

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

April 03, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session April 03, 2007, at 6:00 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

There was no closed session scheduled.

PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION

Mayor Allan Mansoor requested the audience to remain silent for a moment of solemn expression to remember those who are serving in the Armed Forces and locally to keep our Country safe.

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
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Principal Planner Kimberly Brandt
Transportation Manager Peter Naghavi
Senior Planner Mel Lee
Legislative & Public Affairs Manager Ann C. Shultz
Management Analyst Carol Proctor
City Clerk Julie Folcik

PRESENTATIONS

The Mayor recognized Video Production Specialist Brad Long as Employee of the Month and commended him for his hard work, professionalism, and ability to exchange and convey information with individuals in our community, fellow employees, various groups, outside agencies, and customers of CMTV-24. Brad's skills and knowledge were lauded in a letter from the Mesa

Consolidated Water District.

Orange County Transportation Authority (OCTA) Renewed Measure M Program: Update & Next Steps presentation was made by OCTA Special Projects Director Monte Ward. He presented information on Measure M in Costa Mesa and stated that the City received \$60 million to date. He spoke about specific Costa Mesa projects, Renewed Measure M Elements, SR-55 Access Study Program, and answered questions from the City Council.

It was unanimously agreed to take New Business No. 4 out of order.

IX. NEW BUSINESS

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 11 (OFFENSES - MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING FURNISHING GRAFFITI IMPLEMENTS TO MINORS.

John Feeney, Costa Mesa, expressed his opposition to the ordinance.

MOTION: Continue to the meeting of May 1, 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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

IV. PUBLIC COMMENTS

1. Vedat Demir, Costa Mesa, opposed active use of the Ketchum Libolt Park and read a letter commenting on the negative activities at the park.
2. John Feeney, Costa Mesa, spoke about Proposition 21 (Gang Violence and Juvenile Crime Prevention Act) and questioned the City's delegation of responsibility for the registration of convicted and released offenders.
3. Judi Berry, Costa Mesa, advised that there were Cub Scouts in the audience who are earning their Merit Badge by attending tonight's meeting.
4. Martin Millard, Costa Mesa, commented on the active use of passive parks in the City and suggested proper posting of signs of a passive use park. He advised of a community meeting on health and safety issue at Paularino Park to be held on May 2, 2007, at Paularino School.
5. Terry Shaw, Costa Mesa, announced an upcoming Costa Mesa Historical Society program to be held on April 22, 2007 featuring a speaker on the

landmark school desegregation case of Mendez vs. Westminster; and announced a Wildflower Walk at Fairview Park on April 14, 2007.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Wendy Leece commented on a public speaker's comments relating to Proposition 21 and requested a report from the City Attorney on the enforcement of Proposition 21.

Mayor Allan Mansoor referred to the Raytheon Building located at 500 Superior, Newport Beach, and requested information relating to the rezone or general plan amendment.

Mayor Pro Tem Eric Bever announced he attended the San Diego Planners Institute and seminars on "green" building; indicated he will forward Green Municipal Programs and building efficiency information to staff. He congratulated Casey Swanson in competing in the United States Snowboard Championship.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 22.

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 22, except for Consent Calendar Items Nos. 2 and 21.

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

1. Reading Folder.

The following Claims received and processed by the City Clerk: Fred DuBrutz and Diedre Thu Ha Nguyen.

The following Requests for Alcoholic Beverage Control Licenses were received and processed:

Vie de France Yamazaki Inc., for the Vie de France Yamazaki, 3333 Bristol Street, Suite 1620, for a premise-to-premise transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Pizza Service Inc., for the South Coast Pizza Parlors, 410 East 17th Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Eduardo Hilario, for the Captain Mike's Fish Fry, 815 West 19th Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Beverages & More Inc., for the Beverages & More, 1835 Newport Boulevard, Suite B129, at The Courtyards, for a stock transfer of an existing type 42 (on-sale beer and wine – public premises) and type 21 (off-sale general).

The following Notification Letter was received and processed: Royal Street Communications, LLC – Notification letter of requisite land use approval to construct a cellular facility – PCS Wireless Site No. LA2816A-Vanguard.

3. Warrant Resolution 2154, funding Payroll No. 705 for \$2,287,451.15, and Payroll No. 704A for \$1,631.78, and City operating expenses for \$1,395,713.45 including payroll deductions.

ACTION: Adopted resolution.

4. Warrant Resolution 2155, funding City operating expenses for \$699,528.18.

ACTION: Adopted resolution.

5. Claim from William Ligu Ionescu (alleges he was falsely arrested and imprisoned and drugged by Costa Mesa Police Department, sustaining physical and mental injuries).

ACTION: Rejected.

6. Claims from Magaly Pineda and Rosa Correa (allege City employee caused auto accident).

ACTION: Rejected.

7. Claim from Bibi Zemalah Turrin (alleges wrongful arrest).

ACTION: Rejected.

8. Award Request for Proposal No. 1108, for Telephone and Data Cabling Systems, for the Police Facility Expansion and Renovation Project, to Prime Electrical Services, Inc., 480 Enterprise Street, San Marcos, in the amount of \$164,760.33.

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

9. Award Request for Proposal No. 1109, for Audio Visual Systems, for the Police Facility Expansion and Renovation Project, to TV Magic, Inc., P.O.

Box 546, San Clemente, in the amount of \$314,314.11.

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

10. Completion of CCTV Phase III Project, City Project No. 06-01, by Steiny and Company, Inc., 12907 East Garvey Avenue, Baldwin Park.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

11. Completion of Costa Mesa Senior Center Energy Efficient Roof Coating, City Project No. 06-19, by Best Roofing & Waterproofing, Inc., dba Best Contracting Services, Inc., 19027 South Hamilton Avenue, Gardena.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

12. Accept Grant from the State Farm Insurance Company, for portable gas detector devices, in the amount of \$5,000.

(a) Budget Adjustment No. 07-066.

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

13. Cooperative Agreements for the I-405/Susan Street Exit Ramp Project:

(a) Cooperative Agreement 12-567, with the State of California Department of Transportation (Caltrans), for the construction of the I-405/Susan Street Exit Ramp Project.

(b) Reimbursement Agreement with C.J. Segerstrom & Sons, for the funding of construction of the I-405/Susan Street Exit Ramp Project.

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

14. Maintenance Agreement, with the State of California Department of Transportation (Caltrans), for the Susan Street Exit Ramp Project.

ACTION: Approved and authorized the City Manager and/or City Attorney to make minor revisions based on final discussions with Caltrans; authorized the City Manager and City Clerk to sign.

15. Easement Deed from Orange County Flood Control District (OCFCD), granting surface easement over the Gisler Channel, within the proposed Susan Street Exit Ramp Right-of-Way.

ACTION: Approved; authorized the City Manager and/or City Attorney to make minor revisions based on final discussions with OCFCD and Caltrans; authorized the Mayor and City Clerk to sign; and directed City Clerk to record deed.

16. Access Agreement, with IKEA Property, Inc., and C.J. Segerstrom & Sons, Henry T. Segerstrom Properties, LLC, and Ruth Ann Moriarty Properties, LLC, granting access rights to portions of their property, for highway construction purposes in the Susan Street Exit Ramp Project.

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

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AGREEING TO THE SUPERSEDING FREEWAY AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION.

(a) Superseding Freeway Agreement, with the State of California Department of Transportation (Caltrans), to incorporate the Susan Street Exit Ramp Project to the Freeway System.

ACTION: Adopted Resolution No. 07-33; approved Agreement and authorized the Mayor and City Clerk to sign.

18. Final Map for Tract No. 17017 located at 580 Anton Boulevard, Costa Mesa, to convert a one lot subdivision to facilitate two (2) 25-story residential and ancillary retail use, high rise structures for a common interest development.

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

19. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE APPROPRIATION OF GENERAL FUND RESERVES IN THE AMOUNT OF \$300,000 TO LOAN THE PARK DEVELOPMENT FEES FUND COSTS RELATED TO THE DEMOLITION OF STRUCTURES AND OTHER RELATED WORK AT 261 MONTE VISTA AVENUE IN COSTA MESA.

(a) Budget Adjustment No. 07-068.

ACTION: Adopted Resolution No. 07-34; approved Budget Adjustment and authorized the Mayor and City Clerk to sign.

20. 2006 Annual Review of the Costa Mesa 2000 General Plan.

ACTION: Received and filed report.

22. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM.

ACTION: Adopted Resolution No. 07-35.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Corrected Regular Meeting of February 6, 2007, Adjourned Regular Meeting/Study Session of March 13, 2007, Regular Meeting of March 6, 2007, and Regular Meeting of March 20, 2007.

MOTION: Continue corrected Regular Meeting Minutes of February 6, 2007 and Adjourned Regular/Study Session Minutes of March 13, 2007; Approve Regular Meeting Minutes of March 6, 2007, as corrected, to indicate "Council Member Foley and Council Member Leece as liaisons..." for the Educational Civics Programs for Youth; Approve Regular Meeting Minutes of March 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 Wendy Leece

Noes: None.

Absent: Council Member Katrina Foley

21. Council Policy for dais seating for City Council.

Council Member Dixon stated she would not be supporting the item and requested that all questions from fellow Council Members be asked out loud after requesting from the Mayor an opportunity to speak.

MOTION: not adopt the Council Policy for seating of City Council at the dais.

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

MOTION: Adopt Council Policy.

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 Wendy Leece

Noes: Council Member Linda Dixon

Absent: Council Member Katrina Foley

VIII. OLD BUSINESS

1. From the meeting of March 20, 2007, second reading and adoption of Ordinance No. 07-5, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT AMENDMENT DA-07-01 TO THE SEGERSTROM HOME RANCH DEVELOPMENT AGREEMENT (DA-00-01).

MOTION: Adopt Ordinance No. 07-5, to be read by title only, and waived further reading.

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

VII. PUBLIC HEARINGS

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

1. PUBLIC HEARING: Rezone Petition R-07-01, for Anna Lauri, authorized agent for Red Mountain Retail Group, requesting a rezone from C2 (General Commercial) to PDC (Planned Development Commercial) to accommodate a future mixed-use development, located at 2089 and 2099 Harbor Blvd and 511 Hamilton Street, in a C2 zone. Environmental determination: exempt.

(a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 2089 AND 2099 HARBOR BOULEVARD AND 511 HAMILTON STREET FROM C2 (GENERAL COMMERCIAL) TO PDC (PLANNED DEVELOPMENT COMMERCIAL) BY ADOPTION OF REZONE PETITION R-07-01.

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

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

The applicant Anna Lauri, of Red Mountain Retail Group, responded to questions from the Council and noted that the group was in negotiations with Walgreens and hoped to demolish existing building if a lease is signed. She indicated if the existing building is renovated, it would be

renovated according to a "Red Mountain". She explained the vision for the remainder of the lot would include a community garden and town home development.

Bill Morelli, Costa Mesa, commented on the excessive traffic and street condition of the area and suggested that if the building is demolished that some of the land be dedicated for traffic relief.

Mayor Pro Tem Bever expressed support of the rezone request, encouraged the group to bring in another retailer noting that he would not support renovation of the existing building.

**MOTION: Introduce Ordinance No. 07-7 for first reading, read by title only and waived further reading.
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

RECESS: The Mayor declared the meeting recessed at 7:19 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:30 p.m.

IX. NEW BUSINESS

1. Request for "Resident Only" parking restriction on Damascus Circle and Venetian Drive.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON DAMASCUS CIRCLE AND VENETIAN DRIVE.

Transportation Manager Peter Naghavi presented the staff reported and responded to questions from the City Council.

Louis Diaz, Costa Mesa, supported the permit parking, commented on the parking impact on Cannonade Circle, and pointed out a problem of parking overflow from the various streets and guest parking.

In reference to a question from Mayor Pro Tem Bever relating to the approval of permit parking on Cannonade Circle, the Transportation Manager stated that it did not currently meet the minimum requirements for permit parking. The Mayor supported following the established guidelines.

Joe Strubbe, Costa Mesa, expressed appreciation to the Council.

Debbie Leonard, Costa Mesa, expressed support of resident-only parking and requested that Cannonade Circle be included as an extension to that request.

Richard Gillock, Costa Mesa, asked Council to consider all three streets as one stating that the access to Cannonade Circle requires access from Damascus Circle and Venetian Drive.

MOTION: Approve request and authorized the Transportation Services Managers to extend the "resident only" parking restriction for a maximum of 1,000 feet as needed, with a qualifying petition from affected residents; Adopted Resolution No. 07-36. Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

Council Member Dixon requested the maker of the motion to include Cannonade Circle because "of the unique situation." The City Attorney suggested proceeding as established by the procedures, but reassured the Council that if there is a problem, the Transportation Manager has the authority to extend the parking restriction pursuant to the resolution. Council Member Dixon withdrew her request and seconded the motion as it was stated.

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. Request for legislative positions on Assembly Bill 1457 (Huffman) and the Groundwater Replenishment System.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUPPORTING GROUNDWATER REPLENISHMENT SYSTEM, AND THE JOINT EFFORTS OF THE ORANGE COUNTY WATER DISTRICT AND THE ORANGE COUNTY SANITATION DISTRICT.

Legislative & Public Affairs Manager Ann C. Shultz summarized the staff report and responded to questions from the City Council.

The Mayor expressed support of opposing the proposed bill stating that it would keep the transportation planning process locally and stated he is in support of the Groundwater Replenishment System.

Mayor Pro Tem Bever stated his support of opposing Assembly Bill 1457 and pointed out that it would hinder the County's long-term transportation

planning, impact local control and contracts between State and property owners.

Judi Berry, Costa Mesa resident and member of the Orange County Taxpayer Association, noted the association's opposition to the bill and encouraged the Council's support of opposing Assembly Bill 1457.

In response to a question from Council Member Dixon, Ann Shultz explained that the State League of California Cities had not taken a position and viewed the bill as a regional issue. She noted that the Orange County Division League of Cities generally follows the legislative position of the State league.

Lisa Tellez, Chief Communications Officer of the Transportation Corridor Agency (TCA), request Council to oppose the bill and commented that the proposed bill is viewed as overreaching as it would give the State veto authority over local issues funded regionally. She advised that the first hearing on the bill is set for April 18, 2007, in Sacramento.

The Mayor asked that the letter include a request to the Orange County Division League of Cities to officially take a legislative position on the bill.

MOTION: Approve a letter opposing Assembly Bill 1457 and that the letter include a request to the Orange County Division League of Cities to take a legislative position; and Adopt Resolution No. 07-37. 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

3. Appointments to various Council-appointed committees.

- a. Access, Building, Fire & Housing Board of Appeal
- b. Child Care and Youth Services Committee
- c. Cultural Arts Committee
- d. Fairview Park Friend/Fundraising Committee
- e. Historical Preservation Committee

Management Analyst Carol Proctor presented the staff report and answered questions from the City Council.

Larry Weichman, Costa Mesa, stated he currently serve as the

Chairperson of the Access, Building, Fire & Housing Board of Appeal Committee and requested the Council for reappointment.

MOTION: Appoint Perry Valentine, Larry Weichman, Janie Arnold, Tariq M. Shamma, Thomas Steinfeld as regular members; and appoint Daniel Skahill and William Mason as alternate members to the Access, Building, Fire & Housing Board of Appeal. 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

Council Member Dixon speaking on behalf of Council Member Foley, expressed the comments of Council Member Foley as liaison to the Child Care and Youth Services Committee regarding the following: to change the committee status to that of an ad hoc committee, to rearrange the membership of the board to that of seven regular members and two alternates, and read her recommendations for reappointment and appointment.

MOTION: Change the Child Care & Youth Services Committee status from a standing committee to an ad-hoc committee and to change the membership from nine regular members to seven regular members and two alternate members; Reappoint Roseann Andrus, and appoint Jamie Korando, Jennifer Nguyen, Mari Fontaine, and Melahat Rafiei as regular members; and appoint Sarah Pirch as an alternate member to the Child Care and Youth Services Committee.

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

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 Nancy Clark, Kathleen Eric, Frank Gutierrez, Louisa T. Arnold to the Cultural Arts Committee.

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 Wendy Leece

Noes: None.
Absent: Council Member Katrina Foley

MOTION: Appoint Kimberly Woods and Bill Thomas as regular members to the Fairview Park Friend/Fundraising Committee. 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 Wendy Leece
Noes: None.
Absent: Council Member Katrina Foley

MOTION: Appoint Dave Gardner as a regular member to the Historical Preservation Committee. 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 Wendy Leece
Noes: None.
Absent: Council Member Katrina Foley

5. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PLACING A MORATORIUM ON THE APPROVAL OF ANY SUBDIVISIONS, USE PERMITS, VARIANCES, OR ANY OTHER APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING MULTI-FAMILY APARTMENT UNITS TO BE CONVERTED OR SUBDIVIDED INTO RESIDENTIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.

Principal Planner Kimberly Brandt briefly summarized the request of the urgency ordinance. Mayor Pro Tem Bever explained his reasons for requesting the ordinance pointing out that the existing guidelines do not address building infrastructure. He expressed concern on the potential health and safety issue for the homebuyer. He pointed out the influx of planning applications for the conversion of residential condominiums and commented on the problems with the basic building infrastructure. He recommends the adoption of higher development standards prior to the sale of these residential condominiums.

Harvey Berger, Newport Beach developer, agreed with Mayor Pro Tem Bever's comments but opined that the restrictive requirements would hinder homeownership in the City, and suggested that this type of developments be looked at on a case-by-case basis and that the Building Department inspect prior to approval of a project.

Edda Berger, Newport Beach, indicated that plumbing renovations that she had made on her 58-unit building development was not that costly.

Robert Stern, Costa Mesa resident and of Stern Architects, encouraged the Council not to approve the moratorium allowing current projects to continue and for the Planning Department to develop more restrictive guidelines.

Jim Righeimer, Planning Commissioner, expressed concern of approval of residential condominium conversions of legal non-conforming properties without variances, pointing out the older the property the farther it is from the current standards. He commented on the need of development standards for these type of conversions to address such issues as variances and stated it is a major health and safety issue.

Barry Saywitz, Newport Beach, advised that his project was denied by the Planning Commission, asked for the status of the pending applications if the moratorium is approved; and requested a grace period for the pending applications allowing them to continue through the application process.

Richard Gibson, Costa Mesa, explained if the moratorium is approved, he would go bankrupt with the money that he spent in remodeling and subdividing his property. He pleaded that the Council not approve the ordinance.

Peter Zehnder, Newport Beach, advised that as a developer he would enjoy participating in establishing standards. He agreed that there are some clarifications needed for condominium conversion and stated that he did not oppose a moratorium and would like to see the intent short-lived and be beneficial for everyone.

Phil Morello, Costa Mesa, opposed the ordinance and the extension of the moratorium.

Beth Refakes, Costa Mesa, supported the ordinance and commented on the need to set standards to produce quality projects for the homebuyer and meet the current building codes.

Carol Henden, Costa Mesa resident and apartment owner, questioned the need for a moratorium on residential condominium conversions and said that it would create a hardship.

Brad Wellen, apartment owner, commented on proposed projects stating that a moratorium creates an economic hardship.

In reference to a question from Council Member Leece relating to the effect of the moratorium on the pending applications, the City Attorney advised Council that they could choose not to apply the moratorium to the

pending applications or provide direction.

Council Member Leece expressed concern on the impact of the moratorium on the pending applications and suggested accepting the current projects that are in the system and begin the moratorium with new applications. Mayor Pro Tem Bever expressed reservation stating that the number of projects are significant and could result in sub-standard units.

MOTION: Adopt Ordinance No. 07-8, read by title only, and waived further reading, and stipulated that the four applications that are complete and scheduled for public hearing are not subject to the moratorium.

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

The Principal Planner stated that there are eight pending applications that would be subject to the moratorium. The City Attorney clarified that the moratorium stops approval of a project but not the processing of applications. Mayor Pro Tem Bever commented that the moratorium does not stop the application process but would require developers to meet a higher standard.

Council Member Leece stated that she will not support the motion and expressed concern of the impact on the eight pending applications.

Mayor Mansoor withdrew his second.

MOTION: Adopt Ordinance No. 07-8 to be effective on April 18, 2007, read by title only, and waived further reading, and to proceed forward in processing the pending twelve applications.

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

MOTION: Direct staff to develop standards for condominium conversions in the City and address inspection, plumbing, infrastructure, cosmetic, parking, and landscaping.

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

MOTION: Receive and file report.

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

SUBSTITUTE MOTION: Adopt Ordinance No. 07-8, read by title only, and waived further reading, and stipulated that the twelve pending applications would not be subject to the moratorium.

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

The substitute 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

The Mayor advised that due to an oversight he would like to reconsider the appointments made in New Business Item No. 3 relative to Access, Building, Fire & Housing Board of Appeal.

**MOTION: Re-open New Business Item No. 3.
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

IX. NEW BUSINESS

3. Appointments to various Council-appointed committees.
 - a. Access, Building, Fire & Housing Board of Appeal

Mayor Mansoor explained his intent for the reappointment of Alternate Member Gil Figueroa.

**MOTION: Appoint Perry Valantine, Larry Weichman, Janie Arnold, Tariq M. Shamma, Thomas Steinfeld as regular members; and reappoint Gil Figueroa and William Mason as alternate members to the Access, Building, Fire & Housing Board of Appeal.
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

X. REPORTS

The City Manager advised that information on "green building" will be provided at the study session meeting of April 10, 2007; commented on the tracking of Council and public requests relating to projects, research, and studies.

- XI. **ADJOURNMENT - The Mayor declared the meeting adjourned at 9:49 p.m., to April 10, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting April 17, 2007.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa