

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA

DECEMBER 6, 2004

The City Council of the City of Costa Mesa, California, met in regular session December 6, 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 the United States Air Force Auxiliary Civil Air Patrol, and a moment of silence was observed.

ROLL CALL

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager  
Steve Hayman  
City Attorney Kimberly Hall  
Barlow  
Development Services Director  
Donald Lamm  
Public Services Director William  
Morris  
Acting Administrative Services  
Director Howard Perkins  
Transportation Services Manager  
Peter Naghavi  
Recreation Manager  
Jana Ransom  
Senior Planner Claire Flynn  
Deputy City Clerk Julie Folcik

MINUTES  
November 15, 2004

On motion by Council Member Scheafer seconded by Council Member Cowan, and carried 5-0, the minutes of the regular meeting of November 15, 2004, were approved as distributed.

ORDINANCES AND  
RESOLUTIONS

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

PRESENTATION  
Employees of the  
Month

Mayor Monahan congratulated Julie Folcik, Ruth Delaney, and Marian Stueve of the City Clerk's Office, and Cyndy West, Purchasing Supervisor of the Finance Department, naming them Employees of the Month. He commended the City Clerk's Office on demonstrating a positive and helpful approach to assisting the public and other staff members at City Hall as well as their work during the early voting that took place during the election period. He also commended Cyndy West for her leadership as the Purchasing Supervisor, which enabled Costa Mesa to join forty-five cities in the country that have received the "Excellence in Procurement Award" four times. He added that her dedication and foresight has saved the taxpayers approximately \$2,000,000.00 by streamlining and simplifying the purchasing procedures.

PRESENTATION Mayor's Award	Mayor Monahan presented the Mayor's Award to Mary Bigelow for her heroism in witnessing a subject who became physically violent with Police Officer Johnson. Her assistance helped in apprehending the subject, and preventing further harm to the officer. Mayor Monahan thanked her for her courage and the support she had given the officers in the line of duty.
PRESENTATION Cultural Arts Committee	Diane Doyle from the Cultural Arts Committee gave a presentation, reviewing the Committee history, membership, accomplishments, goals and objectives, and upcoming activities. She stated that the Committee currently has three vacancies and one alternate vacancy.
PRESENTATION 2005 Grand Jury Recruitment Drive	Orange County Superior Court Judge Karen Robinson made a plea for members of the community to volunteer to become members of the Orange County Grand Jury, indicating that it is a one-year commitment. She provided applications and a website address <a href="http://www.ocgrandjury.org">www.ocgrandjury.org</a> for those interested in participating. Council Member Cowan requested that the information be provided on Channel 24.
PUBLIC COMMENT Council Praise and Welcome	Robert Graham, Costa Mesa, thanked Council Member Cowan, Council Member Scheafer, and Council Member Steel for their years of service. He also congratulated and welcomed the newly elected Council Members.
	The following individuals also expressed their thanks to the Council Members and welcomed the new Council: Tom Eagan; Rachel Barnes, President of the Bark Park Association, thanked the City Council for their support and attention over the past years.
Habitat for Humanity	Hildegard Gonzalez, Costa Mesa, expressed concern that a social service was being abused stating that she believed people were residing in the garage of a dwelling located in her neighborhood, built by Habitat for Humanity. She asked that Council investigate. In response to a question from Mayor Pro Tem Mansoor, the Development Services Director advised that Code Enforcement has investigated the complaint and has not found the situation to exist.
19 <sup>th</sup> Street Crossing Problem	Richard Reiser, Newport Beach, clarified his request that the Costa Mesa Police Department enforce pedestrian safety on the sidewalks and crosswalks pursuant to previously stated vehicle code sections, referring to an incident that took place several years ago at the intersection of West 19 <sup>th</sup> Street and Wallace Street that involved a City employee.
Illegal Immigrants	Dave Salcedo, Costa Mesa, thanked Council Member Steel for his last four years of service, and supported his position in regards to illegal immigrants.
	Martin Millard, Costa Mesa, reported that day-workers are loitering on 17 <sup>th</sup> Street, Placentia Avenue, and Hamilton Street near Raleigh Avenue. He suggested that the Police Department cite the day-workers in order to discourage them from loitering and soliciting work.
Job Center	Phil Morello, Costa Mesa echoing Mr. Millard's Comments stated he has also observed loitering on Placentia Avenue. He commented that he believes that the primary purpose of the Job Center was to remove people from loitering on the streets but felt that it had failed to do so. He suggested that Council consider

eliminating the Job Center.

Paul Flannigan, Costa Mesa, provided his comments regarding the Job Center, stating he believed that the center should be open longer hours in order to better accommodate the day-workers. He commented that not all the loiterers were illegal immigrants and advised complaints be directed to a congressman, as the issue was not the responsibility of the Costa Mesa Police Department.

Arts and Humanities  
Month Proclamation

Charlene Ashendorf, Costa Mesa, addressed comments made by Mayor Pro Tem Mansoor in relation to the Arts and Humanities Month Proclamation at the City Council meeting of October 18, 2004. She objected to his position regarding the National Endowment for the Arts (NEA). Ms. Ashendorf clarified that the National Arts and Humanities (NAH) organization, sanctioned by the President, is not directly connected to the NEA, and pointed out that the President had proclaimed October as National Arts and Humanities Month. Mayor Pro Tem Mansoor commented that his October 18, 2004, observations were valid, but offered to reply to Ms. Ashendorf at a future date.

East Side  
Development

Rachel Perez Hamilton, Costa Mesa, expressed concern about over development and believed there was a lack of environmental consideration, particularly in East Costa Mesa. She suggested that developers should be made to include sufficient parking and a play area for the homeowner's children in their development. She addressed traffic and safety issues in her neighborhood and noted that the streets from Mesa Verde Drive to East 20<sup>th</sup> are congested with parked cars.

Harbor Boulevard  
Street Improvements

Sandra Genis, Costa Mesa, expressed concern about the negative declaration regarding Harbor Boulevard street improvements occurring between Gisler Street and Sunflower Avenue. Reporting that it states that if noise issues arise due to the work to be performed at night, the issue would be addressed that time. She urged to addressing the noise issue before the work begins, in order to prevent the City from receiving numerous complaints from the residents affected. In response to a question from Mayor Monahan, the Transportation Services Manager confirmed that a public open house will be conducted in the Council Chambers from 5:00 p.m. to 7:00 p.m. on Tuesday, December 7, 2004, for the Harbor Boulevard Street Improvements Project. He stated that staff and CalTrans would be in attendance providing information and answering questions.

The Deputy City Clerk presented the declaration of the results of the General Municipal Election.

GENERAL  
MUNICIPAL  
ELECTION  
Council Comments

The Mayor expressed his gratitude to Council Member Cowan, Council Member Steel and Council Member Scheafer for their dedication and public service. He also congratulated Council Member Scheafer on his new endeavor as Board President of the Costa Mesa Senior Center.

Mayor Pro Tem Mansoor expressed his gratitude to Council Members Cowan, Steel and Scheafer for their dedication and public service as our Council Members and wished them the best.

Council Member Cowan thanked the community for their support, time and talents during her eight years as an elected representative and four years as Planning Commissioner; the committee members with whom she worked with, including the groups that worked on

Fairview Park; Relief Costa Mesa; Orange County Engineers; Fairview Advisory Committee; Fairview Friends; the Advisory Committee of Teens; the Human Relations Committee; the Cultural Arts Committee; the Ad Hoc Library Committee that she worked with as they studied the issues of library service; and the Westside Revitalization Oversight Committee (WROC). She stated the WROC Committee has prepared solid recommendations and encouraged Council to give them an opportunity to work before making major changes. She thanked the following people for their support: Nadine Andrian; Hank Panion; Jane Dick and Stella Hacker; Parks and Recreation Commissioner, Mirna Burciaga; former Planning Commissioner Katrina Foley; the City Manager, Allan Roeder, for all his help, guidance and support in her efforts to improve the community; her Council colleagues who in their belief are working for the best of the community. She gave special thanks to her domestic partner, Rebecca, for her love and support; and lastly to the City of Costa Mesa for twelve great years.

Council Member Steel congratulated the incoming Council Members. He expressed thanks to Council Members and stated that he felt very privileged to have sat on the dais for four years with Council Member Cowan, Council Member Scheafer and hopes they will continue to be involved. He expressed his appreciation to City Manager Allan Roeder and his staff for their professionalism and dedication. He noted his pride to have served as the liaison to the Human Relations Committee and concluded his comments with a closing thank you to all.

Council Member Scheafer noted that when he was appointed, his goal was to make a mark on Costa Mesa and felt he had accomplished that, although having held the shortest term as Council Member in the history of Costa Mesa. He commended the staff on their excellent service; thanked Chris Goldsworthy, Diedre Newman of the Daily Pilot and his family.

The Deputy City Clerk recited the facts of the General Municipal Election held November 2, 2005. She reported that there were twelve qualified candidates for the three seats available on the City Council: Bruce Garlich, Linda Dixon, Katrina Foley, Terry Shaw, Mike Scheafer, Chris Steel, Mike Clifford, Sam Clark, Dick Carroll, Karl Ahlf, Eric Bever, and Mirna Burciaga. She announced that of the 55,570 registered voters in Costa Mesa that the total amount of votes cast was 39,192 and that the top three candidates to succeed to the City Council were Katrina Foley, Linda Dixon and Eric Bever.

MOTION/Adopted  
Resolution 04-81  
Declaring Results

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, Resolution 04-81 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

The Deputy City Clerk gave the Oaths of Office to the newly elected Council Members: Council Member Katrina Foley, Council Member Linda Dixon and Council Member Eric Bever, and presented them with their Certificates of Election.

Council Member Katrina Foley, Council Member Dixon and Council Member Bever thanked the voters, their supporters, campaign teams and families.

RECESS The Mayor declared a recess at 7:45 p.m., and reconvened the meeting at 8:00 p.m.

CONSENT CALENDAR The following items were removed from the Consent Calendar: Item No. 8, Budget Adjustment No. 05-036 for \$26,929.00 for the California Integrated Waste Management Tenth Cycle Used Oil Recycling Block Grant and Item No. 13, Resolution granting an additional designated period for two years additional service credit.

MOTION/Approved Except Items Nos. 8 and 13 On motion by Mayor Pro Tem Mansoor, seconded by Council Member Dixon, 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 received by the Deputy City Clerk: City of Huntington Beach; Fred M. Hitchcock; Duane Staton Kashma; Michaela Martinez; and Anna Stuart.

Alcoholic Beverage Control Licenses Request for Alcoholic Beverage Control Licenses were received from:  
Mariscos Hector, 2263 Fairview Road, Suite G, for a person-to-person transfer of an existing Type 41 ABC License (on-sale beer and wine for a bona fide eating place).  
TK Burgers, 615 West 19<sup>th</sup> Street, for an original Type 41 BAC License (on-sale beer and wine for a bona fide eating place).

Follow-up Reports The following concerns received follow-up reports from staff:  
Response to a question by Adam Pope from the Council Meeting of October 4, 2004, regarding why BMX bicycles will not be allowed in the new Skate Park.  
Response to a complaint by Tiny Hyder regarding construction at 2172 Myran Drive (Minor Design Review ZA-04-15), which allegedly resulted in an auto/bicycle collision.  
Response to concerns voiced by Rich Reiser regarding safety of pedestrians at the intersection of 19<sup>th</sup> Street and Monrovia Avenue.

WARRANTS The following warrants were approved:  
Approved Warrant 2032 Warrant Resolution 2032, funding City operating expenses for \$273,516.43.  
Approved Warrant 2033/Payroll 424 Warrant Resolution 2033, funding Payroll No. 424 for \$2,137,587.03, and City operating expenses for \$810,830.25, including payroll deductions.  
Approved Warrant 2034 Warrant Resolution 2034, funding City operating expenses for \$1,034,802.57.

Regarding Annual Review of Development Agreement DA-04-03

ADMINISTRATIVE  
ACTIONS/Determined  
Good Faith Compli-  
ance DA-00-04/FSP  
Two Town Center, LLC

for John Krappman, authorized agent for FSP Two Town Center, LLP, for the annual review of the Two Town Center Development (DA-00-04), located at 655 Anton Boulevard, relating to the demonstration of good faith compliance of said development agreement. Environmental Determination: Exempt. Council determined and found that Commonwealth Capital Management, LLC, on behalf of FSP Two Town Center, LLC, has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-04; and future periodic reviews was delegated to the Planning Commission, with formal periodic review to be conducted every two years.

Determined Good  
Faith Compliance DA-  
99-01/McCarthy Cook  
& Company-South  
Coast Metro, LLC and  
BRE/South Coast,  
LLC.

Regarding Annual Review of Development Agreement DA-04-04 for Philip Schwartz, authorized agent for BRE/South Coast LLC/McCarthy Cook, for the annual review of the South Coast Metro Center Development Agreement (DA-99-01), located at 475-595 (odd numbers only) Anton Boulevard, relating to the demonstration of good faith compliance of said development agreement. Environmental Determination: Exempt. Council determined and found that McCarthy Cook & Company-South Coast Metro, LLC, and BRE/South Coast, LLC, have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-99-01; and future formal periodic reviews was delegated to the Planning Commission, and allow the next formal review to occur when hotel development activity begins.

Refunded Cash  
Deposit of  
\$103,050.75/En-  
croachment Permit No.  
PS-04-00375

Regarding street improvements at 600 Town Center Drive by South Coast Plaza, P.O. Box 1440, Costa Mesa, in connection with Encroachment Permit No. PS-04-00375 was completed. The work was accepted; authorization was given to refund the cash deposit of \$103,050.75.

Approved Budget  
Adjustment No. 05-036

Budget Adjustment No. 05-036 for \$26,929.00, was approved for the California Integrated Waste Management Tenth Cycle Used Oil Recycling Block Grant, to recognize the grant revenue and appropriate funds for continuation of the used oil residential pickup program and the promotion and advertising of the City's used oil and oil filter recycling programs.

Accepted FEMA Grant  
for \$6,333.00

A grant from Federal Emergency Management Agency (FEMA), for \$6,333.00, for Community Emergency Response Team (CERT) Program and Citizen Corps expenditures was accepted.

Approved Budget  
Adjustment No. 05-039

Budget Adjustment No. 05-039 for \$6,333.00, to appropriate the grant funds to the Fire Department operating budget, was approved.

Accepted Donation of  
\$18,000.00

Donation of \$18,000.00, to the Police Department from a private citizen was accepted.

Approved Budget  
Adjustment No. 05-037

Budget Adjustment No. 05-037 for \$18,000.00 to appropriate the donated funds for the purchase of patrol rifles, was approved.

Adopted Resolution  
04-82 Authorizing the  
Transportation  
Services Manager to  
Execute Necessary  
Agreements

Resolution 04-82 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE TRANSPORTATION SERVICES MANAGER TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTE TO SCHOOL (ST2S) PROGRAM (State Funded Projects Agreement and Program Supplement Agreement), authorizing the Transportation Services Manager to receive \$86,130.00 in program funds.

<p>Approved Amended VantageCare Retirement Health Savings Program</p>	<p>An amended VantageCare Retirement Health Savings Program was approved to establish a defined contribution plan to augment the retiree medical benefits to be provided to current and future employees of the City (the employee and the City each make a 1 percent of base salary contribution to the plan on a cost-sharing basis), retroactive to January 1, 2004, the Mayor was authorized to sign on behalf of the City, and the Director of Finance (as Plan Trustee) was authorized to execute all documents necessary to adopt the amendment.</p>
<p>Adopted Resolution 04-83 Adopting an Amendment to the VantageCare Retirement Health Savings Program</p>	<p>Resolution 04-83 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN AMENDMENT TO THE VANTAGECARE RETIREMENT HEALTH SAVINGS PROGRAM ADOPTION AGREEMENT AND AUTHORIZING THE CITY'S FINANCE DIRECTOR TO SERVE AS PLAN ADMINISTRATOR AND TO IMPLEMENT THE AMENDED PLAN.</p>
<p>Approved Agreement with Amtech Elevator Services</p>	<p>An agreement with Amtech Elevator Services, 1550 Sunkist Street, Suite A, Anaheim, was approved for an initial five-year term, for an amount not to exceed \$9,300.00 per year, and the City Manager was authorized to execute up to three additional one-year periods (not to exceed a maximum of eight years total), for an amount not the exceed \$9,300.00 per year, contingent upon funds being budgeted in the subsequent years, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.</p>
<p>Budget Adjustment No. 05-036 for \$26,929.00</p>	<p>Item No. 8 on the Consent Calendar was presented: Budget Adjustment No. 05-036 for \$26,929.00, for the California Integrated Waste Management Tenth Cycle Used Oil Recycling Block Grant, to recognize the grant revenue and appropriate funds for continuation of the used oil residential pickup program and the promotion and advertising of the City's used oil and oil filter recycling programs.</p>
	<p>Council Member Dixon pointed out that there are currently seventeen certified used oil collection centers in the City, and suggested the following to aid in public awareness: listing the centers on shopping bags, distributing flyers at gas stations, displaying the information on the Costa Mesa local channel 24 and the City website.</p>
	<p>In response to a question from Mayor Monahan, the Public Services Director reported that while the City is given suggestions from the State to identify target areas where they believe the advertising would be most effective, staff would provide the recommended suggestions to the State.</p>
<p>MOTION/Approved Budget Adjustment No. 05-036 for \$26,929.00</p>	<p>On motion by Council Member Dixon, seconded by Mayor Pro Tem Mansoor, and carried 5-0, Budget Adjustment No. 05-036, for \$26,929.00, for the California Integrated Waste Management Tenth Cycle Used Oil Recycling Block Grant, to recognize the grant revenue and appropriate funds for continuation of the used oil residential pickup program and the promotion and advertising of the City's used oil and oil filter recycling programs was approved.</p>
<p>Resolution 04-84 Granting Additional Period for Two Years</p>	<p>Item No. 13 on the Consent Calendar was presented: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING AN ADDITIONAL DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT, for selected local</p>

Additional Service  
Credit

miscellaneous members of the California Public Employees Retirement System (CalPERS).

Mike Berry, Costa Mesa, commented that the employees who will be granted an additional two years of service credit, should work for those two additional years and that the burden should not be placed on the taxpayers.

Council Member Foley explained that while the employees are willing to work the additional two years, they did not have an option due to Council decision to contract the services of the City Attorney's Department.

Sam Clark, Costa Mesa, concurred with Mr. Berry's comments, adding that a two-year extension of benefits is an excessive amount.

Mayor Monahan reported the State Legislature provides the option to displaced employees, to extend benefits to those that meet the requirements.

Mayor Pro Tem Mansoor voiced his support of the resolution.

MOTION/Approved  
Resolution No. 04-84  
Granting Additional  
Period for Two Years  
Additional Service  
Credit

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Foley, and carried 4-1, Council Member Bever voting no, to approve Resolution No. 04-84: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING AN ADDITIONAL DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT, for selected local miscellaneous members of the California Public Employees Retirement System (CalPERS).

OLD BUSINESS  
Consolidation of  
Access Appeals Board  
and Building, Fire and  
Housing Board of  
Appeals

The Deputy City Clerk presented from the meeting of November 15, 2004, second reading and adoption of Ordinance 04-14, consolidation of Access Appeals Board and Building, Fire and Housing Board of Appeals.

MOTION/Gave  
Ordinance 04-14  
Second Reading and  
Adoption

On motion by Council Member Dixon, seconded by Mayor Pro Tem Mansoor, and carried 5-0, Ordinance 04-14 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REGARDING CONSOLIDATION OF ACCESS APPEALS BOARD AND BUILDING, FIRE, AND HOUSING BOARD OF APPEALS.

OLD BUSINESS  
Increasing Salaries of  
City Council Members

The Deputy City Clerk presented from the meeting of November 15, 2004, second reading and adoption of Ordinance 04-15, increasing salaries of City Council Members, from \$828.00 per month to \$952.00.

Sandra Genis, Costa Mesa, commented that previously Council had cut the salaries during budgetary constraints by 25% and suggested that Council consider the type of message this would send to the population in general.

In response to a question from Council Member Foley, the City Manager reported that the City is above revenue projections through the second quarter of this fiscal year. He indicated that Council would be updated on revenues and expenditures in the upcoming mid-year budget review.

On motion by Mayor Monahan, seconded by Council Member

MOTION/Gave  
Ordinance 04-15  
Second Reading and  
Adoption

Foley, and carried 4-1, Mayor Pro Tem Mansoor voting no, Ordinance 04-15 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, INCREASING SALARIES OF CITY COUNCIL MEMBERS, from \$828.00 per month to \$952.00.

OLD BUSINESS  
Amendments to  
Council Policy 000-6,  
City Newsletters and  
Council Policy 100-7,  
Use of City Facilities  
and Waiver of User  
Fees

The Deputy City Clerk presented Amendments to Council Policy 000-6, City Newsletters, to reflect the new combined brochure Costa Mesa Community News and Recreation Review, and Council Policy 100-7, pertaining to use of City Facilities and Waiver of User Fees.

The Assistant City Manager summarized the Agenda report dated December 6, 2004, and responded to questions from the Council.

In response to a question from Council Member Foley, the Assistant City Manager reported that this action would save the City approximately \$80,000.00 to \$100,000.00 in expenditures.

In regards to Council Policy 000-6, Council Member Dixon expressed her disappointment in discontinuing the City's Newsletter, although understanding the need due to budgetary constraints. She suggested that the City Seal be added to the combined brochure, Costa Mesa Community news and Recreation Review, in order to appeal to the residents that the contents are providing more than recreational information.

MOTION/Approved  
Amendments to  
Council Policy 000-6,  
City Newsletters and  
Council Policy 100-7,  
Use of City Facilities  
and Waiver of User  
Fees

On motion by Council Member Dixon, seconded by Mayor Pro Tem Mansoor, and carried 5-0, the amendments were approved to Council Policy 000-6, City Newsletters, to reflect the new combined brochure Costa Mesa Community News and Recreation Review; and Council Policy 100-7, pertaining to use of City Facilities and Waiver of User Fees.

NEW BUSINESS  
Consideration to  
Conduct an  
Acceptability Study  
and Allocation of  
Funds for Concept  
Plans

The Deputy City Clerk presented a recommendation for the consideration of staff time to conduct an acceptability study to identify possible recreational uses for certain properties within the City previously presented to Council at the meeting of July 7, 2004, as non-City owned government properties. The Public Services Director summarized the Agenda report dated December 6, 2004, correcting an error indicating that Council reviewed a staff report on this item in June of 2004 and not in July of 2004.

The Mayor supported the recommendation to authorize staff to conduct the study, indicating that he does not recommend developing concept plans if the possibility of leasing or buying the properties is unlikely.

Council Member Foley, regarding the Orange County Flood District property, suggested the site could be used for an inline skating or a skateboard park. In response to a question by Council Member Foley, the Public Services Director explained that funds are not being requested at this time, but that if the properties become available, staff will propose to return to the Council during the next budget consideration and list the property sites that will be acceptable for recreational uses.

Council Member Bever suggested removing from the list of properties, the Coast Community College District, stating that the purchase price is approximately twenty-seven million dollars and the State of California Developmental Services property located on

the corner of Harbor Boulevard and Fair Drive, mentioning the State's intent to build a housing development.

Council Member Foley supported moving forward with the recommendations, stating that this action will be a type of inventory of the properties and to identify the specific uses possible.

The Mayor reiterated his support of the first recommendation and advised that once it has been determined which properties are feasible for active recreation, to then move forward developing concept plans.

Byron DeArakal, Vice Chairman of the Parks and Recreation Commission, advised that due to the high demand and the limited number of fields available, the organized youth activities place a stress on the current inventory of fields and parks. He encouraged that Council review the proposed sites and determine whether they are acceptable for active recreational uses. In addition, he noted that the Parks and Recreation Commission are continuing to look at what schools are being under utilized.

Sandra Genis, Costa Mesa, voiced her support of the recommendation, stating that previous surveys of park use indicated a public preference for passive types of recreational uses, i.e. picnicking and hiking. She reported that a bald eagle, a protected species, had visited a park in Costa Mesa near the Santa Ana River. She also suggested a library as a possible use for the Fairview Hospital site.

Martin Millard, Costa Mesa, expressed opposition to funding of concept plans for properties that aren't on the market and suggested appointing a land acquisition manager or forming an additional committee, involving citizens, to actively pursue properties that can be leased or purchased.

Beth Refakes, Costa Mesa, supported conducting an acceptability study, although, opposed fund allocation for consultants. She felt that the properties, which are not conducive to activities, would be easily identifiable. She suggested that a skate park could be a viable use for the storage facility site, located on Bristol Street and owned by the Orange County Flood District, due to its central location.

Council Member Foley suggested adding the elementary schools and the Monte Vista High School to the list of property sites to review.

Council Member Dixon suggested that staff determine if increased activities on the school grounds are desired from the school district prior to developing concept plans.

A motion was made by Mayor Monahan and seconded by Mayor Pro Tem Mansoor to concur with the recommendation of the Parks and Recreation Commission as stated in the November 23, 2004, agenda report and to direct staff to conduct an acceptability study adding all the Costa Mesa elementary schools to the list of potential properties.

Council Member Bever commented his reluctance to supporting the motion, stating that recreational activities are disruptive to residents that live adjacent to the elementary schools.

MOTION/Approved  
Recommendation

Council Member Foley requested the maker of the motion to revise the motion to include non-active recreational uses.

In response to a question by Mayor Monahan, the City Manager suggested that if Council desires to include other properties, that discussion of options should be a study session item or an agenda item.

Mayor Monahan withdrew the motion.

MOTION/Approved  
Recommendation  
Adding Three  
Additional Parcels

On motion by Mayor Monahan, seconded by Council Member Bever, and carried 5-0, to concur with the recommendation of the Parks and Recreation Commission as stated in the November 23, 2004, agenda report, and directing staff to conduct an acceptability study to determine active recreational uses within Parcels 1 through 8, including the following school sites: Parsons Waldorf, Balearic, and Monte Vista High School.

NEW BUSINESS/  
Signs of Support  
Funds

The Deputy City Clerk presented a request from the Cultural Arts Committee to use Signs of Support funds: commit up to \$3,530.00 from the previously allocated Signs of Support funds to participate in the KOCE Butterfly Project; add the Butterfly Project to the 2004-05 Cultural Arts Committee Goals and Objectives; temporarily install one or two decorated butterflies outside the City Hall Council Chambers for six to eight weeks; sell the butterflies at the end of the installation with proceeds to be directed to the Cultural Arts Committee and, if they choose to participate, the Community Foundation, in proportionate ratio of funds invested; and an agreement with KOCE-TV Foundation approving participation in the project. The Recreation Manager summarized the Agenda Report dated December 6, 2004 and introduced Jamie Niles of the KOCE Butterfly Initiative Project to speak about the project and answer questions from the Council.

Ms. Niles reported that the initiative would be officially launched February 5, 2005; that California Senate recently passed a California Western Monarch Butterfly Day, she indicated that the butterfly is the emblem and the goal of the program is to unite the county around common themes of importance, encouraging creativity, education and engaging communities of all ages and ethnic groups.

MOTION/To approve  
Recommendations

A motion was made by Council Member Dixon, seconded by Council Member Foley, and carried 4-1, Mayor Pro Tem Mansoor voting no, to commit up to \$3,530.00 from the previously allocated Signs of Support funds to participate in the KOCE Butterfly Project; to add the Butterfly Project to the 2004-05 Cultural Arts Committee Goals and Objectives; to temporarily install one or two decorated butterflies outside the City Hall Council Chambers for six to eight weeks; to sell the butterflies at the end of the installation with proceeds to be directed to the Cultural Arts Committee and, if they choose to participate, the Community Foundation, in proportionate ratio of funds invested was approved; and an agreement with KOCE-TV Foundation approving participation in the project, was approved and the City Manager was authorized to sign on behalf of the City.

Mayor Pro Tem Mansoor in explaining his opposition to the motion, felt that art should be privately funded, that the funds are public funds regardless of how the funds were obtained and that focus should be on public safety and infrastructure repairs.

Council Member Dixon opined that art is an important role in the lives of everyone, and expressed her enthusiasm that the Cultural Arts Committee was moving forward with the project.

NEW BUSINESS/  
Gave First Reading to  
Ordinance 04-16

The Deputy City Clerk presented an ordinance adding Costa Mesa Municipal Code Section 2-15 pertaining to restrictions for use of the City Seal and penalties for misuse thereof. The City Attorney summarized the agenda report dated December 6, 2004.

MOTION/Gave  
Ordinance 04-16 First  
Reading

A motion was made by Council Member Bever, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to give first reading to Ordinance 04-16, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 2-15 TO THE COSTA MESA MUNICIPAL CODE PERTAINING TO RESTRICTIONS FOR USE OF THE CITY SEAL AND PENALTIES FOR MISUSE THEREOF; and approved the amendment to City Council Policy 000-10, pertaining to restriction on use of the City Seal. Second reading and adoption are scheduled for the meeting of January 3, 2005.

NEW BUSINESS/  
General Plan  
Screening Request  
GPS-04-02 for 2218  
Canyon Drive

The Deputy City Clerk presented General Plan Screening Request GPS-04-02 for 2218 Canyon Drive to change the land use designation from Medium Density Residential (R2-MD) to High Density Residential (R2-HD). The Senior Planner summarized the Agenda report dated December 6, 2004.

Tim Johnson, TJ Design, applicant for the project, expressed his desire to develop the property of 2218 Canyon Drive. He emphasized that it would be better economically to build four units instead of only three, that the percentage of coverage on the property is less than the adjacent properties, and encouraged Council to excuse the 122 square feet that is short in the current development plan.

In response to a question from Council Member Foley, the Senior Planner confirmed a four-unit development with the existing lot size would require a general plan amendment that recognizes the site specific density for the particular property, and added that a variance cannot be granted or processed for a general plan screening request.

The Mayor acknowledged that in 1990 the General Plan reduced the densities on the site, noting that this particular site is surrounded by five-unit developments and that the applicant is unable to build to the densities that surround it because of the change in the General Plan. He remarked that if Council was to approve the applicant's request and he were to build four units, the approval would be restoring the rights that the property held prior to 1990. The Senior Planner confirmed that if the Council approved the request, the approval would re-designate the property as high-density residential, and it would reflect the densities that the City had prior to the 1990 General Plan Amendment, and would therefore not be consistent with the current densities.

Council Member Foley believed that the goal of the general plan and rezoning of the area was to change it to a lower-density, adding that she is hesitant to approve the screening without further reviewing the information or the minutes that reflect the rationale or basis of the rezone. The City Attorney confirmed for Council

Member Foley that this item could be addressed during the general plan screening dates.

Sandra Genis, Costa Mesa, expressed her support of the recommendation to reject the screening based on inconsistency with the acceptance criteria. She supported upholding the general plan and voiced her opposition in making exceptions for the applicant, suggesting that the applicant consider the project under the density bonus policy.

Mr. Johnson stated he was unaware of a density bonus program, and emphasized that the architecture of the development would be complimentary to the neighborhood and not a detriment.

A motion was made by Mayor Monahan to accept for processing general plan screening request GPS-04-02 for 2218 Canyon Drive. The motion died for lack of a second.

MOTION/To Accept  
Died

A motion was made by Council Member Foley to continue the General Plan request GPS-04-02, for 2218 Canyon Drive to the next general plan screening, allowing the applicant to work with staff to consider other alternatives. The motion died for lack of a second.

MOTION/To Continue  
Died

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Foley, and carried 4-1, Mayor Monahan voting no, to reject the general plan screening request based on inconsistency with the acceptance criteria specified City Council Policy 500-2.

MOTION/Rejected  
General Plan  
Screening Request  
GPS-04-02

Mayor Monahan explained his opposition with the motion, stating that he disagreed that the property owner understood the "ramifications" when the property was purchased.

The Deputy City Clerk presented General Plan Screening Request GPS-04-03 for 675 Anton Boulevard to allow construction of a residential condominium project within Two Town Center. Senior Planner, Claire Flynn, summarized the Agenda report dated December 6, 2004.

NEW BUSINESS/  
General Plan  
Screening Request  
GPS-04-03

Mr. John Krappman, representing the applicant, Common Wealth Capital Management and the ownership of FSP-Two Town Center, believed that the project promoted principles of smart growth and urban planning in a fashion that is consistent with existing development already on site. He indicated that conceptual plans were not finalized, but that a high rise luxury residential tower consisting of approximately one hundred and seventy units, is envisioned to be located west of Park Center Drive. He noted that although the staff report indicates the Two Town Center area parcel is 6.2 acres, he pointed out that the entire parcel area is approximately 20 acres.

Sandra Genis, Costa Mesa, advised continuing the item, stating that information isn't specified as to the kind of densities and the exact number of units. Martin Millard, Costa Mesa, concurred with Ms. Genis, reiterating that the information is not specified enough.

The Development Services Director explained to the Council that decisions relating to the development of the project area would be brought back for Council approval in all phases of the development and stated that until a developer provides something for the City to start working with, a position on the general plan can not be

formulated, emphasizing that the developer will not go forward until the Council processes the screening request. He confirmed that the environmental impact report is paid by the applicant in its entirety.

MOTION/Accepted  
General Plan  
Screening Request for  
Processing

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Bever, and carried 5-0, to accept the General Plan Screening Request GPS-04-03 for 675 Anton Boulevard to allow construction of a residential condominium project within Two Town Center, for processing.

NEW BUSINESS/  
Cancellation of  
Regularly Scheduled  
Meetings in December

The Deputy City Clerk presented a request from Mayor Monahan from the meeting of December 3, 2004, for cancellation of the regularly scheduled meetings in December 2004 for City Council and the Planning Commission. Mayor Monahan presented a summary of his request, stating he was interested in staff looking at the possibility of permanently canceling the second regular City Council meeting in December and the second Planning Commission meeting in December.

MOTION/To Cancel  
Second Meetings in  
December

A motion was made by Mayor Monahan, seconded by Mayor Pro Tem Mansoor, and carried 5-0, to cancel the second regular City Council meeting and the second Planning Commission meeting in December 2004.

MOTION/Directed Staff  
To Research Means to  
Permanently Cancel  
Second Meetings in  
December

A motion by Mayor Monahan, seconded by Council Member Foley, and carried 5-0, to direct staff to research the means to permanently cancel the second meetings in December for the City Council and the Planning Commission.

NEW BUSINESS/  
Planning Commission  
and Parks and Rec-  
reation Commission  
Appointments

The Deputy City Clerk presented a request from Mayor Monahan for review of Council Policy 000-2.5 pertaining to Planning Commission and Parks and Recreation Commission appointments.

Mayor Monahan expressed that this item was to provide the opportunity for the Council to review Council Policy 000-2.5 with regards to the process for appointing Planning Commissioners and Parks and Recreation Commissioners, and to provide the opportunity to modify the process, if it is desired.

Mayor Pro Tem Mansoor believed there was opposition from the community to direct appointments from the Council and felt that reverting to the former process of general voting among the Council was in the best interest of the public.

Martin Millard, Costa Mesa, recommended retaining the current process of commission appointments.

The following members of the public addressed the Council in support of changing the process: Sandra Genis, Costa Mesa, felt that it would create a geographical balance, eliminate "corruption", and alleged that commissioners vote based on the way their appointing Council member would vote; Beth Refakes, Costa Mesa, pointed out that it allows the opportunity for interested residents to apply, which will promote fresh ideas, providing different perspectives and a better balance; and Sam Clark, Costa Mesa.

Council Member Foley opposing the former process, stressing that the Commissioners are an independent body despite its Council

appointees and encouraged retaining the current process.

The City Manager pointed out that the change in the process would require change in the existing ordinance, which would become effective the first regular meeting in February; this would be the first opportunity to make appointments on a majority basis. He presented another possible option in which to expedite the process by adopting an urgency ordinance and a regular ordinance. He also pointed out that if Council retains the current process, appointments to the commissions would be made at the second regular meeting in January.

Council Member Dixon expressed opposition of reverting to the former process; suggested that staff allow community members to apply by December 21, 2004, and that interviews take place thereafter, emphasizing the importance for Council to make selections from a candidate list of applicants, who have submitted a resume and a letter of interest.

MOTION/To Conduct  
Special Meeting  
Died

A motion was made by Mayor Pro Tem Mansoor to authorize a Special City Council Meeting to be held on December 13, 2004, to discuss a general voting process in the selection of Planning Commissioners, discontinuing the use of direct appointments; directed staff to prepare the appropriate ordinance and Council policy, and directed staff to provide examples of policy and procedures to follow for a general voting process. Motion died for lack of a second.

MOTION/To Retain  
Current Process of  
Appointments

A motion was made by Council Member Dixon, seconded by Council Member Foley, to retain the current policy; request staff to advertise in the newspaper, television and website; request the applicants to indicate a preference of the commission in interest and attach a resume indicating their experience in a particular area; that Council select commissioners from a list of potential candidates who have submitted a letter of interest and from the current commissioners who have indicated their willingness to continue to serve and who have submitted a letter of interest.

A substitute motion was made by Mayor Pro Tem Mansoor, to authorize a Special City Council Meeting to be held on December 13, 2004, to discuss a general voting process in the selection of Planning Commissioners, discontinuing the use of direct appointments; directed staff to prepare the appropriate ordinance and Council policy, and directed staff to provide examples of policy and procedures to follow for a general voting process.

Mayor Monahan requested that the motion be amended to include that staff immediately begin recruitment with applications due December 21, 2004. The amendment was approved by Mayor Pro Tem Mansoor and Council Member Bever, as makers of the motion.

Council Member Foley also requested that the motion be amended to include a process by which interviews will take place.

Mayor Pro Tem Mansoor indicated that he was not interested in conducting formal interviews but felt that each Council Member could meet with any of the applicants they wish to speak with. He clarified that the motion was to direct staff to provide guidelines on the nomination process, and then vote on a specific policy. Mayor Monahan also expressed his opposition in conducting interviews of the applicants.

Council Member Dixon recalled her interview by the entire Council and encouraged avoiding the method then used suggesting Council take time to thoroughly interview each applicant followed by a vote by the Council.

Council Member Foley felt that it was important to build a consensus that the motion be amended to include that a special meeting be scheduled to discuss the qualifications of the applicants.

The City manager suggested Council could address the topic of forums and opportunities in which to discuss candidates' qualifications as part of the staff follow-up, at the special meeting.

Mayor Pro Tem Mansoor expressed his optimism and advised moving forward with the motion.

The substitute motion, as amended, to authorize a Special City Council Meeting to be held on December 13, 2004, to discuss a general voting process in the selection of Planning Commissioners, discontinuing the use of direct appointments; directed staff to prepare the appropriate ordinance and Council policy, and directed staff to provide examples of policy and procedures to follow for a general voting process and directing staff to immediately begin recruitment with applications due December 21, 2004, carried 3-2, Council Member Foley and Council Member Dixon voting no.

SUBSTITUTE  
MOTION/To Revert To  
General Voting  
Process

The City Attorney reported that Council would be receiving an update on some pending litigation matters within the next couple of days.

CITY ATTORNEY'S  
REPORT/Update on  
Litigation Matters

The City Manager welcomed the new Council Members.

STAFF COMMENTS

Council Member Foley reiterated a request addressed to the Public Services Director to conduct an inventory of all the elementary school sites as to availability for after school active or other recreational uses for fields and play areas.

COUNCIL  
COMMENTS

Council Member Bever suggested that the City ambitiously pursue the street maintenance program by identifying the 20 worst streets in need of maintenance as part of the program.

Mayor Pro Tem Mansoor welcomed the new Council Members, and expressed that he looked forward to working with them.

Mayor Monahan invited the public to participate in the Snow Hill Event on Saturday, December 11, 2004.

The Mayor declared the meeting adjourned at 10:37 p.m.

ADJOURNMENT

