

**REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA**

**August 21, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session August 21, 2007, at 5:02 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**I. ROLL CALL**

Council Members Present: Mayor Allan Mansoor  
Mayor Pro Tem Eric Bever  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
City Attorney Kimberly Hall Barlow  
Administrative Services Director Steve Mandoki  
Human Resources Manager Terri Cassidy  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA), and Costa Mesa Police Management Association (CMPMA), Confidential Employees and Other Unrepresented Employees (Appointed At-Will Executives, Appointed At-Will Sworn Department Directors, Appointed At-Will Department Directors; Department Directors in Classified Service, Sworn Division Managers in Classified Service, Division Managers in Classified Service).
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Properties at 791, 795 and 799 Shalimar Drive, Costa Mesa. Agency Negotiator: Allan Roeder, City Manager. Negotiating Party: Aurelio, Maria and Jesus

Pimentel, pursuant to Government Code Section 54956.8.

Mayor Mansoor recessed the meeting at 5:04 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the meeting at 6:00 p.m.

**PLEDGE OF ALLEGIANCE - Council Member Linda Dixon**

**MOMENT OF SOLEMN EXPRESSION - Pastor David Manne, Calvary Chapel**

**ROLL CALL**

Council Members Present: Mayor Allan Mansoor  
Mayor Pro Tem Eric Bever  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Public Services Director William Morris  
Parks Project Manager Bart Mejia  
Finance Director Marc Puckett  
Associate Planner Wendy Shih  
Senior Planner Mel Lee  
Fairview Park Plan Administrator Robert Staples  
City Clerk Julie Folcik

**CLOSED SESSION REPORT**

City Attorney Kimberly Barlow reported the action was taken on the Closed Session items.

It was unanimously agreed to address New Business item no. 2, out of order.

**IX. NEW BUSINESS**

**2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS TO PROVIDE FOR DEPARTMENT PRESENTATIONS.**

The Mayor announced that the item was withdrawn from the agenda.

## PRESENTATIONS

The John Upton Award was presented to Council Member Katrina Foley by Childs-Pace President Board of Directors Susan Kopicki and Childs-Pace Executive Director John LeVere for her caring, creative, persistent, responsive, and loyal commitment to the community.

The Story of Costa Mesa booklet was presented to City Council by John McQueen and Mary Ellen Goddard of the Historical Preservation Committee; reported that the Newport Mesa Unified School District would receive 2000 copies and the booklet would be incorporated in the third and fourth grade curriculum.

The Mayor presented the Lifetime Service Award to Former Mayor and Council Member Jack Hammett recognizing his continuing lifetime of service to the City of Costa Mesa. A representative from the Office of Assemblyman Van Tran and member of the Freedom Committee of Orange County presented a Certificate of Recognition to Jack R. Hammett for his lifetime of service on the behalf of freedom and well-being of others.

## IV. PUBLIC COMMENTS

1. Mary Ellen Goddard, Costa Mesa, member of the Friends of Costa Mesa Libraries, invited the Council and community to an event celebrating 20 years of the opening of Costa Mesa Library to be held on September 19, 2007.
2. Anne Hogan Shereshevsky, Costa Mesa, encouraged the banning of fireworks; thanked the City for the repairs, and landscaping of the Senior Center; and commented on the future development of Triangle Square.
3. Valerie Boston, Costa Mesa, noted she had received a citation regarding the placement of her address on her home and mail box; she requested fair and equal code enforcement within the City.
4. Judi Berry, Costa Mesa, inquired on the update of the Orange County Transportation Authority (OCTA) rerouting of bus route 47. It was noted that an informational memo was received from OCTA and would be posted on the City's website.
5. Martin Millard, Costa Mesa, commended the Immigration Custom Enforcement (ICE) and Police Department for their recent arrest report of criminals and suggested cross-training police officers for ICE; and he reiterated his complaint of pollution on the Westside Bluffs.
6. John Goddard, Costa Mesa, praised the City Council for their support of the Lion's Club Annual Fish Fry event, and noted the charitable contributions to the community by the the Lion's Club.

## V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Linda Dixon commented that Costa Mesa was a great City and was proud to be a resident and part of the City Council; and was appreciative to City staff, Fire, and the Police for all that they do for the City.
2. Council Member Wendy Leece thanked the City Manager and staff for the Community News and Recreation Review; reported the Youth in Government Program noting that it would begin in October 2007; and commended the Graffiti Abatement Team for their efforts.

The City Manager reported that a draft agreement with the Orange County Flood Control has been prepared for the removal of graffiti.

3. Council Member Katrina Foley announced that sign up for Skate Board Camp was still available; shared a preview of the activities for the Youth in Government Program; addressed a public speaker's comments on the pollution on the Westside and it was noted to contact the South Coast Air Quality Management District (AQMD) to investigate any pollution.

## VI. CONSENT CALENDAR

### CONSENT CALENDAR ITEMS NOS. 1 THROUGH 11

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 11, except for Consent Calendar Items Nos. 2 and 7.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

1. Reading Folder.

The following Claim was received and filed by the City Clerk: Linda Fagan.

The following requests for Alcoholic Beverage Control Licenses were received and filed:

Smart & Final Stores LLC, for Smart & Final 389, 707 West 19<sup>th</sup> Street, for an existing type 21 (off-sale general).

Azar Bros Inc., for Ginas Pizza, 2701 Harbor Boulevard, D3, for a type 41 (on-sale beer and wine for a bona fide eating place).

Yard House Triangle Square LLC, for Yard House Restaurant, 1875 Newport Boulevard, Suite A219, for an existing type 47 (on-sale) general for a bona fide eating place.

The following notification letter was received and filed: Royal Street Communications, LLC – Notification letter of the intent to construct a cellular facility – PCS Wireless Site No. LA2761C/Sork Building, 350 East 17<sup>th</sup> Street.

3. Warrant Resolution 2175, funding City operating expenses for \$701,199.88.

ACTION: Resolution adopted.

4. Warrant Resolution 2174, funding Payroll No. 716 for \$2,450,807.28 and Payroll No. 716A for \$4,478.12, and City operating expenses for \$1,635,305.31 including payroll deductions.

ACTION: Resolution adopted.

5. Amendment No. 13 to Cooperative Agreement No. C-95-968, with the Orange County Transportation Authority (OCTA), to update the Combined Transportation Funding Programs (CTFP) allocations.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

6. Amendment No. 1 to Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 17777 Del Paso Drive, Poway, 92064; Bureau Veritas, 2001 East First Street, Santa Ana, 92705; Harris & Associates, 120 Mason Circle, Concord, 94520; and CSG Consultants, Inc., 1700 South Amphlett Boulevard, San Mateo, 94402, for building plan review and inspection services, for one (1) year, with the option to extend for four (4) additional one-year terms, for an aggregate amount not to exceed \$100,000.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

8. Completion of Drainage Improvements to Alley No. 61, Project No. 06-25, by Accord Engineering, Inc., 1231 East Dyer Road, Suite 265, Santa Ana.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve months thereafter.

9. Theater and Arts District street and landscape improvements.

(a). Completion of Theater and Arts District street improvements, by R.J.

Noble Company, 15505 East Lincoln Avenue, Orange.

(b). Completion of Theater and Arts District landscape improvements, by Bruce Wayne Company, c/o C. J. Segerstrom & Sons, 3315 Fairview Road, Costa Mesa.

ACTION: Accepted work; authorized City Clerk to file a Notice of Completion.

10. Purchase of mobile data broadband equipment and services, from Sprint/Nextel, 2180 Harvard Street, Suite 100, Sacramento, for all public safety vehicles (Police and Fire), for an approximate annual amount of \$56,870, and pursuant to terms of the State of California Wireless Contract (SCWC) #1S-05-58-01 and 1S-05-58-02.

ACTION: Approved; authorized the City Manager and City Clerk to sign.

11. Salary adjustments for classifications represented by the Costa Mesa Firefighters Association (CMFA).

(a). Memorandum of Understanding (MOU) with the Costa Mesa Firefighters Association (CMFA).

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA FIREFIGHTERS ASSOCIATION TO REFLECT THE ESTABLISHED LABOR MARKETPLACE PURSUANT TO THE 2007-2010 MOU.

(c). Budget Adjustment No. 08-007 in the amount of \$639,853, to transfer funds from the Non-Departmental cost center to the Fire Department's operating budget.

ACTION: Approved Memo of Understanding (MOU); Adopted Resolution No. 07-66; and approved Budget Adjustment 08-007.

#### ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of July 17, 2007.

**MOTION: Continue to the meeting of September 4, 2007.  
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

7. Professional Services Agreement with RJM Design Group, Inc., 31591 Camino Capistrano, San Juan Capistrano, for the planning and conceptual design services of a Skate Park at Lions Park, in an amount not to exceed \$79,895.

Council Member Leece stated she pulled the item to provide an opportunity for the neighborhood to speak on this item.

Public Services Director William Morris presented the report and stated the item is to award a consultant contract for phase one of a study on placement of a skate park at Lions Park.

Council Member Dixon noted the strong concerns of the neighborhood and suggested that the Council consider a 45 day continuance. She recommended that a study be done regarding the possibility of closing Park Avenue and a portion of 18th Street, if a skate park is approved; recommended looking at other areas of Lions Park for a small skate park; and suggested opening the Master Plan of Fairview Park to build a skate park and a dog exercise area on the east side of the park.

Debbie Koken, Costa Mesa resident and member of the Lions Park Association, spoke about the loss of green space, if the skate park is approved; and reported the heavy use of the picnic area at Lions Park.

Terry Koken, Costa Mesa, member of the Lions Park Association, requested the Council to re-examine the proposal of a skate park at Lions Park stating that the facility was too small. He otherwise supported the construction of a skate park up to 50,000 square feet at a larger facility.

Trish Camacho, Costa Mesa, agreed that the City needs a second skate park, however, encouraged the Council to consider other locations and preferably not on the southwest side.

Walt Hollowell, Costa Mesa, member of the Lions Club Association, while supportive of the concept of a larger skate park, questioned the spending of money on skate park plans design for a location that was not supported.

Anne Hogan Shereshevsky, Costa Mesa, commented that the annual Lions Club Fish Fry event should be held at Lions Park; and presented a petition of 20 signatures of the surrounding neighbors opposing a skate

park at Lions Park.

Hilario Camacho, Costa Mesa, Lions Park Association member, noted that the park was the only green space in the area and safety improvements suggesting more landscaping at Lions Park.

Jim Gray, Costa Mesa, felt that Lions Park was a good location, and suggested Fairview Park for a large destination skate park.

Marty Jimenez, Huntington Beach, stated he was part of the TeWinkle Skate Park Project and expressed support of a skate park.

Paul Schmitt, Costa Mesa, expressed support for a skate park in Lions Park would be a great location for a skate park as well as for more skate parks within the City.

Chris Bunyan, Costa Mesa, felt that there was a growing demand for more skate parks noting the growing business of skateboarding.

Dave Kinkade, Costa Mesa, suggested the Fairview Park near the model railroad area or near the high school as locations for the skate park; asked the Council to consider the visibility from the street and to include restrooms in planning the skate park but cautioned the Council in opening the Fairview Park Master Plan.

Judi Berry, Costa Mesa, expressed concern of children wearing no helmets at the TeWinkle Skate Park and felt that the annual Fish Fry event should be held at Lions Park.

Martin Millard, Costa Mesa, opined that Lions Park is not a good location for a skate park and should consider the neighborhood's concerns.

Jamie Korando, Costa Mesa, expressed support of a skate park and spoke about the enjoyment of Lions Park, but questioned the spending of money for the design of a skate park at that location.

Adam Taylor, editor of a BMX magazine, asked the Council to also consider BMX bikers when designing the park, pointing out a skate park's dual purpose.

Diana Walker, Costa Mesa, said that she had no problem with a skate park, but indicated that a bigger site was needed.

Beth Refakes, Costa Mesa, expressed concern on the traffic congestion and safety at Lions Park; and suggested looking at alternative locations for the skate park.

Mark Korando, Costa Mesa, spoke about the history of Lions Park and noted that it was built with the help of the Lion's Club. He requested to not open the Fairview Park Master Plan and to place the skate park in an

area of high residency.

Cindy Brenneman, Costa Mesa, questioned the proposed location of the skate park and suggested Fairview Park and Triangle Square as alternative locations.

Ro Jara, past president of the Lions Club, requested the Council to reconsider the location of the skate park.

Mike Scheafer, Costa Mesa, pointed out that the annual fish fry event at Lions Park was a 60 year tradition.

Council Member Foley stated that she is a supporter of skate parks and indicated the need of a signature skate park in the City that includes a BMX element.

MOTION: Direct staff to proceed forward to plan a skate park less than 5,000 square foot at Lions Park, in a location to be determined, that would not eliminate the picnic shelter, airplane, and tot lot; direct staff to negotiate with the Consultant Design Contractor as to the cost for the scope of work for planning a skate park at Fairview Park, that would consider visibility of restrooms and a snack shop, and to limit the opening of the Fairview Park Master Plan specifically for the placement of a skate park near the train station.

Moved by Council Member Katrina Foley. Motion died for lack of second.

Council Member Leece expressed support of the community concerns; and hoped that Council would look at Fairview Park as an alternative location noting that it would give students from the near by high school the opportunity to utilize the skate park.

Council Member Dixon pointed out Council's unanimous support of a second skate park and expressed reservation on the proposed location. She agreed with a part of the motion by Council Member Foley and reiterated her suggestions relating to a street closure study, placement of a skate park and pet exercise area at Fairview Park.

Mayor Mansoor expressed support of a skate park at Lions Park and possibly Fairview Park. He commented that he was open to suggestions for alternative skate park locations. He supported the conduct of the annual Fish Fry event at Lion's park and inquired on storm drain mitigation at Lions Park and 18th Street.

MOTION: Approve; authorize the Mayor and City Clerk to sign.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

Mayor Pro Tem Bever suggested placement of a 10,000 square foot skate park at Lions Park and recommended proceeding forward on a third skate park at another location. In response to a question from the Mayor, the

Public Services Director advised that the proposal called for up to a 25,000 square foot skate park. Mayor Pro Tem Bever suggested limiting the scope of work to 10,000 square foot or less, as a compromise to the community.

Council Member Foley stated that it was her original intent of her motion with a condition to proceed forward with a skate park at a bigger location. Discussion ensued between Council Member Foley and Mayor Pro Tem Bever on the original motion relating to the size of the proposed skate park at Lions Park and the intent to explore Fairview Park as another skate park location.

**SUBSTITUTE MOTION:** Direct staff to proceed forward to plan a skate park less than 10,000 square foot at Lions Park, in a location to be determined, that would not eliminate the picnic shelter, airplane, and tot lot preserving as much open space as possible; direct staff to negotiate with the consultant design contractor as to the cost for the scope of work for planning a skate park at Fairview Park, and to re-agendize the matter in 45 days.

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Eric Bever.

The City Attorney clarified the second part of the motion relating to obtaining a cost from the consultant design contractor for the scope of work for a bigger skate park at Fairview Park; and stated that it was not to negotiate a contract. Due to the complexity of the motion, Mayor Pro Tem Bever withdrew his second.

**MOTION:** Approve planning and conceptual design of a skate park up to 10,000 square foot; authorize the Mayor and City Clerk to sign.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

Upon explanation of the history on determining the location of the skate park by the Public Services Director, Council Member Leece agreed with Council Member Foley and indicated that she would like to have a 45-day extension on the item.

**SUBSTITUTE MOTION:** Continue for 45 days; explore other areas of Lions Park, for placement of a small skate park, up to 10,000 square foot; determine the possibility of street closure of a portion of 18th Street and Park Avenue; directed staff to return with a proposal, amending the Fairview Park Master Plan, to include placement of a skate park and dog exercise area on the east and west side of the park.

Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.

Mayor Mansoor expressed caution on the process of placing items in the budget and having a public discussion, pointing out that there should be consistency. Mayor Pro Tem Bever expressed reservation on the closure

of Park Avenue and commented on the neighborhood concerns for placement of a skate park at Fairview Park.

The substitute motion restated:

**SUBSTITUTE MOTION: Continue to the meeting of October 2, 2007; and directed staff in the following:**

- **Determine the possibility of a street closure of Park Avenue from the Neighborhood Community Center exit to the intersection of 18<sup>th</sup> Street and Park Avenue;**
- **Explore locations, within Lions Park, for a small skateboard park up to 10,000 square feet; and**
- **Return with a proposal to amend the Master Plan for Fairview Park for the consideration of a skateboard park on the east and west side of the park, and a dog exercise area on the east side of the park.**

**Moved by Council Member Linda Dixon, seconded by Council Member Wendy Leece.**

The substitute motion carried by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley,  
Council Member Wendy Leece

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:40 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:54 p.m.

## **VII. PUBLIC HEARING**

1. PUBLIC HEARING: From the meeting of July 17, 2007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT SUBJECT TO CONDITIONS, and the Right-of-way Vacation Agreement.

Public Services Director William Morris presented the staff report and along with the City Manager and the City Attorney responded to questions from the City Council.

Council Member Dixon went on record to express support of the resolution, with the caveat that it be agreed that John Wayne Airport (JWA) would not expand into the Newport Beach Golf Course or intrude on the quality of life of Costa Mesa residents. The City Manager reminded the Council of the action that was taken by the Council on August 7, 2007, whereby such concerns were directed to have been communicated.

**MOTION: Adopt Resolution No. 07-67; approve and authorize the Mayor and the City Clerk to sign; and direct the City Clerk to record the Quitclaim Deed.**

**Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

2. PUBLIC HEARING: From the meeting of August 7, 2007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.

The Finance Director Marc Puckett presented the staff report.

Robert Kingaard, Costa Mesa, received a lien assessment but stated that he had not received the original civil citation. He felt that the City had a selective enforcement of code violations but was willing to pay the original fine of \$75.00.

Michael Keeler, Costa Mesa, stated he received several citations for noise violations on a construction site and that it was primarily due to complaints from a neighbor.

Stephanie Keeler, Costa Mesa, questioned the violations received, noted that they were received through the mail, and advised that they had met with staff and thought the violations had been resolved.

**MOTION: Accept Mr. Robert Kingaard's offer to pay the original fine of \$75.00; and Adopt Resolution No. 07-68.**

**Moved by Mayor Pro Tem Eric Bever. Motion died for lack of second.**

In reference to a question from Council Member Dixon, the City Attorney stated that the Council could consider whether the process was followed properly and whether the fine amount is correct pointing out that the request for an appeal was not made by the speakers.

The Mayor expressed support of the recommended action commenting that the opportunity to appeal was provided and notice was properly given.

**MOTION: Adopt Resolution No. 07-68.**

**Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

In response to Council Member Katrina Foley, the Finance Director advised that the citee has the option of paying for the fines, that the special assessment would be considered paid, and any interest or penalties would stop accumulating at that point.

Council Member Wendy Leece expressed support of the motion.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

3. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion and parcel map of four apartment units into condominiums and a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone (Multiple-Family Residential District, High Density). Environmental Determination: exempt.

Associate Planner Wendy Shih presented the staff report and answered questions from the Council.

Louie Del Real, representing appellant Aurelio Pimentel, stated that the development would concentrate on the interior of the property pointing out the upgrades to the units; and indicated would do little to the exterior of the property but restore the original architecture of the building.

Following questions from Council Member Foley relating to the conditions of approval, the Associate Planner announced that the applicant submitted new conceptual plans with no details. The Development Services Director advised that Council may act upon the Planning Commission's decision or the item could be referred back to the Planning Commission.

**MOTION: Refer back to the Planning Commission to consider the new proposal.**

**Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council

Member Wendy Leece

Noes: None.

Absent: None.

4. PUBLIC HEARING: Appeal of the Planning Commission's conditioned approval of Planning Application PA-06-78 and Tentative Tract Map T-17142, for Barry Saywitz of Barry Saywitz Properties Two LP, for a residential common interest development (condominium) conversion of 12 apartment units with a tentative tract map to facilitate the conversion, located at 577-579 Victoria Street, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee presented the staff report and pointed out that the proposed conversion was approved by the Planning Commission with several conditions of approval including the deletion of three units from the property.

Barry Saywitz, developer, explained the history and upgrades of the proposed project, and responded to questions from the Council.

Council Member Leece expressed concern on the parking. Mr. Saywitz stated that the Covenants, Conditions, and Restrictions (CC&R's) would implement the requirement of garage-use for vehicle storage only. In response to questions from Council Member Dixon, Mr. Saywitz explained that there would be no air conditioning; and stated that if the project was not approved for 12 units, it would remain as apartments.

Harry Crover, Costa Mesa, expressed his marginal support of the proposed project indicating that it was not feasible due to the lack of parking space on the street.

**MOTION: Adopt Resolution No. 07-69, upholding the Planning Commission's decision.**

**Moved by Mayor Pro Tem Eric Bever, seconded by Council Member Wendy Leece.**

Council Member Leece stated that she would uphold the Planning Commission's decision and reiterated her concern on parking issues and the hauling of garbage pointing out that it was not practical or reasonable.

Council Member Foley referred to the existing property as an inferior project and commented that the reduction in units would not solve the existing parking problem. She stated that she would not be supporting the motion.

**SUBSTITUTE MOTION: Adopt Resolution to uphold the Planning Commission's decision with the addition of central air conditioning to the project and modifying the condition to require that the CC&R's impose a two car per unit limit.**

Moved by Council Member Linda Dixon, seconded by Council Member Katrina Foley.

Council Member Dixon commended the Planning staff for the additional conditions of approval and stated that the existing rental property would have the same parking issues. Mayor Pro Tem Bever expressed concern on the parking impacts and stated that he would not be supporting the substitute motion.

Mr. Saywitz referred to the Elden Avenue project stating that it exactly resembled his proposed project and was approved by the Council. He stated that the parking does comply with the City's parking requirement based upon what was in place at the time.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Absent: None.

The Mayor commented on the strong need to support the overlay zone and lot combinations; pointing out that he supports the Planning Commission's decision, and therefore the original motion.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

## **VIII. OLD BUSINESS**

No Old Business scheduled.

## **IX. NEW BUSINESS**

1. Request of the Orange County Model Engineers (OCME) for the placement of a temporary portable building at the model train station in Fairview Park.

Director of Public Services William Morris presented the staff report, and he along with Fairview Park Plan Administrator Robert Staples responded to questions from the Council.

Council Member Foley expressed support of the museum and suggested incorporating a multi-purpose facility that would include a snack area and restrooms. The Mayor agreed with Council Member Foley however, expressed concern on security of the museum.

Doug Hansen, representing OCME and Angels Charity, advised that he is working with OCME to make the trains wheelchair accessible and he spoke about the value of the trains noting that there is a security alarm system at the train yard.

Kevin Tolan, past President of the OCME, referred to the master planning of the museum and hoped to move forward on a permanent museum building.

Mayor Mansoor expressed support of the concept and conditions but had concerns on the details of the type of portable being used.

**MOTION: Approve.  
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

**X. REPORTS**

The City Attorney reported that top Associate Elizabeth Becker was appointed as Judge of Los Angeles Superior Court; and the birth announcement of Deputy City Attorney Thomas Duarte's baby girl.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 11:00 p.m. The next Regular City Council Meeting will be held on September 4, 2007.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa