

REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA

APRIL 1, 2002

The City Council of the City of Costa Mesa, California, met in regular session April 1, 2002, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor, followed by the Pledge of Allegiance to the Flag led by Council Member Cowan, and Mayor Dixon asked for a moment of silence.

ROLL CALL

Council Members Present: Mayor Linda Dixon
Mayor Pro Tem Gary Monahan
Council Member Libby Cowan
Council Member Karen Robinson
Council Member Chris Steel

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Jerry Scheer
Development Services Director
Donald Lamm
Public Services Director William
Morris
Administrative Services Director
Steve Hayman
Associate Planner Mel Lee
Sr. Deputy City Attorney
Marianne Reger
Neighborhood Improvement
Manager Muriel Ullman
CDBG/HOME Coordinator Mike
Linares
Transportation Services Manager
Peter Naghavi
Police Patrol Services Captain
Tom Warnack
Deputy City Clerk Mary Elliott

MINUTES
March 18, 2002

On motion by Council Member Robinson, seconded by Mayor Pro Tem Monahan, and carried 5-0, the minutes of the regular meeting of March 18, 2002, were approved as distributed.

ORDINANCES AND
RESOLUTIONS

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

PUBLIC COMMENTS
Library Services
Committee

Donald Nicholson, 2063 Republic Avenue, Costa Mesa, reported that he had attended meetings of the Library Services Committee which had been moderately successful, and indicated that he had documented this information in two letters which had been forwarded to Council. He indicated that the City of Mission Viejo had assumed control of their library from the County in 1997, and the result is an outstanding 42,000 square-foot building offering a plethora of services and amenities.

Racism

Russ Ramirez, 1798 Kenwood Place, Costa Mesa, addressed "racism" in Costa Mesa, objecting to members of his community

being referred to as “those people” or “illegal aliens”. He believed that the Costa Mesa Job Center issue is racially motivated, and questioned the Council’s selection process for members of the Human Relations Committee. He related an incident wherein his 82-year-old father, while riding his bicycle, had been threatened. Council Member Robinson replied that membership on the Human Relations Committee is open to all Costa Mesa residents, and encouraged everyone who is interested to join.

Nicholson Comments Mildred Nicholson, 2063 Republic Avenue, Costa Mesa, confronted the issue of dangerous dogs in neighborhoods, and encouraged the City to place restrictions on these animals. Addressing Old Business Item No. 3, installation of wrought iron fencing along the south side of the Joann Street bike trail, she countered that chain link fences are the most economical and are easily repaired.

Proud Citizen John Rule 215 East 23rd Street, Costa Mesa, commented on his pride in being a Costa Mesa resident, and enumerated the benefits of living in the City. He spoke positively about the Costa Mesa Job Center, and commended Council on their work.

Millard Comments Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa, approved of changing the City’s name to, “Costa Mesa by the Sea”. He cited statistics which indicate that violent crime has increased 41.8 percent in the City, and reported that a member of his family had been attacked by a Latino gang. He condemned gangs, drug dealers, the Job Center, and illegal aliens.

Skateboard Park Robert Graham, 3260 Dakota Avenue, Costa Mesa, reported that during a recent trip to Philadelphia, Pennsylvania, he read an article in the Philadelphia Inquirer entitled, “As Skateboarding Takes Off, Parks are Following”. He provided a copy of the article to Council, and expressed his hope that this issue will be addressed in a timely manner in order to secure a permanent skateboard facility. Mr. Graham reiterated his interest in extending 19th Street to Huntington Beach which he believed would positively impact the west side. Council Member Steel revisited his interest in creating a skateboard park in a joint effort with the City of Newport Beach, and asked staff to provide a status report.

Human Relations Committee Allan Mansoor, 2973 Harbor Boulevard, No. 406, Costa Mesa, responded to Mr. Ramirez, who previously spoke about the Costa Mesa Human Relations Committee, by stating that members of the committee wish to improve the City even though often their viewpoints differ. He encouraged citizens to volunteer for City committees.

Paul Bunney, Post Office Box 11024, Costa Mesa, encouraged Council to apply “laws and rules” to the Council agenda items.

Alley Trash Problems Val Skoro, 1601 Bayadere Drive, Corona del Mar, owner of 19 apartment units at 859 West 19th Street, Costa Mesa, complained about overloaded trash bins in City alleys behind his units, between Placentia and Monrovia Avenues and Center and 19th Streets. He suggested that the City adopt an ordinance prohibiting the overfilling of trash cans, and commended Sandra Benson, Chief of Code Enforcement, for her efforts in this area. He supplied photographs of the overloaded containers. Mayor Dixon informed Mr. Skoro of the newly formed committee, Keep Costa Mesa Beautiful. The Public Services Director clarified that the City works with the property owner/manager to ensure that the proper number of bins are supplied, and alleys are patrolled daily to

ensure that there is no debris in the public right-of-way.

Measure W (El Toro Marine Corps Air Station)

Heather Somers, 313 Robin Hood Lane, Costa Mesa, reported that the Orange County Regional Airport Authority (OCRAA) is joining litigation with the Airport Working Group (AWG) against Measure W, which will potentially put the Navy sale of the property at El Toro Marine Corps Air Station on hold. She added that the Southern California Association of Governments (SCAG) is voting on Thursday, April 4, 2002, to request \$1.5 million to move the Southern California Regional Airport Authority, a joint powers agreement, forward to address regional air transportation needs. She stressed the importance for Council to remain vigilant in its participation in airport issues.

Childs Comments

Jeffrey Childs, 1139 Aviemore Terrace, Costa Mesa, addressed "racism" and immigration problems in the City, commenting that the Hispanic illegals in Costa Mesa mainly take jobs which would have been filled by Hispanic persons who are in the country legally.

Darrell Street Sweeping

Dennis Patterson, 696 Darrell Street, Costa Mesa, informed Council that mandatory street sweeping was being instituted in his neighborhood, and objected to the limited availability of parking spaces. He proposed instituting alternate side parking on adjacent streets, Pomona, Meyer, or Joann, prior to instituting the program on Darrell Street. The Public Services Director reviewed the street sweeping program. Council Member Cowan proposed that staff meet with Mr. Patterson and his neighbors on Darrell Street to resolve this issue.

Ballot Initiative for El Toro

Russ Niewiarowski, 20102 Kline Drive, Santa Ana Heights, President of the New Millennium Group, reported that 72,000 signatures are needed to place an initiative on the November 5, 2002, ballot, "Reasonable Airport, Park, and Nature Preserve", which he believes is an improved choice for the residents of Orange County for use of the land at El Toro. He provided a website address of www.ocxeltoro.com. Council Member Steel assured Mr. Niewiarowski that OCRAA is interested in this plan.

RV Parking

Mike Berry, 2004 Meadowview Lane, Costa Mesa, reported that recreational vehicles are being parked in vacant lots at Victoria Street/Canyon Drive and Valley Road/Sea Bluff Drive. He blamed the new RV ordinance which Mayor Dixon informed him had not yet been adopted and will be considered at the meeting of April 15, 2002. She advised Mr. Berry to inform the Police Department of potential infractions. He objected to laws being dependent on complaints from citizens.

CONSENT
CALENDAR
MOTION/Approved

On motion by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, all 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: Hub Auto Supply; Maria Elvira Martinez; Jenny and Lynn Pham; Rene Portillo; and Armando Salazar.

Public Utilities Commission

Notice that Southern California Gas Company filed Application No. 01-09-024 with the California Public Utilities Commission, to revise its rates for gas service, effective January 1, 2003.

WARRANTS

The following warrants were approved:

Approved Warrant 1893/Payroll 206	Warrant Resolution 1893, funding Payroll 206 for \$1,862,044.21, and City operating expenses for \$959,540.05, including payroll deductions.
Approved Warrant 1894	Warrant Resolution 1894, funding City operating expenses for \$560,425.04.
ADMINISTRATIVE ACTIONS/Approved Revisions to 300-7	Revisions were approved to Council Policy 300-7, "Adjustments to Employee Compensation" to provide the City with greater protection in times of financial constraints.
	The following resolutions were adopted:
Adopted Resolution 02-19, 2002-2005 Hazardous Waste Grant	Resolution 02-19, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AUTHORIZATION TO APPLY FOR THE 2002-2005 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD HOUSEHOLD HAZARDOUS WASTE GRANT, FISCAL YEAR 2002-2003, AS A PARTICIPANT AGENCY IN A REGIONAL GROUP WITH THE COSTA MESA SANITARY DISTRICT.
Adopted Resolution 02-20, Reuse of Electronic Waste	Resolution 02-20, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, URGING COMPUTER AND OTHER HAZARDOUS ELECTRONICS PRODUCERS TO TAKE RESPONSIBILITY FOR REUSE AND RECYCLING OF THEIR PRODUCTS.
Approved Change Order 1 to Noor Contract for Police Generator Repair	Emergency Change Order No. 1 was approved to the contract with Noor Electrical, 1618 Ohms Way, Costa Mesa, in an amount not to exceed \$17,800.00, to make necessary electrical repairs, in conjunction with the Police Department Emergency Generator Circuit Project.
ANNOUNCEMENT	Mayor Dixon announced that a request had been received from the property owner to continue Public Hearing No. 4, and she asked that it be considered as the next order of business.
PUBLIC HEARING Appeal of ZA-01-63, Clark	The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an application from Council Member Steel appealing the Zoning Administrator's approval of Planning Application ZA-01-63 for John Clark, for a second story addition to an existing single-family house in conjunction with an expansion and remodel of the first floor, located at 1167 Aviemore Terrace in an R1 zone. Environmental Determination: Exempt. The Affidavits of Mailing and Publishing are on file in the City Clerk's office. Communications opposed to the project were received from Susan Griffith, 2058 Valley Road, Costa Mesa; Dan Hakala, 1159 Aviemore Terrace, Costa Mesa; Robert W. Reeder, owner of 1127 and 1131 Aviemore Terrace, Costa Mesa; Jeff Weller, 1186 Gleneagles Terrace, Costa Mesa (sent two letters); Sid and Madge Thompson (no address given); Bill and Carole Craig, 2062 Valley Road, Costa Mesa; Joseph R. Davis, Attorney at Law, 2845 Mesa Verde Drive East, Suite 5, Costa Mesa, representing Paula Litten, 1161 Gleneagles Terrace, Costa Mesa (who submitted two additional letters); Kacey M. Jensen, 1164 Gleneagles Terrace, Costa Mesa; Stephen J. Pew, owner of 2069 Continental Avenue and 1157 Gleneagles Terrace, Costa Mesa (and an additional letter from Stephen and Edie Pew); Terrance and Marilyn Douglass, 1149 Sea Bluff Drive, Costa Mesa; Olive M. Maxwell, 1144 Gleneagles Terrace, Costa Mesa; Geraldine A. Colson, 1143 Gleneagles Terrace, Costa Mesa; William Rennick,

1141 Gleneagles Terrace, Costa Mesa; Nancy Dunton, 1136 Gleneagles Terrace, Costa Mesa; Terry Lorentzen, 1115 Avimore Terrace, Costa Mesa; Paul Abels, 1160 Gleneagles Terrace, Costa Mesa; Sonia Leib Abels, 1160 Gleneagles Terrace, Costa Mesa; Geri S. Cicero, 1157 Avimore Terrace, Costa Mesa; and Mrs. Joan Skinner, 2091 Balmoral Circle, Costa Mesa. Communications supporting the project were received from Paul A. Lastrapes, 1135 Avimore Terrace, Costa Mesa, and Jeffrey S. Childs, 1139 Avimore Terrace, Costa Mesa. The Development Services Director summarized the Agenda Report dated March 25, 2002.

MOTION/To
Continue

A motion was made by Council Member Steel to continue the public hearing to the meeting of April 15, 2002.

SUBSTITUTE
MOTION/Referred
to Commission

A substitute motion was made by Mayor Pro Tem Monahan, seconded by Mayor Dixon, and carried 4-1, Council Member Steel voting no, to refer this item to the Planning Commission.

Council Member Steel explained his rationale in appealing the item to the City Council instead of the Planning Commission. Mayor Pro Tem Monahan believed that the Planning Commission is the correct body to hear this application being the next in line above the Zoning Administrator.

PUBLIC HEARING
Sign Ordinance

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending the regulations contained in Title 13 of the Costa Mesa Municipal Code relating to signs. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Associate Planner summarized the Agenda Report dated March 25, 2002, reporting that as presently drafted, the revision will assist in retaining the amount of signage flexibility that the business community desires but also allow greater restrictions and controls to improve the overall appearance of the community. He responded to questions from Council.

Council Member Steel thought that several of the regulations were restrictive for businesses which rely on advertising to survive. Council Member Robinson addressed Table 13-115, Sign Regulations (Page 3 of the Agenda Report), the requirement to incorporate street addresses on freestanding signs, stating that she would like to ensure that addresses of all businesses may be seen from the street. The Associate Planner clarified that the language had been altered to indicate that if the address is visible on the building, it need not be included on the freestanding sign.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, asked about retail automobile signs, stating that other cities allow larger signs adjacent to the freeway. The Associate Planner responded that the current provisions would not restrict auto dealership signs other than on-site signage which is regulated by a planned signing program.

John Feeney, 1154 Dorset Lane, Costa Mesa, provided pertinent information regarding permanent, on-premise advertising displays from the California Business and Professions Code. He felt that there are a multitude of problems with the proposed sign ordinance. There being no other speakers, the Mayor closed the public hearing.

MOTION/Gave First Reading to Ordinance 02-8

A motion was made by Mayor Pro Tem Monahan, seconded by Council Member Cowan, and carried 5-0, to give first reading to Ordinance 02-8, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SIGN REQUIREMENTS, changing "one banner per tenant" to "one banner per street frontage", using the same wording as that for permanent signs. Second reading and adoption are scheduled for the meeting of April 15, 2002.

Mayor Pro Tem Monahan asked the City Attorney's office to research Mr. Feeney's concerns prior to second reading. The Development Services Director clarified that the new ordinance restricts the number of banners from an unlimited amount to one.

PUBLIC HEARING Residential, Commercial, and Industrial Lot Requirements

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an ordinance amending regulations contained in Title 13 of the Costa Mesa Municipal Code relating to street frontage requirements and minimum lot width for residential, commercial, and industrial lots, and minimum lot size requirements of planned development zones. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Development Services Director asked that this public hearing be continued to the meeting of April 15, 2002.

Heather Somers, 313 Robin Hood Lane, Costa Mesa, asked when the staff report will be available. The Development Services Director replied that he would provide Ms. Somers with a copy 72-hours in advance of the meeting of April 15, 2002.

MOTION/Continued to April 15, 2002

On motion by Mayor Pro Tem Monahan, seconded by Council Member Cowan, and carried 5-0, this item was continued to the meeting of April 15, 2002.

RECESS

The Mayor declared a recess at 8:05 p.m., and reconvened the meeting at 8:15 p.m.

PUBLIC HEARING Appeal of PA-01-44, Calvary Church

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an application from Mayor Pro Tem Monahan appealing the Planning Commission's denial of Planning Application PA-01-44 for a minor conditional use permit to allow installation of a 7,910-square-foot tent and a 1,440-square-foot modular trailer for use as a temporary sanctuary for Calvary Church for a period not to exceed five years, with a variance from maximum height, located at 2115 Newport Boulevard in a C2 zone. Environmental Determination: Exempt. The Affidavits of Mailing and Publishing are on file in the City Clerk's office. Communications in support of the application were received from the Reverend Don Oliver, President, Newport-Mesa-Irvine Interfaith Council, Post Office Box 1175, Newport Beach; Angela Pruitt (via e-mail); Larry Thomas (via e-mail), P.O. Box 5923, Newport Beach; Terry Rather (via e-mail); Lisa Beckham (via e-mail); Lisle McVicker (via e-mail); Mr. and Mrs. Kelly Taggart, 265-A Knox Place, Costa Mesa; Michelle Morey and William Thompson, Jr. (via e-mail); William and Allison Johnson (two from Allison) (via e-mail); Terry and Regina Richardson (via e-mail); Jose and Teresa Hernandez, 120 Via Waziers, Newport Beach; Jay St. Patrick (via e-mail); Stephen Van Druff (no address given); Mindy Wohlford (via e-mail); Melissa Rivas (via e-mail); Sandi J. Byrd (via e-mail); Steve Tsubota, 4 Shoreview, Newport Coast; Laurie J. Walker, 128 East Wilson Street, Costa Mesa; Barb Reyes

(no address given); Sharon Schureman, 1156 Kinston Street, Costa Mesa; Doug Valitchka, 2334 Richmond Way, Costa Mesa; Sandra M. Schooler, 2234 Holiday Road, Costa Mesa; and Christy Smith (no address given). Communications opposed to the application were received from Melinda Cotton, Post Office Box 3310, Long Beach; and Sam Calderone, 1043 Concord Street, Costa Mesa, including a petition with 62 signatures. The Development Services Director reviewed the Agenda Report dated March 11, 2002, and responded to questions from Council.

Council Member Steel expressed concern with the five-year term of the temporary structure, noise, and traffic elements.

Tim Celek, 498 Broadway, Costa Mesa, pastor of the Calvary Church, reviewed the history of the church at this location, and indicated that they are now asking for a temporary structure for five years. He commented on the major issues: noise, aesthetics, and the transitional nature of the building.

Craig Hutchinson, Sprung Instant Structures, 1700 Iowa Avenue, Suite 290, Riverside, identified the rigid frame tension membrane structure as either a temporary or a permanent structure which adheres to all the building codes. He reported that there are 10,000 buildings throughout the world, including numerous church applications. He indicated that the material which makes up the building decreases the amount of sound transfer and will act as a sound barrier for neighboring houses. Mr. Hutchinson responded to questions from Council by stating that noise studies had been done with the doors to the structure closed; services will be conducted with the doors closed; the church had volunteered to build Mr. Calderone an 8-foot wall to deflect any noise; the church has not previously received noise complaints; and the building will have double the wall insulation value of a typical building.

Scott Laidlaw, owner of Laidlaw, Schultz Architects, 410 West Pacific Coast Highway, Newport Beach, addressed sound mitigation aspects of the building, and discussed the location, aesthetics of the enclosure, including a proposal to plant more trees along Newport Boulevard. He responded to questions from Council.

Council Member Cowan wanted to ensure that this not become a permanent structure, and asked if Pastor Celek would consider returning to Council in two and one-half years to verify the accuracy of the timeline. The Pastor replied in the affirmative, and also confirmed that he would accept conditions of approval that identified sound extending beyond property lines, from amplified music, etc.

In response to Mayor Dixon's query regarding the church's intention to sell the property at 23rd Street and Orange Avenue, Pastor Celek stated that he had been advised by consultants to place the property on the real estate market after July, 2002, and the desired outcome would be to retain both campuses. He addressed parking, stating that there are approximately 125 stalls, and there are approximately 1,200 members.

Paul Bunney, Post Office Box 11024, Costa Mesa, questioned the methods of the church, specifically constructing a parking structure then placing a temporary church on the property. He asked if Mayor Pro Tem Monahan should recuse himself from the vote on this item due to the proximity of his house to the Church. The Mayor Pro Tem replied that he had consulted with the City Attorney

on this issue and was advised that it was not necessary.

John Rule, 215 East 23rd Street, Costa Mesa, complained that the church at its present location generates noise, outdoor activities last into evening, and the parking situation is difficult. He supported the work they accomplish, and urged approval of the application.

Sam Calderone, 1043 Concord Street, Costa Mesa, objected to the noise generated by Calvary Church, and expressed concern regarding the appearance of the tent and modular trailer, which he thought may violate the current tent and building codes. He addressed the sound issue, and proposed that the church continue to use their current facility.

The following persons supported approval of the Calvary Church application: Jeffrey Childs, 1139 Aviemore Terrace, Costa Mesa; Maureen Cunningham, 2364 Elden Avenue, Costa Mesa, a member of the church and who lives close to the site, indicated that noise is not an issue unless there are activities outside the sanctuary; Ian Stevenson, 1021 Parkhill Drive, Costa Mesa, objected to the finding on Page 14 of the Agenda Report which states in part, "Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public..."; Steve (last name unintelligible), 192 22nd Street, Costa Mesa, a member of the church, thought that the application is an improvement to the property; Brett Detker, 431 West Bay Street, No. E, Costa Mesa, a member of the church; Barbara Ward, 1605 Santa Ana Avenue, No. C, Costa Mesa, and a partner in property at 2110 Newport Boulevard, Costa Mesa, felt that the temporary structure will be an improvement over the current status of the property; Buzz and Bird Amble, 546 Sturgeon Drive, Costa Mesa; and Lora Miller, 1031 Westward Way, Costa Mesa.

Michael Kunce, 2200 East Route 66, Glendora, President and Owner of Armstrong Garden Centers, reported that his company has a current lawsuit filed against the church, and felt that they had been less than straightforward about their plans. He reported that the church has, without notice, closed down the easement which allows Armstrong customers access to Victoria Street, and failed to honor lease rights which came with purchase of the property. Mr. Kunce agreed with the Planning Commission that the tent structure will be a negative impact on the surrounding businesses and residences, and asked that a decision be deferred until a complete plan is submitted and a subsequent comprehensive parking study is completed.

Gordon Marhoefen, 342 Sydney Lane, Costa Mesa, thought that approval of this application would set a dangerous precedent.

Heather Somers, 313 Robin Hood Lane, Costa Mesa, supported the project, commenting that building projects depend upon pledges, the current church site negatively impacts the neighborhood, and the new site adequately addresses congregational needs. She reported that the structure fits within the building code, and a decision to deny would limit their opportunity for growth.

Robert Graham, 3260 Dakota Avenue, Costa Mesa, thought that the project is an "ideal match" for the City's goals for Newport Boulevard. There being no other speakers, the Mayor closed the public hearing.

Pastor Celek responded to Council Member Steel regarding Mr. Kunce's complaints by stating that during a construction project, it is necessary to close and open entrances, and the church has tried in earnest to communicate with the adjacent property owners. He pointed out that the Armstrong Garden Center has three entrances/exits.

Motion to Approve
Died

A motion was made by Mayor Pro Tem Monahan to reverse the decision made by the Planning Commission by adopting a resolution approving Planning Application PA-01-44, adding as a Condition of Approval, "Prior to issuance of the Certificate of Occupancy for the temporary structure, the applicant shall conduct and submit a sound study showing that the amplified music shall not exceed limits of the City of Costa Mesa noise ordinance at that residential property". The motion died for lack of a second.

MOTION/Adopted
Resolution 02-21

A motion was made by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, to reverse the Planning Commission's denial by adopting Resolution 02-21, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-01-44, approving a two and one-half year conditional use permit with the possibility of an additional two and one-half years' extension upon evidence of movement within the five-year timeline that has been submitted, adding a condition of approval, "Prior to issuance of the Certificate of Occupancy for the temporary structure, the applicant shall conduct and submit a sound study showing that the amplified music shall not exceed limits of the City of Costa Mesa noise ordinance at the property line, and preferably nothing above ambient levels.", stipulating that the sound system be properly installed with the help of a sound engineering service to assure compliance with that condition of approval.

Council Member Cowan clarified that the two and one-half year time period provided the church with an opportunity to move forward according to this timeline which would include the sale of the Orange Avenue/23rd Street property, and entry into the redesign phase for the auditorium. Council Member Steel concurred, stating that Council will have more control.

PUBLIC HEARING
2002-2003 CDBG
Grant Allocations

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider the 2002-2003 Community Development Block Grant Public Service Grant Allocations. The Affidavit of Publication is on file in the City Clerk's office. Communications were received in support of funding local nonprofit organizations from Richard F. Crawford, President, Richard F. Crawford Company, 245 Fischer Avenue, Suite B1, Costa Mesa; and Mary Naschke (no address given). The CDBG/HOME Coordinator summarized the Agenda Report dated March 14, 2002, commenting that the Redevelopment and Residential Rehabilitation (3R) Committee recommended approval of the grants.

Council Member Cowan asked for a follow-up report from the 3R Committee on the guidelines which are in place. Council Member Robinson, liaison to the Committee, complimented the committee. She stated that she had asked a representative from the Someone Cares Soup Kitchen to address specific concerns regarding those who use that facility, etc., and was satisfied with the response that they would take care of their property employing security measures. The Police Patrol Services Captain, responding to Council Member Robinson, stated that the Police Department

responds to all calls received.

John Smith, no address given, reported that he frequents the Soup Kitchen and has noted a decline in the number of illegal aliens at the facility.

John Rule, 215 East 23rd Street, Costa Mesa, a member of the 3R Committee, stated that he had visited 90 percent of the organizations who applied for a grant, and was pleased with his conclusions. There being no other speakers, the Mayor closed the public hearing.

MOTION/Approved Grants

A motion was made by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, to approve the CDBG grants.

PUBLIC HEARING CDBG, HOME, and 2002-2003 Action Plan

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider Fiscal Year 2002-2003 funding priorities for Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), and submission of the 2002-2003 Action Plan.

Recommended allocation for the Fiscal year 2002-2003 CDBG application, with funding for the Ketchum-Libolt Park and Hamilton Street Community Garden, contingent upon awarding of the Murray-Hayden Urban Parks Grant. Upon denial of the grant application, authorize the reappropriation of these funds to the Westside Street Improvement Project.

Recommended allocation for the fiscal Year 2002-2003 HOME Investment Partnership Grant, including entitlement funds and reallocation of the funds from prior years.

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

The Affidavit of Publication is on file in the City Clerk's office. No communications were received. The Neighborhood Improvement Manager summarized the Agenda Report dated April 1, 2002. There being no speakers, the Mayor closed the public hearing.

MOTION/Approved Recommendations; Adopted Resolution 02-22

A motion was made by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, to approve the staff recommendations, and to adopt Resolution 02-22, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2002-2003 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

OLD BUSINESS Costa Mesa Job Center

The Deputy City Clerk presented from the meeting of September 17, 2001, staff recommendations for the Costa Mesa Job Center Operation: continue to operate the Job Center, exclude non-resident day workers, and ensure staff requires each day worker to show appropriate identification in addition to the currently required registration card.

Communications supporting continued operations of the Job Center were received from William J. Turpit, 1772 Kenwood Place; Henry S. Panian, 436 Swarthmore Lane, Costa Mesa; Joe Robillard (via e-mail), no address given; Steven J. Dzida, 1846 Kinglet Court, Costa Mesa; Ken Inouye, Chair, Orange County Human Relations Commission, 1300 South Grand Avenue, Building B, Santa Ana; Marie J. Gaillac, Orange County Interfaith Coalition for Social Justice, 480 South Batavia Street, Orange; Jennifer and Gene Gleason, 1944 Federal Avenue, Costa Mesa; Loretta Martin, 127 East 21st Street, Apt. C2, Costa Mesa; Denise Wood, 1105 Pembroke Lane, Newport Beach; Richard Wood, 1105 Pembroke Lane, Newport Beach; Barbara Shields, 127 East 21st Street, Apt. C2, Costa Mesa; Ross V. Jiminez, 1722 Pegasus Street, Costa Mesa; Jim Clough (via e-mail), no address given; Mr. and Mrs. Joseph McCarthy, 734 Saint James Place, Newport Beach (and an additional letter from Mr. McCarthy); Bobbie and Roger Moore, 1750 Whittier Avenue, No. 63, Costa Mesa; Ella Cabatu, 1741 Tustin Avenue, No. 7C, Costa Mesa; Paul G. March, 3016 Buchanan Way, Costa Mesa; Gladys Cordell, 2217 Harbor Boulevard, Suite E5, Costa Mesa; Richard and Donna Strassel, 1765 Santa Ana Avenue, Costa Mesa; Thomas and Gail Benze, 815 Center Street, No. C215, Costa Mesa; Dorothy M. Riley, 361 Ralcam Place, Costa Mesa; Diana Fernandez, 882 West 16th Street, Newport Beach; Amanda Carrillo, 15532 Eliot Circle, Huntington Beach; Michael Luys, 2406 La Mesa Court, Costa Mesa; Martha E. Carmona, 1545 Lukup Lane, No. 202, Costa Mesa; Adele Durocher, 20251 Bayview Avenue, Newport Beach; Dilia Badajos Lugo, 2406 La Mesa Court, Costa Mesa; Liabella Buonanoce, 2043 Republic Avenue, Costa Mesa; Luigi Buonanoce, 2043 Republic Avenue, Costa Mesa; Laura Saracini, 2043 Republic Avenue, Costa Mesa; Romilus Gintautas, 2020 Republic Avenue, Costa Mesa; Debra Koken, 2778 Kenwood Place, Costa Mesa; and Council Member Steve Vargas, City of Brea, 1 Civic Center Circle, Brea. Communications opposed to the Job Center were received from Kathleen Eric, 1825 Placentia Avenue, Costa Mesa; Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa (two letters and an e-mail); Lori Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa; Paula Litten, 1161 Gleagles Terrace, Costa Mesa; Janice Davidson, 1982 Arnold Avenue, Costa Mesa; Campbell Davidson, 1982 Arnold Avenue, Costa Mesa; Becky Couch, 1775 Pitcairn Drive, Costa Mesa; David Couch, 1775 Pitcairn Drive, Costa Mesa; Chris Ohlhaber, 240 Virginia Place, Costa Mesa; Margaret Morgan, 206 East 15th Street, Costa Mesa; Laura Raven, 5783 Pierpont Drive, Costa Mesa; and Tom Cromwell, 2029 Swan Drive, Costa Mesa. The Administrative Services Director summarized the Agenda Report dated March 25, 2002, and responded to questions from Council.

Evelyn Miller, 6 Gumwood, Irvine, representing the California Coalition for Immigration Reform, asked the City to ensure that Job Center is not guilty of the Federal crime of harboring illegal aliens.

The following persons spoke in support of the Job Center: John Smith, no address given, commented that the staff at the Center is efficient when checking identification; two representatives from the Latino community network; Walt Hollowell, Kenwood Place, Costa Mesa, thought that the Job Center is an efficient way to bring employers and employees together; Curtis Lawson, 318 Monte Vista Avenue, Apt. D, Costa Mesa, an automobile painter who used the Center when he was laid off; the resident at 549-E Bernard Street, Costa Mesa; the senior minister of the Orange Coast Unitarian Universalist Church, Costa Mesa, encouraged

including “non resident” dayworkers in the ordinance; Pablo Alvarado, coordinator of the National Day Laborer Organizing Network, and a former day laborer, felt that the Job Center is the most humane approach to day-laborer related concerns, and urged inclusion of all worker populations; Paty Madueno, 1981 Wallace Avenue, No. A204, Costa Mesa, presented a letter from Father Joseph Robillard, St. Joachim Catholic Church, 1964 Orange Avenue, Costa Mesa, one of the Job Center founders, and a letter from herself which included 600 signatures of support; Bill Turpit, 1772 Kenwood Place, Costa Mesa, member of Friends of the Job Center, encouraged support for and enhancement of the Center, and urged that nonresidents be allowed; Randy Beard, 1813 Peninsula Place, Costa Mesa, reported on his success utilizing employees from the Center; Kelly Feldman, 2138 Sicily Avenue, Costa Mesa, utilizes the Job Center when she requires additional workers; Jean Forbath, 2880 Club House Road, Costa Mesa, read a letter from the former secretary of Housing and Urban Development (HUD) which indicated that money cannot be denied to charities because they do not check for documentation, and supported including nonresidents; Eva Marin, 1780 Placentia Avenue, No. 20, Costa Mesa; John Wright, 2860 Royal Palm Drive, Apt. A, Costa Mesa, provided a handout regarding Job Center procedures; Lisa Ramirez, attorney for Catholic Charities of Orange County, encouraged keeping the Center open and including nonresidents; Heather Somers, 313 Robin Hood Lane, Costa Mesa, indicated that retaining the Job Center is accepting moral responsibility for the entire community; Karen McGlenn, 1785 Hummingbird Drive, Costa Mesa, reported that the Job Center’s record has proven it to be an efficient, effective service operation; and the President of Los Amigos of Orange County (name unintelligible).

The following persons opposed the Job Center: Barbara Coe, 5551 Castle Drive, Huntington Beach, Chairperson of the California Coalition for Immigration Reform, asked why the State employment agency is not utilized rather than going to the Center, and illustrated her “grievances”; Elaine Proko, 222 West Bluebell Avenue, Anaheim, thought that the job centers in Orange County do not serve a good purpose; Martin Millard, 2973 Harbor Boulevard, No. 264, Costa Mesa; felt that all the “misery” in Costa Mesa could be traced to the opening of the Job Center, and asked why the City is a “labor broker”; Chris Eric, 1825 Placentia Avenue, Costa Mesa; Mike Berry, 2064 Meadowview Land, Costa Mesa, member of the Westside Improvement Association (WIA), encouraged the City to evaluate turning over the Job Center to a private labor broker who can offer better benefits to the workers, better job opportunities, and better long-term opportunities; Allan Mansoor, 2973 Harbor Boulevard, No. 406, Costa Mesa, encouraged closing the Job Center or at least limiting the service to residents, and enforcing the loitering ordinance; and Eric Bever, 1046 Westward Way, Costa Mesa, reported that the Job Center is operated in violation of State and Federal law.

Tom Egan, 1893 Parkview Circle, Costa Mesa, complained that the agenda report lacked objectivity.

Doug Sutton, 2739 Canary Drive, Costa Mesa, commented that the Job Center should be the easiest of all problems to solve in Costa Mesa, stating that the solicitation of employment through loitering needs to first be addressed. Secondly, he felt that location should be considered.

John Rule, 215 East 23rd Street, Costa Mesa, stated that opponents of the Job Center are discriminating against poor people, not illegal aliens. He observed that not all illegal aliens are poor.

Council Member Steel commented that the influx of undocumented workers into the City, drawn by the Job Center, is a major problem, and addressed concerns in the school system attributable to the additional population, as well as vending trucks, loitering, abandoned shopping carts, and illegal fireworks. He supported closure of the Job Center, and encouraged Council to address other "magnets" in the City. He proposed that the business community sponsor the Job Center, and suggested placing it in Newport Beach.

Motion to Close Job Center Died

A motion was made by Council Member Steel to close the Costa Mesa Job Center, and to encourage the business community to run and fund the operation. The motion died for lack of a second.

Council Member Cowan felt that the Job Center is successful in its original mission.

MOTION/Maintained Job Center

A motion was made by Council Member Cowan, seconded by Mayor Pro Tem Monahan, and carried 4-1, Council Member Steel voting no, to maintain the Job Center as an open and operating facility; to allow residents and nonresidents to utilize the service; by July 1, 2002, establish a \$10.00 annual permit for all job seekers utilizing the Center, with an additional \$5.00 nonresident fee; and by July 1, 2002, establish a fee program for employers utilizing the Center which should be created in conversation with employers.

Council Member Robinson was concerned about the portion of the motion which establishes a program for employers utilizing the Center, specifically relating to workers' compensation situations and the City being considered the employer. She asked that the City Attorney address these concerns. She mentioned that she had struggled with this issue, believing that a large number of the community has a substantial and legitimate concern regarding use of tax dollars to support the Center in terms of nonresidents. Council Member Robinson also recognized a large part of the community who view the Center as an opportunity to help.

The Administrative Services Director replied to Council Member Robinson by stating that the Law Offices of Richard S. Powell, 500 West Santa Ana Boulevard, Suite 350, Santa Ana, provided the legal opinion that the City could be involved in a lawsuit should there be an injury. Mr. Powell provided advice and recommendations on additions to the existing packet of information which could assist the City in documentation.

OLD BUSINESS
Soliciting Employment on Private Property

The Deputy City Clerk presented from the meeting of March 18, 2002, second reading and adoption of amended Ordinance 02-7, regarding soliciting employment on private property. A communication was received from Tim C. Peterson (via e-mail) opposed to posting signs in Spanish as well as in English. The City Attorney reviewed the Agenda Report dated March 19, 2002.

MOTION/Adopted Ordinance 02-7

On motion by Mayor Pro Tem Monahan, seconded by Council Member Cowan, and carried 5-0, Ordinance 02-7 was given second reading and adoption: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER XIX OF TITLE 10 OF THE COSTA MESA

MUNICIPAL CODE REGARDING SOLICITING EMPLOYMENT ON PRIVATE PROPERTY.

OLD BUSINESS
Joann Street Fence

The Deputy City Clerk presented a request to approve the installation of a wrought iron fence along the south side of the Joann Street bike trail, adjacent to the upcoming alley improvements, in lieu of the approved 10-foot high curved chain link fence approved by City Council at the meeting of March 4, 2002.

MOTION/Approved
Fencing

A motion was made by Council Member Cowan, seconded by Council Member Robinson, and carried 5-0, to approve the recommendation to install wrought iron fencing.

OLD BUSINESS
Downtown and East-
side Transportation
Ad Hoc Committee
Recommendations for
Newport Boulevard

The Deputy City Clerk presented from the meeting of March 18, 2002, Downtown and Eastside Transportation Ad Hoc Committee Recommendations for Newport Boulevard:

Authorize the committee to study and review all options for Newport Boulevard improvements and return to Council with recommendations.

Proceed immediately with a request to the Orange County Transportation Authority (OCTA) to initiate a study for the downgrade of State Route 55 Freeway extension from 15th Street to 19th Street.

Return the \$700,000.00 grant funding to OCTA, which was to be used for design and environmental analysis of four northbound lanes on Newport Boulevard from 17th Street to 19th Street and four southbound lanes from 19th Street to Broadway.

A communication was received from Tom Egan, 1893 Parkview Circle, Costa Mesa, recommending that the City Council keep its options open for Newport Boulevard by rejecting the \$700,000.00 grant from OCTA.

Mayor Dixon, liaison to the committee, believed that the money should be returned to OCTA, commenting that she had been informed by the Transportation Services Manager that the City would have an improved opportunity to obtain monies in the future. Council Member Cowan expressed her desire to fully understand the mission and time certain for the committee. Mayor Pro Tem Monahan concurred with Mayor Dixon that the Committee should consider the entire traffic problem on the east side, including Newport Boulevard and East 17th Street. He stated that traffic studies indicate that traffic has worsened on the east side and that needs to be addressed. He felt that returning the OCTA grant funding will prolong the inevitable, and urged Council to utilize the monies to resolve these issues. Council Member Steel wanted to survey members of the committee to ascertain their reasons for wishing to return the monies. The Transportation Manager clarified that the City would again have an opportunity to compete for this project, and stated that by keeping the money and designing the project, the City is under no obligation to construct.

Carl Peterson, 250 22nd Street, Costa Mesa, chairperson of the Committee, felt that the Committee had not received enough direction from Council, and asked what specific question should they be addressing.

Tom Egan, 1893 Parkview Circle, Costa Mesa, thought that the

entire effort needs to be “revamped”, and suggested that it be “handled” at the City Manager level, since this is not strictly a Transportation issue. He proposed approaching the matter as an urban design problem rather than a traffic problem. Council Member Cowan noted that the committee’s name contains “Transportation”.

Ed Fawcett, President of the Costa Mesa Chamber of Commerce, 1700 Adams Avenue, Suite 101, Costa Mesa, encouraged Council to approve the plan previously submitted by the Transportation Division calling for a fourth northbound lane on Newport Boulevard; and secondly, to utilize the \$700,000.00 grant funding for the design and an environmental analysis. He observed that the recommendations from the Ad Hoc Committee do not serve either the businesses, the residents, nor the City of Costa Mesa, and will inhibit solutions to congestion, add to the cut-through traffic, and discourage future grant allocations for street improvements.

Directing a response to Mr. Peterson’s question regarding the questions the Committee should be addressing, Council Member Cowan asked that all options for Newport Boulevard be addressed. Council Member Robinson wanted to know the best way to improve traffic along Newport Boulevard without extending State Route 55, without sending traffic to side streets, without destroying business fronts, and without losing the character of downtown. In addition, Mayor Dixon asked that the eastside neighborhood be addressed and methods to stop thru traffic. She suggested negotiating with the California Department of Transportation (CALTRANS) in regard to building a parking lot behind the stores fronting Newport Boulevard, and discussed the possibility of a pedestrian bridge over Newport Boulevard.

The Transportation Services Manager clarified that CALTRANS is not involved with the funding, only OCTA. He indicated that the jurisdiction is CALTRANS, and detailed the procedure to coordinate the funding and design. The Public Services Director added that the environmental documentation to delete the extension of State Route 55 south of 19th street from the master plan, must have significant mitigation measures to redirect the traffic.

Motion to Give Directions to Committee Died

A motion was made by Mayor Dixon to authorize the Ad Hoc Committee to commence studying and reviewing all options for improvements to Newport Boulevard, the east side of Costa Mesa, and 17th Street, return to City Council with recommendations, and proceed immediately with a request to OCTA to initiate a study to downgrade the State Route 55 extension from 19th Street to 15th Streets, and to return the \$700,000.00 grant funding. The motion died for lack of a second.

MOTION/Provided Direction for Committee and Staff

A motion was made by Council Member Cowan, seconded by Council Member Steel, and carried 4-1, Mayor Dixon voting no, to authorize the Committee to study and review all options for Newport Boulevard improvements and return to Council with recommendations, specifically addressing the questions raised by Mayor Dixon and Council Member Robinson, that the Committee be authorized for 18 months, with milestone reports at 6 and 12 months; to proceed immediately with a request to OCTA to initiate a study for the downgrade of State Route 55 from 15th Street to 19th Street; and to retain the \$700,000.00 grant funding for design and environmental analysis.

CITY MANAGER'S
REPORT/Ad Hoc
Committee

The City Manager announced his willingness to attend the next meeting of the Downtown and Eastside Transportation Ad Hoc Committee because he felt that there was a serious disconnect which affected the previous discussion regarding the perception of the Committee and what has been assigned.

COUNCIL
COMMENTS
Loitering

Council Member Robinson addressed concerns in the community regarding loitering and other issues connected with the Costa Mesa Job Center, and reminded residents that one of her community objectives is to find resolution to the loitering issue.

Committee Meetings

Council Member Steel recommended that in the future, minutes be taken at the committee meetings where the issues are brought to Council. He suggested that the minutes reflect the vote, and the members should indicate their reasoning. He commented on the name change proposed by some citizens, "Costa Mesa by the Sea", indicating that the cost of such a change should be determined, the legality, and the logistics.

City Name Change

Council Member Cowan indicated that she would not support a City name change.

ADJOURNMENT

The Mayor declared the meeting adjourned at 1:35 a.m.

