

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

January 02, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session January 02, 2007, at 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.

CLOSED SESSION

I. ROLL CALL

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

Council Members Absent: Council Member Katrina Foley

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

II. PUBLIC COMMENTS

There were no public comments.

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

III. CLOSED SESSION

1. **Conference with Real Property Negotiators: Property at 261 Monte Vista Avenue, Costa Mesa. Agency Negotiator: Thomas Hatch. Negotiating Party: Ken Thurman, pursuant to Government Code Section 54956.8.**

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

PLEDGE OF ALLEGIANCE - Council Member Linda Dixon

MOMENT OF SOLEMN EXPRESSION - Pastor Bill Gartner, Harbor Christian Fellowship

ROLL CALL

Council Members Present: Mayor Allan Mansoor

Mayor Pro Tem Eric Bever
Council Member Linda Dixon
Council Member Wendy Leece

Council Members Absent: Council Member Katrina Foley

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Public Services Director William Morris
Fairview Park Plan Administrator Robert Staples
Senior Planner Mel Lee
Legislative & Public Affairs Manager Ann Shultz
Principal Planner Kimberly Brandt
City Clerk Julie Folcik

CLOSED SESSION REPORT

The City Attorney reported that no action was taken.

IV. PUBLIC COMMENTS

1. Marshall Krupp, Costa Mesa, referencing the Providence Park Community's compliance of Covenant, Conditions, and Restrictions (CC&R's) condition of approval for parking in driveways and garages; requested Council waive the rehearing fee and asked the City's help in its role in the enforcement of the CC&R's.
2. John Feeney, Costa Mesa, reported some graffiti in his neighborhood. He referred to the North Costa Mesa High-Rise Proposal and noted the increase in density and the increase in need of government services and infrastructure. He opined the citizens of Costa Mesa would be "stuck" with the increase in fees for those services, not the developers.
3. Charles Grove, Costa Mesa, spoke about the extension of the 57 Freeway; suggested an extension along the Santa Ana River flood plain to alleviate the traffic on the 55 Freeway.
4. Anne Hogan Shereshevsky, Costa Mesa, referenced an article she wrote relating to senior housing and commented on the need of affordable senior housing, she mentioned she is a graduate of Leadership Tomorrow and encouraged the audience to get involved in the program.
5. Frank Forbath, Costa Mesa, encouraged the Council to consider the "Go Local" Program to plan for future traffic needs; reminding them of the recent approval of several.
6. Sandra Genis, Costa Mesa, requested the Council to consider the City's

future growth and traffic and spoke about issues on campaign financing.

7. Mike Berry, Costa Mesa, referred to Consent Calendar item number 13 relating to Gang Intervention Services.
8. Martin Millard, Costa Mesa, referred to grafitti in the Mesa Del Mar area and the City invest funds into old buildings that are an attractive nuisance to improve the City and lower crime in the area.
9. Judi Berry, Costa Mesa, expressed that the waiting time of cross walks was excessive and opined that shortening the waiting time would encourage pedestrian traffic.
10. Terry Shaw, Costa Mesa, representing the Costa Mesa Historical Society, invited the public to the annual installation dinner on January 24, 2007, at the Orange Coast College Captain's Table at 6:00 p.m.; announced for more information to contact 949-631-5918.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Allan Mansoor wished everyone a Happy New Year.
2. Council Member Linda Dixon wished everyone a Happy and Healthy New Year.
3. Mayor Pro Tem Eric Bever echoed the same sentiments as the previous Council Members.
4. Council Member Wendy Leece reported she attended the annual Snow Hill event and commented it was a success; expressed concern for grafitti and suggested members of the public to call the hotline to have the grafitti removed.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 19.

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 18, except for Consent Calendar Item Nos. 2, 11, 13, and 19. Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Katrina Foley

1. Reading Folder.

ACTION: The following claims were received and filed: Denny Akiyama; Kennen H. Kim, on behalf of Rosa M. Correa; and Magaly Pineda.

The following request for Alcoholic Beverage Control Licenses were received and filed: Mitae Ramen, for the Rooster Café, 750 Saint Claire Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

The following Notification Letter was received and filed: Southern California Gas Company Notice of Proposed Increase in Gas Rates Application No. 06-12-010.

3. **Warrant Resolution 2139, funding City operating expenses for \$683,449.76.**

ACTION: Resolution adopted.

4. **Warrant Resolution 2140, funding Payroll No. 624 for \$2,450,894.55 and Payroll No. 623A for \$838.64, and City operating expenses for \$814,857.66 including payroll deductions.**

ACTION: Resolution adopted.

5. **Warrant Resolution 2141, funding City operating expenses for \$1,404,958.02.**

ACTION: Resolution adopted.

6. **Warrant Resolution 2142, funding Payroll No. 625 for \$2,346,719.02 and Payroll No. 624A for \$5,630.46, and City operating expenses for \$973,175.90 including payroll deductions.**

ACTION: Resolution adopted.

7. **Claim of Linda Fischer and Karin Borecki (allege intersection design/defects caused them to be struck by a vehicle).**

ACTION: Rejected.

8. **Claim of Giovanni Mencini (alleges Civil Rights violation during arrest).**

ACTION: Rejected.

9. **Claim of Lynn R. Mullis (alleges sidewalk defect caused trip and fall).**

ACTION: Rejected.

10. **Claim of Mary Williams (alleges sidewalk defect caused trip and fall).**

ACTION: Rejected.

12. **Release of Performance Bond (Certificate No. 024-022-938) in the amount**

of \$1,000 to Hyland Partners, LLC, c/o Voit Development Manager, Inc., 21700 Oxnard Street, #350, Woodland Hills, in connection with Parcel Map No. 2005-148 to subdivide an existing industrial building for condominium purposes.

ACTION: Exonerated Bonds.

14. Adopt plans, specifications, and working details for the East 17th Street/Raymond Avenue Flashing Crosswalk Project, Project No. 06-02

(a) Budget Adjustment No. 07-009 in the amount of \$133,028.

(b) Accept bid withdrawal submitted by Inspection Engineering, Inc.

(c) Award a Construction Contract to OAK Engineering, Inc., 1305 W. Second Street, Pomona, in the amount of \$133,028.

ACTION: Approved plans and specifications; Approved Budget Adjustment; Accepted bid withdrawal from Inspection Engineering, Inc.; Approved award of Construction Contract to OAK Engineering, Inc., and authorized the Mayor and City Clerk to sign on behalf of the City.

15. Adopt plans, specifications, and working details for the Roadway Rehabilitation of East 17th Street from Orange Avenue to 200 feet east of Santa Ana Avenue, Federal Project No. STPL-5312(066), Project No. 06-03, and award a Construction Contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, in the amount of \$857,852.00 (base bid only).

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City.

16. Adopt plans, specifications, and working details for the East 17th Street Improvement Project, Project No. 06-15, and award a Construction Contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, in the amount of \$1,943,864.75 (base bid plus Additive Bid Item "B" only).

(a) Budget Adjustment No. 07-045 in the amount of \$741,754.

ACTION: Approved and authorized the Mayor and City Clerk to sign on behalf of the City; Approved Budget Adjustment.

17. Contribution Agreement No. 12-553 with the California Department of Transportation (Caltrans), for roadway repairs to Newport Boulevard, for State grant funds in the amount of \$330,000.

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

18. Revised Master Agreement Administering Agency-State Agreement for

Federal Aid Projects.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE REVISED MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS AND AUTHORIZING THE CITY MANAGER AND DIRECTOR OF PUBLIC SERVICES TO SIGN FUTURE MODIFICATIONS AND PROGRAM SUPPLEMENT AGREEMENTS TO THE ADMINISTERING AGENCY-STATE AGREEMENT.

ACTION: Approved; and authorized the Mayor and City Clerk to sign on behalf of the City; and Adopted Resolution No. 07-1.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting of November 21, 2006.

MOTION: Continue to January 16, 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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

11. Retirement of Police Service Dog Duco and commend him for nine years of outstanding service to the community.

(a) Purchase Agreement for Sale of Police Dog Duco to Senior Officer Mike Cohen.

Mayor Mansoor advised Senior Officer Mike Cohen and Police Dog Duco were unable to attend this evening's meeting; announced the retirement of Police Dog Duco and recognized him for his service to the City.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

13. **Award Request for Proposal No. 1105, for Gang Intervention Services, to Newport Mesa Unified School District, in the amount of \$65,000 for the first year, with the option of renewing the contract for two additional one-year periods.**

Council Member Dixon requested more information from the Police Department and the School District regarding the grant, funding, and the use. Mayor Pro Tem Bever expressed concern relating to the details of the proposal and questioned the effectiveness of the program; pointed out the school district has been working with the City, law enforcement, social services, and community services for more than 12 years, recommended to receive and file report. Council Member Leece commented the report lacked information and suggested the City look at alternatives to prevent gangs referencing a Long Beach gang injunction against landlords who rent to families with gang members.

Mike Berry, Costa Mesa, commented on the involvement of the school district and the admittance of a gang problem; indicated that there is no measurement to determine if the gang problem is getting worse or better; suggested hiring a City employee in order to have some control over program efforts and results.

John Feeney, Costa Mesa, questioned the results of the school district's gang prevention and intervention services that has been provided for over 12 years; opined that the staff report was task oriented and not results oriented, and suggested a program called "Back in Control" and to obtain a professional organization that will get results.

Martin Millard, Costa Mesa, commented on the lack of information of the staff report and of the program; expressed support for the gang injunction, to receive and file the report and to consider a better program.

MOTION: Receive and file; directed staff to investigate other program alternatives.

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 Linda Dixon, Council Member Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

19. **Annual Review of Development Agreement DA-06-03 for C.J. Segerstrom & Sons, for the Segerstrom Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive.**

Development Services Director Donald Lamm recommended continuance in order to revise the staff report.

MOTION: Continue to the meeting of February 6, 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, Council Member Linda Dixon, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

VI. PUBLIC HEARINGS

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

1. **PUBLIC HEARING: Continued from the meeting of November 21, 2006, Consideration of an ordinance, review and approval of the permitting regulations and permitting system, for the flying of model aircraft at Fairview Park.**

(a) 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.

(b) Amended Agreement with the Harbor Soaring Society (HSS), Post Office Box 1673, Costa Mesa, for the use of a portion of Fairview Park for flying radio-controlled model aircraft.

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

Fairview Park Plan Administrator Robert Staples summarized the agenda report and responded to questions from the Council.

Mayor Pro Tem Bever referenced a letter he sent to the City Attorney questioning liability issues; Federal Aviation Administration (FAA) 400 foot ceiling regulation, aircraft weight and size; expressed concern for the elimination of scale model flying planes and pointed out the limitation of glider altitudes causing a safety hazard; recommended a temporary ban of all flying to address liability issues and aircraft size limitations.

The City Attorney stated that FAA requested the City to affirmly set a height limitation of 400 feet above ground level due to the location of Fairview Park; stated that the FAA regulation was appropriate and was supported by City staff for safety reasons; addressed the City's legal liability by recommending approval of the proposal to establish the rules, regulations, and the perimeter in order to protect the City and the public.

In reference to questions from the Council, Robert Staples indicated that the park paths are user defined stating that adding a fence would require a change to the

Master Plan.

James Hansen, President of the Harbor Soaring Society (HSS) for 2007 and noted a long time member of the Academy of Model Aeronautics (AMA). He stated he has been building and flying all types of model aircrafts; reported he was in a minor non-life threatening accident involving the flying of a model aircraft; read a petition that was signed by flyers to abide by the flying rules and regulations; indicated that they have spotters in the area to alert the pedestrians or the flyers so that the pedestrians could pass safely.

Judi Berry, Costa Mesa, expressed concern of park trails and the restriction in their use if the proposal was approved and commented she would like to have access to Fairview Park from Canyon Drive.

Max Duncan, Costa Mesa business owner dedicated to flying model aircrafts, felt that the opinions of the majority was not being heard and answered the Council questions relating to aircraft size.

John Vallentini, Tustin, stated that it was a growing hobby and that the hobby stores are promoting flying aircrafts at Fairview Park; noted that other flying fields are space confining; addressed the aircraft weight and stated that he has not seen a model aircraft as large as 25 pounds; commented that the flying field is 90% weeds and noted park goers would not want to wander into that area.

Mike Berry, Costa Mesa, commented that he enjoys watching the flying of model planes; stated that he would not want flying to be restricted but would like it to be safe.

Sandra Genis, Costa Mesa, echoed the previous speaker comments; expressed concern of the proposed ordinance stating it did not reference the Fairview Park flying field rules and was concerned that they would not be enforceable.

Jim Ward, Anaheim, referred to a letter he received by the AMA and noted that it is a local issue and should not be brought before the City Council; opined that the current system is working fine.

Carl Holly, Costa Mesa resident and an HSS member; indicated that he has an electronic plane that weighs about 15 pounds; and stated that he gives aircraft flying lessons at Fairview Park.

Chris Eric, Costa Mesa, commented this is a great activity and enjoyable to watch; expressed concern of the increase of HSS members and unsupervised children flying model planes at Fairview Park.

David Whittington, Costa Mesa resident and an HSS Safety Officer, stated that there has not been any safety issues on his watch and have educated flyers at Fairview Park.

John Anderson, Costa Mesa resident and HSS General Director and

Secretary, was supportive of the ordinance; presented a map showing the dimensional aspects of the flying field; and in response to issues listed in the letter received from Hugh Broesamle commented that the HSS supported the requirement of permitting and insurance for flyers, and that the speed limitation was an interesting notion to explore.

Richard Hanson, resident of Scottsdale Arizona and an AMA Board Member, thanked the Council for the opportunity for flyers to fly at Fairview park. He responded to questions of the Council relative to creating safe environment for pedestrians and hobbyists.

Bill Malvey, Ladera Ranch resident and an HSS member; stated he is an active modeler and flies gliders and diversified model planes; commented that the proposed ordinance can be made to work; noted that the height limitation will not eliminate the flying of gliders.

Upon the Mayor's request, HSS members presented and explained the different types of model planes. The City Attorney advised that the proposed ordinance does not include a speed limit on the flying of model aircrafts.

Hugh Broesamle, Costa Mesa, stated the model aircraft weight and speed limit should be considered; presented an aircraft battery pack and propellers collected at Fairview Park; commented seeing the flying of an oversize plane and reported a model aircraft crash incident.

In response to a question from Council Member Dixon, the City Attorney stated the ordinance does include specific regulations and proposed regulations; suggested minor language changes; and pointed out that the City establishes broad regulations by ordinance and direct staff to prepare proposed rules which are approved by the Council. She advised an agreement with HSS is in place and this proposal is an amendment.

Discussion ensued among Council Members and staff relating to field space, AMA membership and insurance; and the incorporation of the Fairview Park Flying Field Rules into the ordinance. City Attorney Barlow suggested proposed changes relating to the definition in Section 12-62 (d) and requested the word "model" be inserted in the last sentence between "powered" and "aircraft" and inserted before "aircraft". In addition, insert the word "and/or" in the last sentence instead of "and". In Section 12-63 (b), the City Attorney suggested inserting "established pursuant to this article." instead of "contained in this article". In Section 12-64 (a), the City Attorney suggested inserting " and adopted pursuant to this article." instead of "this chapter".

Rich Hanson, District Vice President of AMA, answered questions from the Mayor relating to an AMA letter in the staff report; advised that the AMA is considering that model pilots have an assistant to act as a spotter in congested flying fields and to abide by the 400 feet height limit; reported that the average number of model aircrafts flying at one time at Fairview Park at is approximately

five.

MOTION: Introduced Ordinance No. 07-1, as amended, by amending Section 12-62 (d) inserting the word "model" between "powered" and "aircraft" and before "aircraft", to include "and/or" instead of "and" and to establishing a weight limit not to exceed 10 pounds; to amend Section 12-63 (b) to read "The suspension or revocation of permits issued to persons who do not comply with the regulations established pursuant to the this article."; to amend Section 12-64 (a) inserting "and adopted pursuant to this article" instead of " in this chapter."; to amend Section 12-65 (d) by adding "which cannot be changed without City Council approval."; read by title only and waived further reading.

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

Discussion ensued between Mayor Pro Tem Bever and Mayor Mansoor relating to the motion and specifying a maximum number of flyers allowed at one time and to include a speed regulation. The City Attorney recommend proceeding forward and to review in six months. Mayor Pro Tem Bever agreed with the suggestion.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Katrina Foley

MOTION: Approve amended agreement; authorized the Mayor and City Clerk to sign.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

RECESS: The Mayor declared the meeting recessed at 8:39 p.m.

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

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

2. **PUBLIC HEARING: Appeal of the Planning Commission's denial of Zoning Application ZA-06-51, for Mark Mitchell, authorized agent for Dalessio Investments, for a minor conditional use permit to allow three storage containers (640 sq. ft. total) and for outdoor seating area within the front landscaped setback, located at 440 Fair Drive, in a C1 zone (Local Business District). Environmental Determination: Exempt.**

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

Senior Planner Mel Lee summarized the agenda report and responded to questions from the City Council.

Council Member Dixon indicated her reason for the request for review expressing concern of the storage units located in the parking lot, the lack of parking and of the cyber cafe business relative to the amount of traffic generated, parking and actions to the same general area.

Dennis Dalessio, appellant and property owner, gave an account of why the conditional use permit request was necessary and what they had done up to point and described some of the ideas for the future rehabilitation of the property; he emphasized the need for the additional storage, pointed out the ample parking currently on the property and provided some solutions to addressing the security, and loitering concerns of the complex. He responded to answered questions from the City Council.

Council Member Dixon inquiring about the landscaping along the block wall along Carnige, suggested drought tolerant plants and to leave the existing trees. Mr. Dalessio affirmed that there were plans to proposed landscape areas of the property which would include grass area, and bushes. The Mayor concurred in requiring the landscaping of the property along the streets.

Rich Dalessio, Costa Mesa resident and owner of Hottie's Pizza, commented on the success of his restaurant and stated he would regulate the noise.

Kay Tanner, Costa Mesa, stated majority of the customers are from the area and opined that the pizza business would not add to the traffic, noise, or parking problem.

Loys Diniz, Costa Mesa, read a letter from the neighborhood opposing the establishment of a pizza parlor and expressed concern of pedestrian crossing and increased traffic on Fair Drive to the pizza parlor.

Allen Bowman, Costa Mesa, expressed concern regarding the amount of pizza parlors in the area; and reported late night loitering.

Alice Bowman, Costa Mesa, commented on a signed petition opposing the proposed Pizza Parlor and storage container; requested the City Council to deny the proposal.

Beth Refakes, Costa Mesa, expressed concern regarding the use of storage containers and the impact of noise to the neighborhood.

Dennis Dallesio advised the building was 40 percent occupied prior to ownership; commented on the elimination of the Jeep Dealership parking pointing out an area that would attract the homeless; stated a dining patio would eliminate some issues; and mentioned future plans for installing lighting.

The Senior Planner answered questions from the City Council clarifying the minor conditional use permit.

MOTION: Adopt Resolution No. 07-2 to approve the conditional use permit for one year, based upon findings established in Exhibit "A"; gave direction that the applicant work with staff to replace landscaping along Carnegie Avenue, that lighting be established in the parking lot; and that the applicant work to continue to improve the relationship with the neighborhood and to work with the Cyber Café regarding the security issues.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Katrina Foley

MOTION: uphold the Planning Commission's decision to deny the outdoor patio area.

Moved by Council Member Linda Dixon, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Wendy Leece

Noes: Mayor Pro Tem Eric Bever

Absent: Council Member Katrina Foley

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

3. **PUBLIC HEARING: Appeal of the Planning Commission's denial of Planning Application PA-06-58, for David Stern/Mesa West LLC, for a residential common interest development conversion of an existing 40-unit apartment project to condominiums, with a variance from private open space requirements for the units located at 780 and 790 Hamilton Street, in an R3 zone (Multiple-Family Residential District). Environmental Determination: Exempt.**

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

Senior Planner Mel Lee summarized the agenda report and responded to questions from the City Council.

The Mayor requested the appellant to make his presentation.

David Stern, Costa Mesa, briefed the history of the project; commented on the improvements made on the property by increasing the density, enhancing the landscape, repainting and repaving; spoke about providing affordable housing incentives.

In reference to questions from City Council, the appellant stated that the average unit is 670 square feet and the balconies will maintain the original style of the building. Mayor Pro Tem Bever suggested increasing the unit to 1200 square feet or adding a third floor to meet the parking requirements. Mr. Stern spoke about the interior improvements and indicated he is willing to reduce the pool size to increase the parking.

The Mayor opened the public hearing and asked if anyone wished to address the matter.

Harvey Berger, Costa Mesa, commented on the revitalization of the Westside; supported the project and pointed out the need of improvement of the area without discouraging developers.

Robert Livingston, Costa Mesa, stated he is a tenant and questioned the proposed condominium conversion.

Karen Wetterman, Costa Mesa, expressed concern of the affordability of the apartments specifically for a one-bedroom; commented on the condition of the existing building and the need of improvement and for additional parking spaces.

Bill Schwartz, Costa Mesa, commented on the rent affordability in the area; recommended the City Council to deny the application.

MOTION: Adopt Resolution No. 07-3 reversing the Planning Commission's decision, based on the findings in Exhibit "A". Moved By Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

Mayor Pro Tem Bever requested the maker of the motion to include the reduction of the number of units to allow for larger units for the property as agreed by the applicant. Council Member Dixon requested the maker of the motion to reduce the pool size to allow for more parking. The Applicant agreed to the recommendation. The Mayor agreed to add to the motion the recommendations.

The Mayor restated his motion:

MOTION: Adopted Resolution No. 07-3, reversing the decision of the

Planning Commission, based on the findings found in Exhibit "A", and gave direction for the applicant to work with staff in combining some of the units and to reduce the size of the pools in order to increase the parking. 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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

OLD BUSINESS

There was no Old Business scheduled.

NEW BUSINESS

1. Appointments to various Council-appointed committees.

a. Costa Mesa Conference and Visitor Bureau (CMCVB)

c. Orange County Vector Control District

b. Costa Mesa Senior Center Corporation

d. Transportation Corridor Agency (TCA)

Legislative and Public Affairs Manager Ann Shultz briefly summarized the staff report.

MOTION: Appoint Mayor Pro Tem Eric Bever as member and Council Member Linda Dixon as alternate for the Costa Mesa Conference and Visitor Bureau (CMCVB).

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

MOTION: Appoint Council Member Wendy Leece as member and Council Member Katrina Foley as alternate for the Costa Mesa Senior Center Corporation.

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 Wendy Leece
Noes: None.
Absent: Council Member Katrina Foley

MOTION: Appoint Council Member Katrina Foley as member and Council Member Linda Dixon as alternate to the Orange County Vector Control District.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

MOTION: Appoint Mayor Pro Tem Eric Bever as member and Council Member Katrina Foley as alternate to the Transportation Corridor Agency (TCA).

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: None.

Absent: Council Member Katrina Foley

2. Urban Master Plan Screening UMP-06-12 request for 1640 Monrovia Avenue within the Mesa West Bluffs Urban Plan area.

Principal Planner Kimberly Brandt briefly summarized the staff report and answered questions from the City Council.

Cindy Nelson, Nexus Development, explained the design of the proposed mixed-use project indicating an urban contemporary loft style and answered questions from the City Council.

MOTION: Receive and file report.

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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

X. REPORTS

The City Manager thanked the City Council for attending the Police Chief

Change of Command Ceremony earlier this evening.

- XI. ADJOURNMENT - The Mayor adjourned the meeting at 11:01 p.m. to the Study Session on January 9, 2007 at 4:30 p.m.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa