

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

December 05, 2006

The City Council meeting of the City of Costa Mesa, California met in regular session December 05, 2006, 5:03 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 Katrina Foley
Council Member Gary Monahan

Council Members Absent: Council Member Linda Dixon

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

II. PUBLIC COMMENTS

There were no public speakers.

III. CLOSED SESSION

1. Public Employee Performance Evaluation for City Attorney and City Manager, pursuant to California Code Section 54957.

(Council Member Linda Dixon entered at 5:05 p.m.)

Mayor Mansoor recessed the meeting at 5:04 p.m. into Closed Session in Conference Room 1B.

The Mayor reconvened the Regular Meeting at 6:05 p.m.

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Eric Bever

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: Council Member Gary Monahan
City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Finance Director Marc Puckett
Senior Planner Claire Flynn
Management Analyst Carol Proctor
City Clerk Julie Folcik

CLOSED SESSION REPORT

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

PRESENTATIONS

Mayor Mansoor presented the Mayor's Award to Sally Brown. She was recognized for volunteering as a poll worker for the past 20 years at City Hall.

The Mayor recognized the 2005 First-Line Supervisor, Sergeant Paul Beckman; 2005 Officer of the Year, Officer Derek Trusk; 2005 Civilian of the Year, Michael S. Fantozzi; and 2005 Volunteer of the Year, Mickey Dunlap. Police Chief Staveley congratulated the 2005 nominees of the year.

IV. PUBLIC COMMENTS

1. **Dianne Leech, Chairperson of Leadership Tomorrow, announced the start of this year's nomination process for recognizing community leaders. She advised the deadline is January 8, 2006 for nominees and encouraged the audience to visit their website at <http://www.leadershiptomorrow.org/> for more information.**
2. **Paul Helms, Costa Mesa, reported he received a citation for being at the park after dark.**
3. **Paul Bunney, Costa Mesa, thanked Council Member Monahan for serving 12 years on City Council and congratulated Mayor Mansoor and Council Member Wendy Leece for winning the election.**
4. **Martin Millard, Costa Mesa, referenced a previous speaker's comments; spoke about the Mesa Del Mar community and reported grafitti; commented on the leadership and vision of the City Council and**

highlighted the issues of the John Wayne Airport, undergrounding of the 55 Freeway; and a Westside Marina as suggested focus of the new Council.

5. Jay Humphrey, Costa Mesa, congratulated Mayor Mansoor and Council Member Leece on winning the election along with everyone else that participated in this past election. He stated that he is a proponent of limiting campaign funding to limits that are reasonable and requested that the City limit the amount of campaign contributions.
6. Sandra Genis, Costa Mesa, congratulated Mayor Mansoor and Council Member Leece on their successful election; and expressed concerns of the potential use of public resources for political purposes and of some apparent improper campaign funding.
7. Mark Harris, Costa Mesa, congratulated Mayor Mansoor and Council Member Leece on their election; commented on Council Member Monahan's 12 years of service to City Council and expressed appreciation to Council Member Monahan for the encouragement to become a Parks Commissioner.
8. Humberto Caspa, Costa Mesa, encouraged the newly elected Council Members to learn to compromise on issues and asked the Council to consider the views of those individuals they are considering during appointments to the various committees/commissions.

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

1. Council Member Katrina Foley congratulated Council Member Monahan on being elected to the Sanitary District Board and thanked him for his service to the community; congratulated Mayor Mansoor and Council Member Leece on their election and commented she was looking forward to working with the new Council; announced the City received an Excellence in Childcare Planning Award for the exemplary best practices in childcare planning; thanked Rosanne Andres a member of the City's Childcare and Youth Committee for the success in the United Way success project; thanked the community for the contributions received for the D Company 2-25th Aviation Regiment of the United States Army that the City adopted; thanked Management Analyst Carol Proctor and City Manager's staff for helping in send the contributions to D Company.
2. Council Member Linda Dixon congratulated the Officers that were recognized earlier this evening; expressed appreciation for Council Member Monahan; welcomed Council Member Leece; congratulated Mayor Mansoor; wished the community a happy and safe holiday season.
3. Mayor Pro Tem Bever thanked Council Member Monahan for his guidance; welcomed Council Member Leece; and congratulated Mayor Mansoor.
4. Council Member Gary Monahan expressed appreciation for the opportunity

to serve 12 years on the Council; thanked his wife Deborah and family for their commitment; thanked all those that he worked with especially the City Manager's staff.

5. Mayor Allan Mansoor congratulated Council Member Monahan for a successful 12 years; expressed appreciation of his work and dedication; commended his diplomacy and service. He presented a proclamation and a retirement plaque to Council Member Monahan.

Cynthia Determan from Senator Tom Harman's Office honored Council Member Monahan for his 12 years of service to Costa Mesa and presented him a proclamation.

City Manager Allan Roeder expressed appreciation for Deborah Monahan and presented her with a bouquet of flowers.

VI. GENERAL MUNICIPAL ELECTION

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTON HELD ON NOVEMBER 7, 2006, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

(a) Swearing in of newly elected City Council Members.

City Clerk Julie Folcik summarized her staff report reporting the facts of the General Municipal Election held in November, 2006.

**MOTION: Adopt Resolution No. 06-98.
Moved by Council Member Gary Monahan, 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 Gary Monahan

Noes: None.

Absent: None.

The City Clerk led the swearing in of newly elected Council Member Wendy Leece and Council Member Allan Mansoor.

Council Member Mansoor congratulated Council Member Wendy Leece on her successful election.

Council Member Leece stated it is an honor to be elected and serve on the City Council; and thanked the voters; noted she is willing to work hard, make the City safer, work toward more sports field and City's disaster preparedness, and to solve traffic and infrastructure problems; thanked family for their support; thanked former Mayors Jack Hammett and Donn Hall and former Vice-Mayor Orville

Amburgey for their support; thanked Bill and Joanne Morello for all their hard work; along with those that worked on the phone banks and her committee. She commented on lifting up the community and restoring a sense of pride for Costa Mesa; noted she want to work toward a cleaner, safer, better educated, and economically healthier City; pointed out she would like to work with the new Police Chief to reduce crime and incorporate working with the school district.

The Mayor thanked everyone's hard work and for supporting his campaign; recognized City staff; stated looking forward to working on City issues and noted the improvements on the Westside; commented on field use issue improvements; stated it is an honor to serve on the City Council and expressed his appreciation.

The City Clerk announced the election of Mayor and Mayor Pro Tem and explained the nomination process.

2. Election of Mayor and Mayor Pro Tem.

(a) Nominations for Mayor.

**MOTION: Elected Council Member Allan Mansoor as Mayor.
Moved by Mayor Pro Tem Eric Bever, seconded by Council Member Wendy Leece.**

SUBSTITUTE MOTION: Nominated Council Member Eric Bever as Mayor.

Moved by Council Member Linda Dixon. Motion died for lack of second.

The City Clerk closed the nominations.

There were no public speakers.

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.

(b) Nominations for Mayor Pro Tem.

**MOTION: Elected Council Member Eric Bever as Mayor Pro Tem.
Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

There were no public speakers.

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.

VII. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 17.

**MOTION: Approved recommended actions for Consent Calendar Items Nos. 1 through 17, except for Items Nos. 2 and 7.
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 claims were received and filed: William Ligu Ionescu; Asim Sultan; and Gayle Wilde.

The following Alcoholic Beverage Control Licenses was received and filed:

Creative Blend Inc., for 118 Degrees, 2981 Bristol Street, Suite B5, for an existing type 41 (on-sale beer and wine for a bona fide eating place).

Jacks Fusion Inc., for Jacks Fusion Sushi, 427 E. 17th Street, Suite D, for a fiduciary transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

3. Warrant Resolution 2137, funding City operating expenses for \$1,751,589.70.

ACTION: Resolution adopted.

4. Warrant Resolution 2138, funding Payroll No. 623 for \$2,233,896.71 and Payroll No. 622A for \$1,865.06, and City operating expenses for \$519,445.27 including payroll deductions.

ACTION: Resolution adopted.

5. Cooperative Agreement No. 12-540 with the State of California Department of Transportation (Caltrans) for the construction of improvements at Fairview Road/I-405 Interchange.

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

6. **Cooperative Agreement No. 12-541 with the State of California Department of Transportation (Caltrans) for the construction of improvements at Harbor Boulevard/I-405 Interchange.**

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

8. **Sole Source Purchase of a 75' Aerial Ladder Quint Apparatus (Vehicles), from American La France of Los Angeles, 13800 Valley Boulevard, Fontana, in the amount of \$636,238.**

ACTION: Approved.

9. **Authorize refund of cash deposit in the amount of \$5,623 to Damon Van Oostendorp, 250 Santo Tomas Avenue, Costa Mesa, in connection with Encroachment Permit No. PS06-00339 for street improvements located at 250 Santo Tomas Avenue, Costa Mesa.**

ACTION: Approved.

10. **Authorize refund of cash deposit in the amount of \$14,952 to Knox Brothers Construction, Post Office Box 11312, Costa Mesa, in connection with Encroachment Permit No. PS06-00269 for street improvements located at 125 Mesa Drive, Costa Mesa.**

ACTION: Approved.

11. **Authorize refund of cash deposit in the amount of \$11,340 to Jim Cefalia, 930 West Oceanfront, Newport Beach, in connection with Encroachment Permit No. PS06-00510 for street improvements located at 147 23rd Street, Costa Mesa.**

ACTION: Approved.

12. **Release of Performance Bond in the amount of \$2,000 to HGC Irvine, LLC, 190 Newport Center Drive, Suite 220, Newport Beach, in connection with Tract Map No. 16526 for tract corner monumentation at 2455 Irvine Avenue, Costa Mesa.**

ACTION: Exonerated Bond.

13. **Completion of Exterior Painting of Fire Station No. 3 and Exterior Sealing of Costa Mesa Downtown Recreation Center, Project No. 06-17, by Southwest Coatings, Inc., 503 Harker Street, San Pedro.**

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 exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated

twelve (12) months thereafter.

14. Resolutions requesting employment extension:

(a) A RESOLUTION REQUESTING EMPLOYMENT EXTENSION PER GOVERNMENT CODE SECTION 21221(h) (INTERIM POLICE CHIEF).

(b) A RESOLUTION REQUESTING EMPLOYMENT EXTENSION PER GOVERNMENT CODE SECTION 21221(h) (INTERIM FIRE CHIEF).

ACTION: Approved employment extension for the Interim Police Chief and adopted Resolution No. 06-99; Approved employment extension for the Interim Fire Chief and adopted Resolution No. 06-100.

15. 2008 Federal Appropriations Funding Application for the construction of the Wetlands and Riparian Habitat Project at Fairview Park.

ACTION: Approved.

16. 2006 Emergency Management Performance Grant (EMPG) Allocation:

(a) Agreement to Transfer Funds with the County of Orange for the 2006 Emergency Management Performance Grant (EMPG) Program.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF YEAR 2006 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) REIMBURSEMENT ALLOCATION.

(c) Allocation of the 2006 EMPG Program proceeds in an amount not to exceed \$17,000 to the City's General Fund - Emergency Services.

ACTION: Approved Agreement and authorized the City Manager to sign; adopted Resolution No. 06-101; and approved allocation.

17. Redevelopment Agency's 2006 Annual Report.

ACTION: Received and filed.

18. Contractual Agreement with the County of Orange for the services of one Gang Prevention and Suppression Officer (Deputy Probation Officer) in the amount not to exceed \$59,131.

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

ITEMS REMOVED FROM CONSENT CALENDAR

2. Regular Minutes of November 14, 2006.

Council Member Dixon indicated that she was not present at the meeting and

requested the roll call in the minutes to be corrected.

MOTION: Approve, as corrected, to indicate that Council Member Dixon was not present in the roll call.

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 Katrina Foley

Noes: None.

Abstain: Council Member Linda Dixon, Council Member Wendy Leece

Absent: None.

7. Cooperative Agreement No. C-6-0808 with the Orange County Transportation Authority (OCTA) for the "Go Local" Program.

Public Services Director briefed his staff report and answered questions from City Council. He advised that OCTA Board encouraged cities to jointly work with other agencies in order to receive grant funding to develop a local transit plan to service to a Metrolink Station.

(a) Cooperative Agreement with the City of Santa Ana designating that City as the lead agency representing the City of Costa Mesa for the OCTA "Go Local" Program.

Mayor Pro Tem Bever expressed reservation on an agreement with the City of Santa Ana as the lead agency representing Costa Mesa and stated he prefers a free standing system.

Discussion ensued between Council Members and staff on clarification of the program and location of Metrolink Stations. The Public Services Director stated the focus is to provide an effective transit plan to the Metrolink. He commented that it is more effective if the City of Santa Ana is the lead agency due to the location of the Metrolink Station.

Mike Berry, Costa Mesa, suggested the City independantly implement the program or be the lead city in the agreement.

Martin Millard, Costa Mesa, expressed opposition to the program and a light rail system; opined the City should not give authority to the Santa Ana and suggested a program partnership with Newport Beach.

Robin Leffler, Costa Mesa, commented that there is not enough information and suggested that a decision be postponed until a public hearing can be held.

Roy Reynolds, Managing Director of Personal Rapid Transit (PRT) Strategies, stated that grant funding could be used more creatively; requested that the Council consider PRT to mitigate transportation issues; mentioned advantages of a transit system and suggested the City collaborate with the surrounding cities

for alternative transit opportunities.

Beth Refakes, Costa Mesa, opined that this item should have a public hearing before a decision is made; expressed concern of the administration of the grant fund to Santa Ana and also suggested a partnership with Newport Beach.

Sandi Genis, Costa Mesa, commented that the \$100,000 grant fund could be better spent elsewhere and more creatively.

Jay Humphrey, Costa Mesa, referencing the proposed agreement, pointed out that if the City failed to provide the study, the grant funds must be returned and felt that it did not apply to Santa Ana.

Judi Berry, Costa Mesa, stated that this item should be a public hearing; expressed concern of any rights-of-way; requested item be tabled for a later date.

MOTION: Receive and file; and direct staff to contact the cities of Fountain Valley and Newport Beach as to the direction they are interested in taking at this time.

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

Mayor Mansoor commented these funds are allocated but would like funds to go to street repair and suggested looking at alternatives. Mayor Pro Tem Bever requested the maker of the motion to exclude a partnership with Santa Ana. The Mayor recommended not excluding any other agency at this time.

In response to Council Member Foley's questions, William Morris commented the City of Irvine have decided to focus within their city; stated he would prefer to begin a study looking at all options including other transit systems. The City Attorney clarified that the proposed conditions of the agreement is the same for Costa Mesa and Santa Ana.

SUBSTITUTE MOTION: To set a public hearing on this matter for January 16, 2007, at 7:00 p.m.

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

In reference to a question from Council Member Foley, William Morris advised the the time line for submittal of the "Go Local" Program applications are due by the end of January.

SUBSTITUTE MOTION: Receive and file.

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

Council Members Dixon and Leece indicated they would like to obtain more information from surrounding cities relating to this proposal.

The Mayor restated his motion:

MOTION: Received and filed; and directed staff to contact the cities of

Fountain Valley and Newport Beach as to the direction they are interested in taking at this time and directed that a follow-up memo be given to Council Members, within one week.

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

In response to Mayor Pro Tem Bever's question, the Mayor advised that his motion does not include scheduling of a public hearing.

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.

RECESS: The Mayor declared the meeting recessed at 8:00 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:08 p.m.

Mayor Mansoor adjourned the regular City Council meeting to the special meeting of the Public Finance Authority.

ROLL CALL

Present: Mayor Allan Mansoor; Mayor Pro Tem Eric Bever; Council Member Linda Dixon; Council Member Katrina Foley; Council Member Wendy Leece; Council Member Gary Monahan; City Manager Allan Roeder; Assistant City Manager Thomas Hatch; City Attorney Kimberly Hall Barlow; Finance Director Marc Puckett; Senior Planner Claire Flynn; Management Analyst Carol Proctor; City Clerk Julie Folcik

1. **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COSTA MESA PUBLIC FINANCING AUTHORITY APPROVING A LEASE/PURCHASE AGREEMENT WITH THE CITY OF COSTA MESA AND CERTAIN OTHER DOCUMENTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE CITY OF COSTA MESA 2007 CERTIFICATES OF PARTICIPATION (POLICE FACILITY EXPANSION PROJECT) IN A PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000.**

Finance Director Marc Puckett presented the staff report and corrected the resolution to reflect the amount of \$30,205,000 in all references.

MOTION: Approved and adopted Resolution No. P.F.A. 06-1 as ammended to reflect the amount of \$30,205,000 in all references.

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.

The Mayor adjourned the special meeting of the Public Finance Authority at 8:17p.m. and reconvened the regular City Council meeting.

VII. PUBLIC HEARINGS

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

- PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATING TO THE SALE AND DELIVERY OF NOT TO EXCEED \$30,000,000 CITY OF COSTA MESA 2007 CERTIFICATES OF PARTICIPATION (POLICE FACILITY EXPANSION PROJECT), AND AUTHORIZING CERTAIN DOCUMENTS AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH.**

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

The Finance Director identified for the Council that the resolution had been corrected to reflect the amount of \$30,205,000.

MOTION: Adopted Resolution No. 06-102 as amended to reflect the corrected amount of \$30,205,000 in all references.

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. OLD BUSINESS

No Old Business items scheduled.

X. NEW BUSINESS

- Urban Master Plan Screening UMP-06-11 request for 616 Center Street and 613 Plumer Street within the Mesa West Residential Ownership Urban Plan area.**

Senior Planner Claire Flynn presented the report and responded to questions from the Council.

Justin McMillen and Andre Ferrer, In-Habitation Design, presented their proposal

for a three-story, seven-unit residential loft development, that would incorporate roof-top gardens and incorporating energy efficiency incentives that includes solar panels and a green roof terrace.

In reference to a question from Council Member Dixon, the landscaping includes two existing jumbo trees, over-sized Agave, built-in planters, and roof top gardens; advised the incorporation of energy efficient and solar energy designs; mentioned the expected unit price is between \$675,000 and \$950,000.

Mayor Pro Tem Bever expressed concern of a five-foot set back next to a single family home and suggested working with staff to increase that setback; concern was express for the suggested street-front parking and suggested parking within the structure, with perhaps, the reduction of one unit and favored additional streetscape landscaping.

Mayor Mansoor expressed concern of the set backs, a single driveway, additional density; and the removing of two single family homes that were not considered to be blighted.

Council Member Foley expressed interest in the proposed project, commenting it was cutting edge on its creative design. She suggested working with City staff on the set- backs, the parking, and a transitional zone with the adjacent properties.

MOTION: Received and filed.

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. Request of Trinity Broadcasting Network (TBN) for approval of Film Permits.

Management Analyst Carol Proctor briefed her staff report and responded to questions from the Council.

The Mayor commented that he was supportive of an permitting of an occassional filming permit at the discretion to the City Manager.

Council Member Dixon felt that as a courtesy that notification of the surrounding neighborhood should be made a requirement for all filming permits applied for. The City Attorney confirmed that on a case-by-case basis, pursuant to the City's Municipal Code, the City Manager could, under appropriate circumstances direct notification of neighbors, if the filming was to be potentially

be disruptive to the neighborhood.

MOTION: Authorize City Manager discretion for the occasional issuance of film permits to TBN, with findings that periodic filming is not intended to be prohibited by Council's prior action.

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

The Mayor commented that because it was approval on a case-by-case basis, it was minimal filming, and additional conditions could be made, if necessary, he was supportive of the motion.

Council Member Foley stated that she would not support the motion as she felt that the item should have been duly noticed and it should call for a review of the minor conditional use permit that was denied by the Council in 2003 for any outdoor filming. She felt that any subsequent approval of a filming permit would negate the previous denial of the minor conditional use permit.

Mayor Mansoor clarified his position that his previous denial of the conditional use permit was not to deny any and all outdoor filming for TBN but that they could make application for the occasional filming.

Council Member Dixon agreeing with Council Member Foley suggested approval of the permit, that staff send notification to the neighborhood advising of the filming and to later schedule a hearing to review TBN's Conditional Use Permit.

In response to Council Member Dixon the City Attorney clarified for the record that if there were regular requests for a filming permit, it would be concluded that the applications would be considered regular filming production and TBN would be required to apply for a Conditional Use Permit.

Council Member Foley felt that the intent of the minor conditional use permit was to prohibit any outdoor filming activity and other outdoor activities, which was due to the outcry of the neighborhood. She felt that approval would be in direct conflict to the minor conditional use permit and that there should be a hearing in order to overturn any aspect of the minor CUP, to do otherwise is not being respectful of the neighbors. Council Member Foley expressed concern that the neighbors had not been noticed of this evening's meeting.

Council Member Dixon asked the maker of the motion to include that notification be sent to the neighbors of the filming. Mayor Mansoor did not agree with the addition.

The 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.

XI. REPORTS

The City Manager advised the Council of the subject matters to be discussed at next study session and reminded the City Council and the audience of the upcoming Snow Hill event, to be held on Saturday, December 9, 2006 from 9:00 a.m. to 12:00 p.m. and encouraged all to attend.

X. ADJOURNEMENT

The Mayor adjourned the meeting at 9:15 p.m. to the adjourned meeting of December 9, 2006, at 4:30 p.m.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa