

Staff responded to a comment by Lee Merianthal at the Council meeting of July 19, 2004, concerning a possible second sober living facility at 306 Romona Place.

WARRANTS

The following warrants were approved:

Approved Warrant  
2017/Payroll 416 and  
415A

Warrant Resolution 2017 funding Payroll No. 416 for \$1,985,320.24, Payroll No. 415A for \$44.43, and City operating expenses for \$1,221,653.69, including payroll deductions.

Approved Warrant  
2018

Warrant Resolution 2018, funding City operating expenses for \$1,224,292.59.

ADMINISTRATIVE  
ACTIONS/Gave  
Directions to Staff  
for Signal/CCTV  
Cable, Project No.  
04-12

The following action was taken regarding Signal/CCTV Cable Communications, Project No. 04-12:

All bids were rejected.

Staff was directed to rebid the project.

Awarded Contract for  
Parkway Concrete  
Repair, Project No.  
04-16, to S. Parker  
Engineering

The following action was taken regarding Parkway Concrete Repair and New Sidewalk Construction, Project No. 04-16:

The non-responsive bid from Southland Construction was rejected.

The contract was awarded to S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley, for \$127,160.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Amendment to Agree-  
ment No. C-3-0209  
with OCTA for Center-  
line Preliminary  
Engineering

Item No. 4 on the Consent Calendar was presented: Amendment to Cooperative Agreement No. C-3-0209 with the Orange County Transportation Authority (OCTA) for Preliminary Engineering of the Centerline Light Rail System, providing additional funding to the City for public outreach consulting services to assist in developing a consensus with major stakeholders regarding the design of Centerline rail facilities and station area features.

Mayor Pro Tem Mansoor stated that he opposed the Centerline project because he believed the cost of the project was unreasonable, that it would not alleviate traffic, traffic lanes in certain areas of the city will be reduced because portions of the Centerline project will be built "at grade", and some of the South Coast Metro area will be destroyed.

The Transportation Services Manager noted that the City entered into an agreement with OCTA in 2003 to distinguish the roles and responsibilities of each agency in order to move the Centerline project forward. He added that the amendment to this agreement would increase the funding from OCTA for the consulting work currently being done.

Martin Millard, Costa Mesa, called Centerline a “train going to nowhere”, and suggested that the City discontinue any further work.

Judi Berry, Costa Mesa, commented that Centerline will not alleviate traffic congestion, will cost over \$1 billion, and would displace many Costa Mesa businesses. She supported rapid mass transit but observed that those trains do not run at grade, stop at intersections, and duplicate existing bus routes. Mrs. Berry suggested placing Centerline on the ballot, allowing citizens to decide its fate.

Beth Refakes, Costa Mesa, agreed that residents should be able to make the decision. She observed that the project will not utilize Federal funds, and residents will be paying the long-term debt.

Mike Berry, Costa Mesa, questioned the term “stakeholder”. Mayor Monahan defined the word as the property owners directly affected by the Centerline route, such as Sakioka Farms, Two Town Center, Bristol Place, C. J. Segerstrom and Sons, etc. Mr. Berry cautioned Council Members that an affirmative vote on this item is a “yes” vote for the Centerline project.

Heather Somers, Costa Mesa, commented that the citizens of Orange County will bear the cost of this project for decades. She reported that members of the OCTA board have stated that they prefer to avoid a public vote on the issue predicting a negative response, and added that public parking will not be available for train commuters. She added that the train route will not be convenient to either South Coast Plaza nor John Wayne Airport. Ms. Somers urged Council to deny the project as Centerline is the wrong plan for Costa Mesa.

Terry Shaw, Costa Mesa, opposed Centerline citing its expense, preferred a public vote on the issue, and encouraged private funding.

Sam Clark, Costa Mesa, opposed Centerline and specifically the consulting contract under consideration. He suggested that those against the project visit [www.nocenterline.com](http://www.nocenterline.com).

Anne Hogan-Shereshevsky, Costa Mesa, reported that the City of Tustin opposed Centerline, and concurred that it will not be on the ballot because OCTA believes that it will be voted down. She read a letter from a gentleman in Irvine stating his opposition.

Paul Flanagan, Costa Mesa, called the Centerline a “trolley” and stated that it is an expensive form of transportation, and air pollution and smog will not be improved.

Tiny Hyder, Costa Mesa, discovered that loading and unloading her type of wheelchair will take 17 to 30 minutes longer on Centerline than similar vehicles.

MOTION/To Reject  
Recommended Action

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, to reject the recommended action.

Mayor Monahan opposed the motion, stressing that this is a cooperative agreement in order for the City to be repaid by OCTA for outreach services rendered to property owners in the South Coast Plaza area. He indicated that Centerline will travel from John Wayne Airport to the front doorstep of two of Costa Mesa’s

hotels and the Performing Arts Center, continuing on to the business center in Santa Ana which contains all of the County offices. Mayor Monahan stated that Costa Mesa neighborhoods will not be affected, and the project is supported by representatives of the tourism district and South Coast Plaza.

Council Member Steel opposed the motion, stating that Centerline will not disrupt homes and the design is preliminary at this point. He suggested that those opposed contact OCTA to schedule a trip to review similar projects in Los Angeles and Pasadena.

Council Member Cowan opposed the motion, and commented that she supports the Centerline concept. She felt that this amendment will move the City forward in agreements with the stakeholders.

The Transportation Services Manager responded to a question from Heather Somers regarding increased density, stating that it is an option which the City is on record as opposing. Council Member Steel commented that he would not vote for a high density project.

SUBSTITUTE  
MOTION/Approved  
Agreement

A substitute motion was made by Mayor Monahan, seconded by Council Member Cowan, to approve the agreement, and to authorize the Mayor, City Manager and Deputy City Clerk to sign on behalf of the City. The substitute motion carried 3-2, Mayor Pro Tem Mansoor and Council Member Scheafer voting no.

ADJOURNED TO  
SPECIAL MEETING

At 7:20 p.m., Mayor Monahan adjourned to a Special Meeting of the Costa Mesa Redevelopment Agency.

RECONVENED  
MEETING

At 7:27 p.m., Mayor Monahan reconvened the regular City Council meeting.

OLD BUSINESS  
1695 Superior/635  
West 17<sup>th</sup>

The Deputy City Clerk presented from the meeting of August 2, 2004, second reading and adoption of Ordinance 04-9, adopting Rezone Petition R-04-01, changing the zoning of 1695 Superior Avenue and 635 West 17<sup>th</sup> Street to Local Business District (C1).

MOTION/Adopted  
Ordinance 04-9

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, Ordinance 04-9 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REZONE PETITION R-04-02, CHANGING THE ZONING OF 1695 SUPERIOR AVENUE AND 635 WEST 17<sup>TH</sup> STREET TO LOCAL BUSINESS DISTRICT (C1).

OLD BUSINESS  
TeWinkle Park Land-  
scape Irrigation, Pro-  
ject No. 04-10

The Deputy City Clerk presented, continued from the meeting of August 2, 2004, a contract award for TeWinkle Park Landscape Irrigation Mainline Rehabilitation, Project No. 04-10, to P & D Landscape Management Services, 999 Town and Country Road, 4<sup>th</sup> Floor, Orange, for \$224,445.00 (base bid only); and Budget Adjustment No. 05-008 for \$200,000.00. The Public Services Director requested that this item be continued to the meeting of September 7, 2004, in order to present a comprehensive report on all of the bids which have been received.

MOTION/Continued  
to September 7, 2004

On motion by Mayor Monahan, seconded by Council Member Scheafer, and carried 5-0, this item was continued to the meeting of September 7, 2004.

RECESS

The Mayor declared a recess at 7:30 p.m., and reconvened the meeting at 7:40 p.m.

NEW BUSINESS  
"Resident only Permit  
Parking"

The Deputy City Clerk presented a resolution designating "resident only" permit parking on Columbia Drive, Wake Forest Road, Amherst Place, Tulane Place, Dartmouth Place, Rutgers Drive, and Fordham Drive. Communications in support of permit parking were received from Costa Mesa residents Mary M. Boag; Doris Nelson; Edith Dilley; Kathy and Gary Chapin; Kim Dalebroux and Anthony lhnat; and Kim and Jeff Anderson. Communications opposed to permit parking were received from Costa Mesa residents Caryn Fitzhugh; Soheila Rahmani; Pat Lake; and Daniel Pettit. The Transportation Services Manager reviewed the Agenda Report dated July 29, 2004, and responded to questions from Council. Mayor Monahan was concerned about guest, parent, and teacher parking at College Park School, especially on street sweeping day.

The following Costa Mesa residents spoke in support of "resident only" permit parking: Royellen Duffield, observed that the neighborhood had deteriorated recently, citing the parking situation, including parking over the 72-hour limit, trash, and disrespecting property, and maintained that the apartment building owners do not provide sufficient tenant parking; Omar Olmedo, stated that the parking issue is a recent development, and reported results of the "domino effect" due to "resident only" parking on Cornell Drive; Danny Deneff; Stan Wlasick, mentioned the disrespect shown by visitors parking on the street; John Huntely, reported that a recent visit of the telephone repair man required him to park a block away from Mr. Huntely's home due to the lack of parking, and advised that persons have often been found sleeping in their cars; Ramon, no last name given; Caren Weir; Linda Bolsen, observed that this is a safety issue, and parking restrictions are necessary to preserve the integrity of the neighborhood; Zach McCrea, sympathized with those who do not have adequate parking, and encouraged further investigation prior to making a decision; Jim Duffield, stated that the problem has exacerbated in the last couple of years; Ron Lane; Sean Haley, mentioned vandalism on his street, and stated that Columbia Drive and Wake Forest Road are used for cut-through traffic; Jack Hoffman, commented that parked cars have spilled over onto Joann Street; Marianne Segalla, asked Council to consider the impact to the neighborhood if pedestrian traffic were blocked, and indicated that restricted parking would not affect teachers or volunteers at College Park School; a resident on Rutgers Drive, suggested that if the request for permit parking is denied that the permit parking on Cornell Drive should be revoked; and Lori McDonald, encouraged limiting the permits to two per residence.

The following Costa Mesa residents spoke in opposition to "resident only" permit parking: the resident at 377 West Wilson Street, proposed removing all "resident only" parking signs; Michelle Morey, asked that this proposal be postponed for two weeks in order for her to inform her neighbors; Dennis Rudolph, objected to the comment that "50 percent of the cars parked are unrelated to the neighborhood", and claimed that the neighborhood has not changed in the 10 years in which he has been a resident; the resident at 311 West Wilson Street, agreed with Mayor Monahan that "resident only" parking may cause a "domino effect"; Michelle Henry, thought that the problem is not new; Pat Lake, suggested that residents adjacent to the streets proposed for permit parking be issued permits and guest passes; Jesus Rivera; Jennifer Ballard; a resident at 327 West Wilson Street; Bob Schaefer; and Lyle Hernandez, asked that the decision be postponed.

Responding to a statement that the mobile home park on West

Wilson Street had added to the original number of homes, the Development Services Director stated that the park has an approved site plan with approved parking, and the City has not been notified of any change. He assured the Mayor that the matter would be investigated.

Martin Millard, Costa Mesa, believed that the apartment building owners should provide sufficient parking for their tenants.

Mike Berry, Costa Mesa, agreed that there are parking problems but did not believe that parking restrictions are the answer.

Cindy Brenneman, Costa Mesa, thought that “resident only” parking is hard to enforce, the red stickers get lost, and the residents make copies of the guest parking passes. She suggested a joint use agreement with the Harbor Shopping Center for a defined number of spaces.

Robin Leffler, Costa Mesa, suggested that the City contact managers of the multi-family units to determine the cause of the overcrowding. She reiterated that permit parking only works if it is enforced.

Charles Templin, Costa Mesa, opposed “resident only” parking on Columbia Drive but favored it in the cul-de-sac.

Robert Graham, Costa Mesa, commented about the parking on Swan Drive adjacent to Fairview Park.

Igal Israel, Costa Mesa, preferred that the Police Department be allowed to do their job policing the City rather than giving parking tickets.

Beth Refakes, Costa Mesa, called parking an “epidemic problem throughout the City”, and believed that the current parking requirements should be reviewed. She felt that the apartment owners were irresponsible by not providing adequate parking.

After responding to questions from Council, the Transportation Services Manager proposed continuing this item in order for staff to provide additional information and to inform interested members of the public. Mayor Monahan suggested that staff research the mobile home park and other complexes on Wilson Street to ensure that they are in compliance with the original parking standards. He had issues with creating the domino effect and taking a public street for “resident only”. He asked staff to delve into other options to alleviate the situation.

Council Member Steel professed his advocacy for neighborhood integrity. He was sympathetic to the residents on Wilson Street, and asked staff to determine why they need to park in College Park. He asked that owners of the mobile home parks and apartment buildings be identified, as well as any homeowners associations. Council Member Steel supported adoption of the resolution to institute the “resident only” parking, directing staff to ascertain what can legally be done for those persons who do not live in College Park to guarantee them a place to park.

Council Member Scheafer concurred with Mayor Monahan who advised looking “outside the box”, and thought that the Harbor Shopping Center may be losing an opportunity to institute a permit parking plan for local residents. He advised speaking with the

residents regarding to these issues.

Mayor Pro Tem Mansoor understood that this is a parking, trash, and noise issue, and agreed with the comment that the apartments are a business and the owners need to take responsibility for providing adequate parking for their tenants. He supported a comprehensive approach, and asked that the apartment owners be informed as they need to be a part of the solution. He asked staff to determine what has changed recently to create this problem. Council Member Steel concurred that the apartment owners and shopping centers should work together on the parking issue.

MOTION/Continued  
for 60 Days; Gave  
Directions to Staff

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, to continue this item for 60 days, and directed staff to determine the cause of the parking problem, what the current parking situation is for the apartment and condominium complexes; to identify what has changed in the last six months to a year to exacerbate the problem; to determine ways to alleviate the parking issues in the area; and further directed staff to receive input from residents, property owners, homeowners associations and business owners on possible solutions and on issues such as: a possible agreement with the neighboring shopping centers or churches for evening/contracted parking for residents; to determine interest on the part of the residents of the cul-de-sacs, of possibly blocking off of the pedestrian walkways from Fairview Road and to determine the associated costs; to ensure that the pedestrian route to the schools is not disturbed; and consider if parking passes should be issued for Wilson Street and for the Pinecreek Apartments.

Council Member Steel opposed the motion because he thought that action should be taken to provide immediate relief for the situation. Mayor Monahan asked that comments or suggestions for solutions to the parking issues be forwarded to himself or the Transportation Services Manager.

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

RECESS

The Mayor declared a recess at 9:30 p.m. and reconvened the meeting at 9:45 p.m.

NEW BUSINESS  
Prioritization and  
Review of Programs

The Deputy City Clerk presented Council Prioritization and Review of Programs:

Review of Council Standing Committees: Fairview Park Friend/Fundraising Committee; Human Relations Committee; Child Care and Youth Services Committee; Cultural Arts Committee; and the Historical Preservation Committee.

Review of City Council Appeals Process.

Council Standing  
Committees

The Assistant City Manager summarized the Agenda Report dated July 26, 2004, regarding Standing Committees, and he and the Management Analyst responded to questions from Council.

Bill Orton, Costa Mesa, member of the Costa Mesa Historical Preservation Committee, thanked the City for the opportunity to volunteer, and commented that the committee provides citizen input, and urged Council to retain the committees mentioned in the Agenda Report.

Dave Gardner, Costa Mesa, chairman of the Costa Mesa Historical

Preservation Committee, reported on activities of the committee, highlighting a visit by David Wilson, representing C. J. Segerstrom and Sons, in regards to the original Segerstrom home on Fairview Road which will eventually be turned into an historical site. Mr. Gardner reported that a speakers bureau is being organized to educate school children about the history of Costa Mesa, and spoke about the Estancia Adobe, the only adobe still standing, as one of three adobes originally in the City. He indicated the location of the other adobes as having been in Fairview Park and one on Gisler Street.

Robin Leffler, Costa Mesa, felt that the committees were essential to provide a "sense of community, context, and history", and urged Council not to pare down items which enhance an individual's sense of belonging. She felt that there were other ways the City could save money, giving the examples of promotional items, such as pens containing the City's name and identification, which she did not believe should be paid for with taxpayer funds.

Kathleen Eric, Costa Mesa, member of the Cultural Arts Committee and the Costa Mesa Historical Preservation Committee, encouraged Council to continue their support of the committees which are doing "great work". She announced that the "Chalk Art Festival" which will be held on October 30, 2004, and is sponsored by the Cultural Arts Committee, a program featuring members of the Automatic Musical Club of America, and Phil Roberts who will demonstrate a popular Italian style of art. She reported on past and current projects of the Historical Committee projects.

Diane Doyle, Costa Mesa, member of the Cultural Arts Committee and a working artist in the community, indicated that she had recently joined the committee and observed that it brings arts events to those who cannot always afford entertainment such as the Performing Arts Center.

Rendell Drew, member of the Human Relations Committee, encouraged retention of the committee, especially in these times of culturally sensitive issues and political climate. He reported that they sponsor City-wide events, and the members are dedicated citizens.

Marianne Segalla, Costa Mesa, member of the Child Care and Youth Services Committee, advised that on alternating years they produce the Child Care Directory and the Youth Activities Directory, and they also provide a training session for child care providers and teachers in Costa Mesa. She supported the continuation of the committee.

Mirna Burciaga, Costa Mesa, chairman of the Human Relations Committee, indicated that the eleven committee members and three alternates are dedicated to making positive changes through the committee. She reported that the committee provide a place where citizens can come and discuss their concerns, and she advised that most of the services are provided by volunteers and funded by donations. Ms. Burciaga spoke about a recognition program for volunteers, and the "Community Dialogues" which address the diversity in the City and the understanding of different cultures. Rendell Drew added that he had proposed to the committee that the "Living Room Dialogues" previously sponsored by the committee be updated to the "Community Dialogues" which are held in public places such as coffee houses, public libraries, etc. Mayor Monahan asked for a copy of the program for the

upcoming dialogues.

Cindy Brenneman, Costa Mesa, encouraged retention of the committees, noting their importance and believing that citizen input creates community. She asked Council to compare the cost versus the benefit. Mrs. Brenneman commented that she serves on the board of Leadership Tomorrow which sponsors Local Government Day, and every year a representative from Costa Mesa, Irvine, and Newport Beach Historical Societies speak at this event. She commended Hank Panian for his efforts on behalf of the Costa Mesa Historical Society.

Mary Ellen Nero, Costa Mesa, member of the Cultural Arts Committee and art educator, believed that everyone should have art in their life. She reported on the recently published Artists Directory and the Chalk Art Festival. She advised that the goals of the committee for the upcoming year are to maintain the Artists Directory; continue with Youth Art Gallery Program in the Costa Mesa City Hall lobby; develop and implement a venue for an annual art show; develop the "Art in Public Places" policy for the City; work on the bus shelter art program; investigate a possible artists exchange program with the Costa Mesa's sister city Wyndham, Australia; and provide recognition to local artists.

Ted Baker, Costa Mesa, member of the Cultural Arts Committee, commended the volunteers for donating their time and creating opportunities. He reported that he is a retired educator and an artist with a show in Chicago in September, 2005, and thoroughly enjoys his work on the committee.

Lori McDonald, Costa Mesa, encouraged a renewal of the preservation projects which enhance the community via historical committees. She stressed the importance of valuing the existing bungalow, ranch, and cottage-style homes, and to preserve the character and charm of existing neighborhoods. She stated that the American Bungalow magazine illustrates communities which have restored these stylish residences. Ms. McDonald also supported art and education.

Pamela Frankel, Costa Mesa, urged Council to see value in the point of view of protecting trees and nature, privacy, open space, and older unique rural neighborhoods.

Mayor Monahan was thankful to the committee members for providing their insight and updates into the various committee activities and suggested that each month a committee provide an update to Council during the "Presentation" portion of the agenda. He thought that this would stimulate public interest. The Mayor expressed disappointment that the Fairview Park Friend/Fundraiser Committee was not doing as well as planned, and proposed that they work with the Costa Mesa Community Foundation to raise monies. The Management Analyst reported on the efforts of the committee, and advised of the next event is a Lounge Chair Theater to be held on Saturday, October 16, 2004. Council Member Cowan added that the initial purpose of the committee was not the generation of large dollar donations, advising that was being handled by staff through the grant process. She thought that the committee had been very successful in increasing the number of people who know about Fairview Park.

Council Member Scheafer, liaison to the Child Care and Youth

MOTION/Gave  
Direction to Staff

Services Committee, supported Mayor Monahan's suggestion of a committee report.

A motion was made by Council Member Scheafer, seconded by Council Member Cowan, directing staff to continue with the committees as formed.

Council Member Steel, liaison to the Human Relations Committee and the Historic Preservation Committee, noted that the primary focus of the Human Relations Committee is to resolve problems concerning intolerance and racism, and he did not believe that Costa Mesa at this point has those problems. He stated that the committee needs to identify trouble areas which require addressing. Mayor Monahan suggested that Council Member Steel discuss these issues at the committee's meeting on Wednesday, August 25, 2005.

Council Member Scheafer disagreed with Council Member Steel, stating that there are racial issues in Costa Mesa and suggested that the Council Member spend an afternoon at Estancia or Costa Mesa High Schools, or TeWinkle Middle School. He felt that the dialogue should be continued. Council Member Steel replied that while there may be problems, the committee does not hear about them.

Mayor Pro Tem Mansoor acknowledged that the committees provide good work but opposed the motion because he believed that the private sector should provide sponsorship. Mayor Monahan reiterated his request that each committee, on a rotating basis, either every month or every other month, provide a report at a Council meeting.

The motion carried 4-1, Mayor Pro Tem Mansoor voting no.

City Council Appeals  
Process

The Assistant City Manager reviewed the Agenda Report dated August 11, 2004, regarding City Council Appeals Process, and he and the City Manager responded to questions from Council.

Mayor Monahan advised that the discussion which he is hoping to initiate is to address the process by which the City Council appeals a decision of a lower body of the City (i.e., the Planning Commission, the Zoning Administrator, or staff). He added that he did not intend to deny members of the public the right to appeal, but was concerned that when Council Members appeal a project after being contacted by a citizen, all fees are waived, and there is a minimum of a two-week delay for the applicant's project. He felt that the process should require a majority vote of the Council which would show an interest in appealing the project, or offered that if the public wishes to appeal they should "at least have a stake in it" and not merely appeal in an attempt to delay the project. He expressed an interest in the system used by the City of Newport Beach which requires a majority vote of the Council in hearing the appeal.

Mayor Pro Tem Mansoor concurred with the Mayor's comments and expressed interest in a review process to either decide if Council feels there is merit to rehear the issue, or to require a minimum of two Council Members to support an appeal.

Council Member Cowan opposed a review of the appeals process, believing that the work accomplished by Council relative to the development review process over the last two or three years has

been successful. She observed that the ability to appeal is a fundamental right, but agreed that parties who have a need to appeal should help to cover the costs of that appeal.

Council Member Steel supported the right to appeal and believed that the cost for a resident should be lowered from \$810.00 to \$300.00, and a non-resident should pay around \$600.00. He believed that the current policy requiring only one Council Member or one Planning Commissioner to call up an item for review should be maintained.

Robin Leffler, Costa Mesa, thought that the \$810.00 appeal fee was prohibitive, and the appeals process is not as accessible as it should be. She believed that one Council Member should be able to appeal an issue, and stated that no appeal is frivolous.

Igal Israel, Costa Mesa, advised that an appeal is a constitutional right but opined that the City's system is broken. He felt that the least amount of cost should be involved, and that government should be more accessible.

Terry Shaw, Costa Mesa, favored the current appeals process but thought that the fees are high.

Lori McDonald, Costa Mesa, reminded Council of the constitutional right of all citizens, stating that the appeals process protects first amendment free speech rights, and the right for a free and unbiased hearing on matters adversely affecting an individual's private property. She thought that the process would become impossible if two Council Members are required to support an appeal, and thought that the fees should be made reasonable and affordable for all residents.

Beth Refakes, Costa Mesa, opposed changing the appeal process indicating that it would give more control to City Council to approve potentially dysfunctional projects which are higher density and reduce open space. She believed that the change was designed to circumvent the democratic process and prevent open discussion of issues, and objected to the fee structure.

A Costa Mesa resident reported that the appeal system was a process in which an aggrieved individual can raise their complaints to the government. He agreed that appeals are "messy, slow things down, and raise costs" but that it allows a forum for residents. He supported making the appeal process as easy as possible.

Pamela Frankel, Costa Mesa, reviewed her problems with the project on Myran Drive, and supported maintaining the current appeals process.

MOTION/Continued  
to September 7, 2004

On motion by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 4-1, Council Member Cowan voting no, the City Council appeals process was continued to September 7, 2004.

NEW BUSINESS  
Circle of Service

The Deputy City Clerk presented a recommendation to amend Council Policy No. 800-4 regarding criteria for induction into the Circle of Service. The Recreation Manager summarized the Agenda Report dated July 13, 2004.

A motion was made by Mayor Pro Tem Mansoor, seconded by

MOTION/Accepted  
Parks and Recreation  
Recommendation

Council Member Scheafer, and carried 4-1, Council Member Steel voting no, to accept the Parks and Recreation Commission recommendation, with nominations being taken annually.

Council Member Steel opposed the motion, objecting to the extension of the length of residency requirement from eight to ten years, and the length of services from five to seven years.

Council Member Cowan supported the motion but was not quite sure why the action was necessary.

Council Member Scheafer supported the motion, and agreed with Council Member Cowan that the process "isn't broken". He explained his purpose for requesting review and added that he was not trying to exclude anyone from the Circle of Service.

NEW BUSINESS  
Rezone of Myran Drive

The Deputy City Clerk presented consideration of the Rezoning of Myran Drive from R2-MD (Multiple-Family Residential, Medium Density) to R1 (Single-Family Residential). The Development Services Director reviewed the Agenda Report dated July 28, 2004.

Robin Leffler, Costa Mesa, supported the rezone of Myran Drive, labeling it appropriate, and observed that the character of the neighborhood will be destroyed by the recently approved project.

Willard Chilcott, Costa Mesa, queried why he had not received a notice that this subject was to be discussed. The Development Services Director responded that the second page of the Agenda Report indicates that Mr. Chilcott was mailed a copy of the report, as well as Pamela Frankel and Tiny Hyder. Mr. Chilcott observed that the proposed downzone would effectively "kill" his project, and asked whether it should apply to all the R2-MD in the area. He likened the action to spot zoning and questioned the legality.

There being no objections, it was agreed to extend the speaking time for Mr. Chilcott and the property owners on Myran Drive to five minutes.

Mr. Chilcott resumed his comments by stating that Ms. Hyder does not own the property but is a guardian for her grandson, and questioned whether the grandson is aware that downzoning reduces the value. Mr. Chilcott asked if the City would compensate him for the reduced sale price of his properties, and, if not, noted his intent to pursue a legal remedy.

Tiny Hyder, Costa Mesa, advised that she, along with her attorney, had advised her grandson about Mr. Chilcott's project, and reported that he had rejected the idea of selling his property. She resented the implication that she had hid the truth from him, and asked when the zoning had changed from R1. The Development Services Director recalled that the street had always been zoned R2 according to City records.

Pamela Frankel, Costa Mesa, acknowledged that Mr. Chilcott had a right to build on this property but questioned his disregard of the quality of life and the character of the neighborhood. She stated that Myran Drive already has parking problems which is a key issue in the rezone.

Beth Refakes, Costa Mesa, supported the investigation of rezoning

this area, stating that two units on a lot would add to the parking situation.

Lori McDonald, Costa Mesa, supported downzoning, and stated that she thought Mr. Chilcott's project should have been denied.

Mayor Pro Tem Mansoor commented that he was not interested in changing the zoning at this point and questioned the fairness since Mr. Chilcott was in complete compliance with all of the regulations.

Council Member Steel supported "low and slow" growth, and thought that staff should initiate the rezone process.

MOTION/Received  
and Filed

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 3-2, Council Member Cowan and Council Member Steel voting no, to receive and file the report.

Mayor Monahan recalled a previous project which had been denied "mid-stream" and concluded in a legal battle in which the City was forced to settle for a large amount of money. He therefore felt that to proceed with the rezone would be expensive to the City.

NEW BUSINESS  
Westside Health  
Assessment Report

Mayor Monahan presented the Westside Health Assessment Report. The Fire Chief reviewed the Agenda Report dated August 9, 2004.

MOTION/Received  
and Filed

On motion by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, the report was received and filed.

NEW BUSINESS  
Request for Closed  
Session: Labor  
Negotiations

Mayor Monahan announced that pursuant to Section 54957.6 of the California Government Code a closed session had been scheduled for the City Council to confer with the City's Representatives Steve Hayman, Assistant City Manager, and Steve A. Filarsky, regarding labor negotiations with the following representatives: Costa Mesa City Employees Association (CMCEA), Costa Mesa Firefighters Association, Costa Mesa Police Association, and the Costa Mesa Police Management Association.

Mayor Monahan announced that the item would trail until after Council Comments.

CITY ATTORNEY'S  
REPORT/Request for  
Closed Session:  
Jiminez v. City;  
Orange County Dyke  
March

Mayor Monahan announced that pursuant to subdivision (a) of Section 54956.9 of the California Government Code, a closed session had been scheduled for the City Council to confer with legal counsel regarding existing litigation involving two cases: Jiminez v. City of Costa Mesa, Case No. CV 02-2482-RGK (U.S. District Court); and Orange County Dyke March, etc., v. City of Costa Mesa, Case No. SACV 03-1236-JVS (United States District Court). Mayor Monahan announced that these items would trail until after Council Comments.

COUNCIL  
COMMENTS

Council Member Steel explained the comments he made earlier when responding to a remark by a member of the public. He felt that this person was attempting to misrepresent the Council Member's record, and refused to allow that to happen.

West Nile Virus

Council Member Cowan asked if a City hotline could be arranged to receive calls regarding standing water, dead birds, and any situations relating to the West Nile Virus, and to provide information to the public. The City Manager replied that a hotline will be installed.

At 12:00 a.m., Mayor Monahan adjourned the City Council meeting

ADJOURNMENT TO  
CLOSED SESSION

to a closed session in first floor Conference Room A to discuss the items previously announced by the Mayor.

MEETING  
RECONVENED

At 1:09 a.m., Mayor Monahan reconvened the meeting and announced the following action was taken during closed session.

Labor Negotiations

Regarding the labor negotiations with the following representatives: Costa Mesa City Employees Association (CMCEA), Costa Mesa Firefighters Association, Costa Mesa Police Association, and the Costa Mesa Police Management Association, no action was taken.

MOTION/Approved  
Recommendation for  
Jimenez v. City of  
Costa Mesa

Regarding Jimenez v. City of Costa Mesa, Case No. CV 02-2482-RGK (U.S. District Court), a motion was made by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, to approve the recommendation as outlined in the Acting City Attorney's confidential memorandum dated August 10, 2004.

MOTION/Approved  
Recommendation for  
Orange County Dyke  
March v. City of Costa  
Mesa

Regarding Orange County Dyke March, etc., v. City of Costa Mesa, Case No. SACV 03-1236-JVS (United States District Court), a motion was made by Mayor Monahan, seconded by Council Member Cowan, and carried 5-0, to approve the recommendation as outlined in the Acting City Attorney's confidential memorandum dated August 10, 2004.

ADJOURNMENT

The Mayor declared the meeting adjourned at 1:12 a.m.

