

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

**January 16, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session January 16, 2007, at 5:05 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  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: Mayor Pro Tem Eric Bever

Officials Present: City Manager Allan Roeder  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public comments.

Mayor Mansoor recessed the meeting at 5:06 p.m. into Closed Session in Conference Room 1B.

**III. CLOSED SESSION**

1. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation, one case, Bristol Street Mini-Storage, pursuant to Government Code Section 54956.9(b).
2. Conference with Labor Negotiators Stephen Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager, regarding the Costa Mesa City Employees' Association (CMCEA) pursuant to Government Code Section 54957.6.

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

**PLEDGE OF ALLEGIANCE - Council Member Katrina Foley**

**MOMENT OF SOLEMN EXPRESSION - Pastor Dave Manne, Calvary Chapel of Costa Mesa.**

## 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  
Principal Planner Kimberly Brandt  
Senior Planner Claire Flynn  
Finance Director Marc Puckett  
Acting Budget & Research Officer Bobby Young  
Fairview Park Plan Administrator Robert Staples  
Management Analyst Carol Proctor  
City Clerk Julie Folcik

## CLOSED SESSION REPORT

The City Attorney reported no action was taken on the Closed Session items.

It was unanimously agreed to take Public Hearing No. 1 and Old Business No.1, out of order.

## VII. PUBLIC HEARING

**1. PUBLIC HEARING: Continued from the meeting of September 20, 2005, appeal of the Planning Commission's denial of the six-month extension of time for Planning Application PA-05-30, for Lee Jamieson, Owner, and the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12), located at 1100 Bristol Street, in a C1 zone (Local Business District). Environmental determination: exempt.**

**MOTION: Continue to February 20, 2007, at 7:00 p.m.  
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.

## VIII. OLD BUSINESS

1. From the meeting of November 14, 2006, consideration of Above-Ground Utility Boxes in the public right-of-way.

**MOTION: Continue the item to February 20, 2007.**

**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.

## PRESENTATIONS

The Mayor congratulated Christine Zoldos and Sage Michael on receiving the Mayor's Award. They were recognized for their dedication to the democratic ideals by defending the recitation of the Pledge of Allegiance at the Associated Students of Orange Coast College proceedings.

The Mayor presented a Proclamation to Costa Mesa Community Foundation Board Retirees Mary Hornbuckle and George Madsen. They were honored for their many years of service to the foundation and to the City of Costa Mesa.

The Mayor introduced Phillip D'Agostino, Principle of Estancia High School, who thanked the City for supporting the 8th Annual Sister-City Education Exchange Program; he shared the focus and curriculum noting it to be a valuable program. He introduced the participants Assistant Principal Keith Halge and students Elise Elmer, Bree Tressider, Jessica Green, and Emmanuel Jose from Hoppers Crossing Secondary College in Australia, who also thanked the Council and the City for their welcome and support of the program.

## IV. PUBLIC COMMENTS

1. Oran Marksbury, Costa Mesa, spoke about the Recreational Vehicle (RV) Ordinance and referenced a citation he received. He commented he is staying in the City for medical reasons; that he does not reside in his vehicle and it is moved daily; and requested relief and guidance. The Mayor advised the speaker that the City Attorney would respond to his request.
2. Paul Helms, Costa Mesa, reiterated his request to use the Downtown Recreation Center shower facility with or without pool use and reported a clogged sewer line on 19th Street.
3. Anne Hogan Shereshevsky, Costa Mesa, referred to an article she wrote in *The Voice* relating to affordable housing; suggested single room occupancy; reminded the Council of the need for senior affordable

housing; and expressed opposition of fireworks.

4. Bill Lobdell, Costa Mesa, spoke about the missinglink project on Broadway and expressed a desire for the widths of the sidewalk to be four feet as opposed to the five feet proposed by the City.

Public Services Director William Morris stated the initial design was 5 feet which is in compliance with ADA requirements; advised that staff has reevaluated the plans and are prepared to reduce the size of the sidewalks to 4 feet.

5. Tim Celek, Costa Mesa, thanked the City for the information on the Broadway sidewalk project and hoped that a follow-up letter will be sent out to the neighborhood.
6. Judy Meade, Costa Mesa, expressed support of the sidewalks on Broadway and hoped the City will work with the neighborhood.
7. Ted Stelle, Costa Mesa, presented a letter to the Council relating to the Broadway sidewalks project.
8. Tania Taddeo, Costa Mesa, spoke about the sidewalks on Broadway and expressed concern of the length of the sidewalk and the removal of landscape to accommodate construction.
9. Scott Sink commented on the choice of the Mayor's Award, closure of the job center, and Police immigration duties; emphasized the Pledge of Allegiance's reference "for liberty and justice for all."
10. Sage Michael, Costa Mesa, thanked the Council for being the recipient of the Mayor's Award; spoke about the success and accomplishment of the Orange Coast College Volunteer Center who have helped the hungry and the homeless.
11. Jim Fitzpatrick, Costa Mesa, expressed support of the sidewalks and to reduce speed on Broadway.
12. Terry Shaw, Costa Mesa, announced the Costa Mesa Historical Society Installation Dinner will be held on January 24, 2007; announced the Society will be selling ice cream on January 20, 2007 at Bob's Old Fashioned Ice Cream located in the Orange County Fairgrounds ; and announced the Fourth Annual Lounge Chair Theater to be held on February 3, 2007 at 5:00 p.m. at the Downtown Recreation Center.
13. Eric Wigan, Costa Mesa, asked for Council vote to suspend the Broadway sidewalk issue; expressed concern of the length of the sidewalk and the removal of private property.

14. Susan (last name not given), Costa Mesa, reported a graffiti problem in her neighborhood; inquired what the City is doing to discourage graffiti; and suggested graffitist who are arrested should be responsible for its removal.
15. Paul Meade, Costa Mesa, referencing a letter he received from the City relating to the placement of sidewalks on Broadway requested clarification.
16. Mike Berry, Costa Mesa, commented on the grafitti law and suggested the enforcement of the sale of spray cans.
17. Susanna Carlson, Costa Mesa, observed an increase in graffiti and gangs; and suggested the Orange Coast College Volunteer Center could assist in the removal of graffiti.

Council Member Leece encouraged the audience to be proactive in reporting graffiti and to contact the graffiti hotline at 714-327-7491.

18. Paul Bunney, Costa Mesa, spoke about the increasing graffiti problem and mentioned ideas of deterrence.

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

1. Council Member Wendy Leece announced the Community Emergency Response Team (CERT) training starts on January 20, 2007, and advised anyone interested to contact Brenda Emrick at 714-327-7406.
2. Mayor Allan Mansoor advised he attended the League of California Cities Conference and informed the City of a grant funding available for historical buildings.
3. Council Member Katrina Foley commented on a complaint of the New Year's Eve fireworks at the Orange County Fairgrounds; questioned the O.C. Fairground's mitigation efforts of noise and requested the City to follow-up.
4. Council Member Linda Dixon spoke about a complaint received relating to the music from the New Year's Eve concert at the O.C. Fairgrounds; requested a follow-up report on the concert's attendance, hotel's occupancy, and police activity. She mentioned that Planning Commissioner Bruce Garlich was retiring due to illness and thanked him for his service and dedication to the City.
5. Mayor Pro Tem Eric Bever advised he attended a special district meeting with the Sanitary and Water Districts; reported that the Mesa Consolidated Water District is offering rebates for water conservation and for home irrigation systems; congratulated Mayor Mansoor who was voted the "Local Elected Official of the Year" by the Orange County Republican Party.

**VI. CONSENT CALENDAR CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.**

**MOTION: Approve the recommended actions for Consent Calendar Items Nos. 1 through 7, except for Consent Calendar Items Nos. 2 and 6.**

**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.

**1. Reading Folder.**

ACTION: The following Claim was received and filed by the City Clerk: Jennifer Crowell

A Follow-Up Report on Massage Establishments was received and filed.

The following Notification Letter was received and filed: Southern California Gas Company Notice of Proposed Rate Increase Application No. A.06-12-026.

**3. Warrant Resolution 2143, funding Payroll No. 626 for \$2,510,411.11 and Payroll No. 625A for \$20,784.22, and City operating expenses for \$580,117.92 including payroll deductions.**

ACTION: Resolution adopted.

**4. Warrant Resolution 2144, funding City operating expenses for \$928,659.34.**

ACTION: Resolution adopted.

**5. Purchase of Knoll furniture, from Systems Source, 2100 Southeast Main Street, Suite 100, Irvine, for the Police Department as part of the Police Facility Expansion and Renovation Project, Project No. 06-08, in the amount of \$405,725.23.**

ACTION: Approved.

**7. MIR3 Notification Program Statement of Understanding, for the allocation of prepaid minutes, allocation of administrator, initiator access and transaction fees; and MIR3 Notification System prepaid minutes and administrator/initiator account allocations to Cities; and MIR3 Notification Program Administrator Designee.**

ACTION: Approved; authorized the City Manager to sign on behalf of the City.

ITEMS REMOVED FROM THE CONSENT CALENDAR

**2. Regular Meetings of November 21, 2006 and December 5, 2006.**

**MOTION: Approve Regular Meeting Minutes of December 5, 2006; Continue Regular Meeting Minutes of November 21, 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.

**6. Salary adjustments for classifications represented by Costa Mesa City Employees Association (CMCEA), and Part-Time Employees.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION PURSUANT TO THE 2004-2007 MOU.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADJUSTING THE RATES OF PAY FOR PART-TIME CLASSIFICATIONS AND EMPLOYEES TO REFLECT THE ESTABLISHED MARKETPLACE.

(c) Budget Adjustment No. 07-051 in the amount of \$818,824.

Judi Berry, Costa Mesa, commented on the proposed budget adjustments for anticipated salary increases and suggested adjustments be made during the budget process; and further suggested comparing salaries with the private sector.

**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.

RECESS: The Mayor declared the meeting recessed at 7:20 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:36 p.m.

## **VI. PUBLIC HEARINGS**

The City Clerk announced that this was the time and place set for a public hearing to consider:

### **2. PUBLIC HEARING: Continued from the meeting of November 21, 2006, regarding North Costa Mesa High-Rise Residential Projects in the North Costa Mesa Specific Plan area:**

- (a) Consideration and action related to overrule of Airport Land Use Commission Determination.
- (b) General Plan Amendment GP-06-02 (Land Use and Noise Elements).
- (c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-05 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING HIGH-RISE RESIDENTIAL DEVELOPMENT IN PLANNED DEVELOPMENT AND TOWN CENTER ZONES.
- (d) North Costa Mesa Specific Plan Amendment SP-06-02.
- (e) Preliminary Master Plan PA-05-53 for Segerstrom Town Center (Site 1).
- (f) Preliminary Master Plan PA-05-52 for OCMA (Site 2).
- (g) Preliminary Master Plan PA-05-47 for Symphony Towers (Site 4).
- (h) Preliminary Master Plan PA-05-50 for Pacific Arts Plaza (Site 5).

The Affidavits of Publication and of Mailing are on file in the City Clerk's Office.

Senior Planner Claire Flynn and Principal Planner Kimberly Brandt summarized the staff report and responded to questions from the City Council.

Paul Freeman, representative of South Coast Plaza Partners as well as the other applicants, commented on the suggested language relating to green roofs and decks indicating a concern as it relates to the high rise developments in interpretation and application of the preliminary master plans. He referred to the conditions of approval relating to imposition of fees requested that any such fees be applicable to all developments in the City.

Principal Planner Kimberly Brandt clarified for the record that the condition of approval relating to Public Art would only apply to Development Sites 3 and 4, outside the Theater Arts District.

Patrick Tooley, Vice President of Wilson Meany Sullivan, LLP., and representative of the Symphony Towers, stated that the Symphony Towers development will include art in any event and noted if such condition is approved he requested that it would apply citywide.

Kathy Asfani, Costa Mesa Housing Coalition asked the Council to consider a question "Is Costa Mesa getting the best deal from the developers for making significant land use changes?" She suggested the City share some economic

benefits in exchange for land use changes and a condition of approval for the requirement of affordable housing.

Chrissy Brooks, Costa Mesa Housing Coalition, spoke about the value of working and living in the City; referred to an article from the Orange County Register that indicated the annual salary of \$214,447 needed to purchase a home for \$626,000 or an annual salary of \$46,446 - \$55,681 to rent a one-two bedroom apartment, and spoke about the concern of affordability of owning or renting in Costa Mesa.

Jack Glazer, Costa Mesa Housing Coalition, presented pictures of affordable apartment housing that are located in other Orange County cities and commented that these type of developments would be a wonderful addition to the City.

Diane Russell, Costa Mesa Housing Coalition, presented information from the Kennedy Commission report on housing programs in Orange County; pointed out the cities that provide affordable housing and encouraged the Council to impose an in-lieu fee or land donation for affordable housing.

Jean Forbeth, Costa Mesa Housing Coalition, encouraged the Council to approve a condition of approval for the requirement of affordable housing and commented on the need of affordable housing for all economic segments of the community.

Eileen McCarthy, Attorney with the Public Law Center, spoke on behalf of the Public Law Center clients who are extremely-low to low-income and who are in need of affordable housing; expressed support on the condition of approval of an affordable housing requirement.

Mike Oldigard, Costa Mesa, suggested Council consider Santa Ana's form based zoning to achieve the goals of a walkable community for a mixed use development.

Robin Leffler, Costa Mesa, expressed concern for the City's current needs of less traffic, more safety, more parks, and more resources to preserve the quality of life for the current residents, and commented that the proposed developments would impact that quality of life.

Sandra Genis, Costa Mesa, questioned the traffic study's "10 percent reduction in traffic" and therefore suggested an on-going monitoring and to collect additional fees for additional mitigation if the trips are not reduced. She also expressed concern for recreational land affordable housing.

RECESS: The Mayor declared the meeting recessed at 8:23 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:39 p.m.

Paul Freeman responded to the comments regarding affordable housing and

reminded the Council that the staff report indentified that there was no additional impact on the affordable housing due to the project and felt it was a regional and citywide issue as opposed to an individual project issue.

Mayor Pro Tem Bever commented on the net increase of 2.6 percent in population if all proposed developments are built and stated he will not support the affordable housing element but felt that the developers could provide voluntarily. He also suggested a voluntary program for developers for the donation of monies to be used in the City's acquisition program to purchase depressed rentals for housing resale.

Council Member Dixon expressed support of "community housing" in providing for more residents to live and work within the community; of additional displays of public art and supported additional libraries to address community needs as well as expectations. She stated that she would be proposing a fee to address those needs.

Mayor Pro Tem Bever referred to Public Arts voluntarily placed by developers in the City and stated that he would not support an inclusionary art tax or housing requirement. He commented that architecture does function as art and indicated the skyline that will be developed is a testament to the quality of Costa Mesa.

Council Member Leece stated that there should not be any fees imposed on the developers to solve the affordable housing issues, as she felt that the rentals in Costa Mesa were meeting the needs for housing. Mayor Mansoor concurred and additionally expressed concern on imposing last minute fees relative to affordable housing and public art. He further commented that the traffic impact will be negligible explaining the current and proposed use.

**MOTION: Adopt Resolution No. 07-6 to overriding the Airport Land Use Commission's determination that the proposed General Plan Amendment GP-06-02 and North Costa Mesa Specific Plan Amendment SP-06-02 are inconsistent with 2002 John Wayne Airport Environs Land Use Plan pursuant to the findings described in Exhibit A.**

**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.

**MOTION: Adopt Resolution No. 07-7 approving General Plan Amendment GP-06-02 as described in Exhibit A, with consideration of the Statement of Facts and Findings described in Exhibit B and the Statement of Overriding Considerations described in Exhibit C.**

**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.

MOTION: Direct staff to study and draft an ordinance for the purpose of implementing a citywide in-lieu development impact fee for the provision of affordable community housing and to create a fee program and bring it back to Council in 90 days.

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

The 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.

Council Member Foley felt that in order to provide for the expectations and needs of the community there must be a willingness to find a way to provide for such things and therefore supported the motion and pointed out that the developers were willing to provide if it was a city-wide fee program.

MOTION: Direct staff to prepare a study and draft an ordinance for the purpose of implementing a citywide program for providing the installation of public art or a payment in-lieu fee and to create such program and to bring back to Council in 90 days.

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

The 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.

**MOTION: Direct staff to prepare a study and draft an ordinance for the purpose of implementing a citywide in-lieu development impact fee for the provision of a new City Library and to create a fee program and bring it back to Council in 90 days.**

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

Principal Planner Brandt stated the EIR concluded that there would be a significant impact on library facilities as a result of the residential projects and indicated that the Planning Commission recommended as a condition of approval

that the City Council consider a library impact fee.

Mayor Mansoor expressed reservation on the last minute approach of imposing such fees. Council Member Dixon commented that such fees were discussed and supported by the Planning Commission.

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor, Council Member Wendy Leece

Absent: None.

**MOTION: Adopt Resolution No. 07-8 approving North Costa Mesa Specific Plan Amendment SP-06-02 as described in Exhibit A.**

**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.

MOTION: Directed staff to study and develop an acquisition program for City purchase of depressed properties to convert into marketable properties.

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

Mayor Pro Tem Bever commented that the proposed program would be volunteer and not mandatory. Council Member Dixon questioned the concept. City Manager Allan Roeder suggested that staff could review the concept on public acquisition of depressed properties which could be brought back to a study session for council review. The Mayor agreed and withdrew his second.

**MOTION: Introduce Ordinance No. 07-2 for first reading, to be read by title only, and waive further reading.**

**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.

**MOTION: Adopt Resolution No. 07-9 approving Preliminary Master Plan PA-05-53 for Segerstrom Town Center subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibit B, and as described in Exhibit C.**

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

Council Member Foley requested the maker of the motion to incorporate feasible green building design features as part of the residential project to conserve energy and water resources to the satisfaction of the City's Development Services Director and Building Official, etc. The Mayor stated he will not include it in his 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.

**MOTION: Adopt Resolution No. 07-10 approving Preliminary Master Plan PA-05-52 for Orange County Museum of Art subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibit B, and as described in Exhibit C.**

**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.

**MOTION: Adopt Resolution No. 07-11 approving Preliminary Master Plan PA-05-47 for Symphony Towers subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibit B, and as described in Exhibit C.**

**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.

**MOTION: Adopt Resolution No. 07-12 approving Preliminary Master Plan PA-05-50 for Pacific Arts Plaza subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibit B, and as described in Exhibit C.**

**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.

The City Clerk announced that this was the time and place set for a public hearing to consider:

**3. PUBLIC HEARING: Continued from the meeting of November 21, 2006, regarding "The Californian at Town Center" high-rise residential project at 580 Anton Boulevard in the North Costa Mesa Specific Plan area:**

The Affidavit of Publication and of Mailing is on file in the City Clerk's Office.

Senior Planner Claire Flynn summarized the staff report and she along with Principal Planner Kimberly Brandt responded to questions from the Council.

Ben Ortega, Developer with The Fifield Companies, along with Renown Architect Rick Keeting presented the project of "The Californian at Town Center." He presented a powerpoint presentation articulating the towers design, landscaping, water, and art elements of the project.

Eileen McCarthy, Attorney with the Public Law Center, encouraged the Council to include a condition of approval for affordable housing provision or an in-lieu fee and felt that there was indeed a nexus issue in arguing an affordable housing requirement due in part to the request from four of the five developers to change the zoning designation from commercial to residential mixed use.

Judi Berry, Costa Mesa, inquired as to the City's Fire Department ability to attend to a fire at the building of such height. The Principal Planner responded by explaining how the incorporation of an equipment room for every fifth floor of the projects came about.

Jean Forbeth, Costa Mesa, commented that the community benefits concept is used in other communities and is expected as developers are giving back to the community for the profits that will be realized; she expressed hope that a community benefit would be imposed by way of affordable housing.

Mike Berry, Costa Mesa, reiterated the question relative to the Fire Department's ability to effectively combat a fire in a building of such height. Director of Development Services Don Lamm advised of Fire Department's involvement in the development, design requirement and expected training necessary to meet the safety response to such a building.

Mike Oldigard, Costa Mesa, commented that the project is not conducive to a walk-able community.

Sandra Genis, Costa Mesa, requested the Council to adopt two additional conditions on the vesting map suggesting that should the City adopt a library impact fee, or other applicable impact fee, that the proposed building shall be subject to such fee; and requested that the project shall be subject to on-going trip monitoring following full occupancy so if actual traffic exceeds the calculated amount from the traffic study appropriate traffic impact fees shall be paid.

Robin Leffler, Costa Mesa, commented that one of the Council Members was not provided with the EIR and therefore the Public Hearing was not legal. The City Attorney explained that the EIR was previously approved and was available to the Council Member and therefore she was able to act on the issue.

MOTION: Adopt Resolution No. 07-13 approving Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017, which includes modification of existing landscape easements from 25 feet to 20 feet along Avenue of the Arts, and from 25 feet to 15-20 feet along Anton Boulevard for "The Californian at Town Center" subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibits B and C, and as described in Exhibit D; and to add a Condition of Approval for ongoing monitoring of traffic impacts for a period of five years and if traffic exceeds calculated amount from the traffic study, that the traffic impact fees will be applied.

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

Council Member Dixon requested the maker of the motion to include that should the City adopt a library fee, or any other applicable fees, that the project shall be subject to such fee. Council Member Foley agreed.

SUBSTITUTE MOTION: Adopt Resolution No. 07-13 approving Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017, which includes modification of existing landscape easements from 25 feet to 20 feet along Avenue of the Arts, and from 25 feet to 15-20 feet along Anton Boulevard for "The Californian at Town Center" subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibits B and C, and as described in Exhibit D.

Moved by Mayor Allan Mansoor. Motion died for lack of second.

The Original Motion restated:

**MOTION: Adopt Resolution No. 07-13 approving Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017, which includes modification of existing landscape easements from 25 feet to 20 feet along Avenue of the Arts, and from 25 feet to 15-20 feet along Anton Boulevard for "The Californian at Town Center" subject to the Findings contained in Exhibit A and the conditions of approval/mitigation monitoring program in Exhibits B and C, and as described in Exhibit D; and to add a Condition of Approval for ongoing monitoring of traffic impacts for a period of five years and if traffic exceeds calculated amount from the traffic study, that the traffic impact fees will be applied; project is subject to library fees or any other**

**applicable fees should the City adopt such fee.**

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

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor

Absent: None.

Mayor Mansoor expressed support of the project but had reservations relating to the conditions of approval relative to the library fees.

The City Clerk announced that this was the time and place set for a public hearing to consider:

**4. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2006-2007 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.**

The Affidavits of Publication is on file in the City Clerk's Office.

Marc Puckett, Director of Finance, summarized the staff report and responded to questions from the Council.

Council Member Dixon in questioning the proposed fee for processing of an Urban Master Plan Screening commented that she appreciated that the projects were brought forth for Council to provide input before the planning and final consideration of a development project, but stated she could not support the fee.

Council Member Leece agreeing with Council Member Dixon felt that it was "the price of doing business." Council Member Foley also concurred as the fee would be in addition to those established processing fees for the development project.

There were no public comments.

**MOTION: Adopt Resolution No. 07-14, as amended, by deleting the Urban Master Plan Screening Fee.**

**Moved by Mayor Pro Tem Eric Bever, 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.

RECESS: The Mayor declared the meeting recessed at 10:15 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 10:28 p.m.

## **VIII. OLD BUSINESS**

2. **From the meeting of January 2, 2007, second reading and adoption of ORDINANCE 07-01: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER II OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO FLYING OF MODEL AIRCRAFT AT FAIRVIEW PARK.**

- a. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN ANNUAL PERMIT FEE FOR MODEL AIRCRAFT FLYING AT FAIRVIEW PARK IN THE CITY OF COSTA MESA.

Public Services Director William Morris summarized the agenda report.

The City Attorney answered questions from the Council relating to the Academy of Model Aeronautics (AMA) guidelines and field rules on the prohibition on harassment of wildlife. Mayor Pro Tem Bever request the item to be continued in order to get a legal opinion on the liability issues.

Max Duncan, Costa Mesa, commented that there is not a safety issue at the field and expressed concern for the requiring of a permit.

Jan Vandersloot, Newport Beach, expressed concern on the impact on wildlife and native plants; suggested that such language be included in the ordinance and that permit holders be notified of the field rules.

Mayor Mansoor requested that the permit application include language on the existing regulation that prohibits the harassment of wildlife.

Allan Remington, Costa Mesa, spoke about the citizen's support of the use of Fairview Park as a natural park and commented the ordinance needs specific language to protect wildlife from harassment.

James Hansen, President of Harbor Soaring Society, spoke in favor of the ordinance and the permit; commented that it will increase the safety and regulate the flying activities for all users of the park; and read a letter stating that the AMA insurance would meet the City's insurance requirements.

Andre Whittington, Safety Officer of the Harbor Soaring Society, expressed his support of the ordinance and stated that it is needed.

Sandra Genis, Costa Mesa, commented on the wildlife harassment clause included in the rules or the ordinance and supported incorporation of the rules in the ordinance.

John Anderson, General Director and Secretary of the Harbor Soaring Society, reported that the Safety Officer is at the field approximately 70 hours per week as a volunteer; suggested the posting of notices for required permits in hobby shops.

The City Manager suggested incorporation of advisements in the permit application and posted signs restating the existing State and Federal Law that prohibits harassment of wildlife.

**MOTION: Adopted Ordinance No. 07-1, read by title only and waived further reading; Adopted Resolution No. 07-15; and directed staff to include on the application a reminder of the regulations and of the existing Federal Law that prohibits harassment of wildlife.**

**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.

## **IX. NEW BUSINESS**

### **1. Appointments to the Planning Commission and Parks and Recreation Commissions.**

(a) Planning Commission

(b) Parks and Recreation Commission

The City Manager summarized the agenda report and advised that the deadline to file applications was on December 27th, 2006, noting that four applications were submitted after that date.

Judi Berry, Costa Mesa, commented on the application deadline of December 27, 2006 and expressed concern on the extension of that deadline without notifying the public.

The City Manager advised that the application deadline was not officially extended noting that applicants were advised of the deadline and that their interests will be submitted and that Council will make that determination.

Discussion ensued among Council Members relating to the Voting Selection Options selecting Option 3 where Council Members draw numbers or similar random selection to determine order of nominations. Council Member Dixon commented on the application deadline and expressed reservation of voting on applications received after that date. Mayor Mansoor stated that it could be reflected in Council votes.

In response to Mayor Pro Tem Bever's question regarding commission terms and the filling of the unexpired vacancies, the City Attorney confirmed that the Council could vote to appoint the Commissioners to serve a four-year term noting that the current commissioners would serve the remaining two-years of their term.

**MOTION:** Appoint Robert Norling to the Planning Commission for a four-year term.

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

The 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.

**MOTION:** Appoint James Fisler to the Planning Commission for a four-year term.

**Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: Council Member Katrina Foley

Absent: None.

**MOTION:** Appoint Paul Bunney to the Planning Commission for a four-year term.

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

The motion failed by the following roll call vote:

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

Noes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

**MOTION:** Appoint Jeffrey Harlan to the Planning Commission for a four-year term.

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

Foley.

The 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.

**MOTION: Appoint James Righeimer to the Planning Commission for a four-year term.**

**Moved by Council Member Wendy Leece, seconded by Mayor Allan Mansoor.**

Council Member Dixon indicated that she would not support the motion as she did not have an opportunity to interview the applicant and that the application was submitted late.

The motion carried by the following roll call vote:

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

Noes: Council Member Linda Dixon

Absent: None.

MOTION: Appoint Chris Bunyan to the Planning Commission for a four-year term.

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

The 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.

MOTION: Appoint Sam Clark to the Planning Commission for a four-year term.

Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.

The motion failed by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Wendy Leece

Noes: Mayor Pro Tem Eric Bever, Council Member Linda Dixon, Council  
Member Katrina Foley

Absent: None.

MOTION: Appoint Paul Bunney to the Planning Commission for a four-year term.

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

The motion failed by the following roll call vote:

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

Noes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley  
Absent: None.

MOTION: Appoint Jeffrey Harlan to the Planning Commission for a four-year term.  
Moved by Council Member Linda Dixon, seconded by Council Member Katrina Foley.

The 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.

MOTION: Appoint Paul Bunney to the Planning Commission for a four-year term.  
Moved by Council Member Wendy Leece, seconded by Mayor Pro Tem Eric Bever.

The motion failed by the following roll call vote:  
Ayes: Mayor Pro Tem Eric Bever, Council Member Wendy Leece  
Noes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley  
Absent: None.

MOTION: Appoint Jonathan Zich to the Planning Commission for a four-year term.  
Moved by Council Member Katrina Foley. Motion died for lack of second.

**MOTION: Appoint Sam Clark to the Planning Commission for a four-year term.  
Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:  
Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece  
Noes: Council Member Linda Dixon  
Absent: None.

The Mayor announced the Planning Commission appointments complete; the Council drew numbers and made nominations for Parks and Recreation Commission.

**MOTION: Appoint Kurt Galitski to the Parks and Recreation Commission for a four-year term.  
Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor, Council Member Wendy Leece

Absent: None.

MOTION: Appoint Brent Mazur to the Parks and Recreation Commission for a four-year term.

Moved by Mayor Allan Mansoor. Motion died for lack of second.

**MOTION: Appoint Terry Shaw to the Parks and Recreation Commission for a four-year term.**

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

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.

**MOTION: Appoint Mike Brumbaugh to the Parks and Recreation Commission for a four-year term.**

**Moved by Council Member Linda Dixon, 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

Noes: Council Member Wendy Leece

Absent: None.

Mayor Mansoor commented on the direction of the Parks and Recreation Commission and suggested to look into complete revitalization of fields at TeWinkle School working with the School District and private organizations to develop new fields; to initiate a walk through for sports fields with Council, School Districts, Commissioners, and park users; to reorganize issuance of fields based on Costa Mesa youth; to focus on balanced use of soccer fields between Costa Mesa and Newport Beach; to look into a permanent lighted fields for Pop Warner; proceed with lighting of Davis Field; and to review the City's tree policy, eliminate the \$400 tree removal fee on City property and directed staff to address areas that have been impacted.

Council Member Foley requested the Parks and Recreation Commission review community, pedestrian-bike trails; requested the Planning Commission to review the urban overlay zones to assess and motivate development.

Council Member Dixon suggested Council to re-vote on the Planning and Parks and Recreation Commissions to make the votes unanimous, to show support of

the newly appointed Commissioners.

**MOTION: Support Sam Clark, James Fisler, and James Righeimer for the Planning Commission; and Support Mike Brumbaugh, Kurt Galitski, and Terry Shaw for the Parks and Recreation Commission.**

**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.

**2. Implementation of the Youth in Government Program.**

Assistant City Manager Thomas Hatch summarized the agenda report.

Mayor Mansoor stated that Council should have input and questioned the item's addition to the budget; and indicated he would like to have input on the interview process, who appoints the liaison, final report to the City Council, contents of what is or is not thought, and feedback on topics discussed.

Council Member Leece reported that there was an assumption by the Parks and Recreation Commission that they were approving the concept only and thought it would be brought before the City Council for final determination.

Council Member Foley pointed out that there was information provided to the Council that the project was being considered and noted that there was no feedback from Council; advised that staff handled the application and appointment process. She encouraged Council to attend a youth meeting and hoped that City would support the Youth Council.

Mayor Pro Tem Bever echoed Council Member Leece's comments and noted a miscommunication of the process and the program verging on becoming a committee. He expressed that Council should deliberate on such a program.

Council Member Dixon expressed support and suggested proceeding forward such such a valuable program.

Terry Shaw, Costa Mesa, expressed support and hoped Council would endorse the program.

MOTION: Approve the committee as presented to Council.

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

**SUBSTITUTE MOTION: To receive and file the report; and not to proceed**

**forward at this time.**

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

Mayor Pro Tem Bever seconded for discussion. Discussion ensued among Council Members relating to Council participation and approving and refining the perimeters of the committee.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

**X. REPORTS**

There were no reports from the City Attorney or the City Manager.

**XI. ADJOURNMENT: The Mayor declared the meeting adjourned at 12:05 a.m., to the next regular meeting of February 6, 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