

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

**May 15, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session May 15, 2007, at 5:00 p.m. in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**I. ROLL CALL**

Council Members Present: Mayor Allan Mansoor  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: Mayor Pro Tem Eric Bever

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

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION**

1. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).
2. PUBLIC EMPLOYMENT - Title: Firefighter pursuant to Government Code Section 54956.95.

Mayor Mansoor recessed the meeting at 5:03 p.m. to closed session in Conference Room 1B.

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

**PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor**

**MOMENT OF SOLEMN EXPRESSION**

The Mayor requested 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  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: Mayor Pro Tem Eric Bever

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Public Services Director William Morris  
Human Resources Manager Terri Cassidy  
Transportation Manager Peter Naghavi  
Legislative & Public Affairs Manager Ann Shultz  
City Clerk Julie Folcik

## CLOSED SESSION REPORT

City Attorney Kimberly Barlow reported that no action was taken on Closed Session Item No. 1 and for Closed Session Item No. 2 that the Council approved the recommended action by a vote 3-0, with Mayor Pro Tem Bever and Council Member Leece absent.

It was unanimously agreed to address Public Hearing No. 1 out of order.

## VII. PUBLIC HEARING

- PUBLIC HEARING: Continued from the meeting of May 1, 2007, appeal of the Planning Commission's denial of Planning Application PA-07-04, for The Saywitz Company, to allow a common interest development conversion of four apartment units to condominiums with a variance from private open space requirements for two second-floor balconies (10 ft. minimum dimension required; 5 ft.-10 in. and 8 ft.-6 in. minimum dimensions proposed), located at 679 W. 18th Street, in an R3 (Multiple Family Residential) zone. Environmental determination: exempt.**

Mayor Mansoor announced a request for a continuance have been recieved from the applicant.

**MOTION: Continue to the meeting of June 19, 2007, at 7:00 p.m.  
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, Council Member

Katrina Foley, Council Member Wendy Leece  
 Noes: None.  
 Absent: Mayor Pro Tem Eric Bever

## PRESENTATIONS

City Council Recognition of Employees with 25, 30, and 35 Years of Service with the City of Costa Mesa - The City Manager introduced a video presentation recognizing employees and their years of service. The City Council congratulated Helen Nenedal, Bill Folsom, Garth Wilson, Keith Jones, Burt Morgan, Willa Bouwens-Killeen, Nancy Croft, and Charlotte Bluell for their 25 years of service; and Rick Rolsheim and Bruce Radomski for their 30 years of service.

## IV. PUBLIC COMMENTS

1. Marcia Willet, Board Member for Senior Meals and Services, thanked Council for their support; announced the merger of Senior Meals and Services and Feedback Foundation noting that the new combined agency would be named Community Senior Serve; and invited Council to a new agency lunch event on May 31, 2007, at Westminster Senior Center.
2. David Carleen, Costa Mesa business owner, complained of the City's Code Enforcement and regulation relative to onsite storage of business inventory.
3. Terry Shaw, Costa Mesa, announced the following events: Paws Around the Park at Fairview Park, the Water District class on water-wise gardening, and the Costa Mesa Historical Society Annual Open House to be held on May 19, 2007.
4. Cindy Brenneman, Costa Mesa, announced the Mesa Community Inc. Annual Meeting to be held on May 16, 2007; announced the Orange County Fairground Drive-in opens on May 18, 2007; and reminded the audience to purchase bricks for the Veterans Memorial Fundraiser.

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

Council Member Katrina Foley reported she attended the Local Agency Formation Commission (LAFCO) meeting and gave a progress report on what would be "a global solution" to City's annexation issues; requested staff to bring back a resolution for consideration preserving the recreational use of the Newport Beach Golf Course located adjacent to John Wayne Airport and for the support for recreational use at 1100 Bristol Street as an athletic field; announced the Youth in Government's Youth Shadow Day Event to be held on May 23, 2007; asked the events for the Friends of the Library be announced on the City's website and cable channel; and announced Camp Costa Mesa is currently accepting registrations.

Council Member Linda Dixon announced the Paws around the Park Event to be held on May 19, 2007, at Fairview Park; and encouraged the audience to purchase a brick for the Veterans Memorial Fund.

Council Member Wendy Leece announced she attended the Orange County Public Library Advisory Board Meeting and reported on library repairs; referring to the Parks and Recreation magazine article on at-risk youth and the City's skateboard park pointed out that it deters the youths from joining gangs; advised of the updating of the "The Story of Costa Mesa History in your Hometown"; and commended the Police Department for the "On the Watch" magazine article on fireworks safety.

## VI. CONSENT CALENDAR

### CONSENT CALENDAR ITEM NOS. 1 THROUGH 12

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 11, except for Consent Calendar Item No. 12.**

**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, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Mayor Pro Tem Eric Bever

(Council Member Foley abstained from Consent Calendar Item No. 7).

1. Reading Folder.

The following claim was received and processed by the City Clerk: *Revised* Claim for Anna Torres on behalf of Southern California Edison (SCE).

The following request for Alcoholic Beverage Control License was received and processed:

Michelle Tam Le, for the Vans Liquor, 145 East 19<sup>th</sup> Street, Suite D, for a person-to-person transfer of an existing type 21 (off-sale general).

2. Special Joint Study Session with the City Council and the Parks and Recreation Commission Minutes of March 27, 2007.

ACTION: Approved.

3. Warrant Resolution 2160, funding Payroll No. 708 for \$2,339,066.04 and Payroll No. 707A for negative \$1,745.65, and City operating expenses for

\$477,610.98 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2161, funding City operating expenses for \$1,440,229.07.

ACTION: Resolution adopted.

5. Agreements and Grant of Easements for Traffic Signal Improvements and a Bike Trail located at 2888 Harbor Boulevard (PA 05-36).

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

6. Termination of Agreement and Waiver between the City of Costa Mesa and C.J. Segerstrom & Sons for Special Assessment District 79-01 (South Coast Drive).

ACTION: Approved; authorized the Mayor and City Clerk to sign; and directed City Clerk to record the Termination of Agreement and Waiver.

7. Adopt plans and specifications, and working details for the Installation of Sports Lighting System at the Farm Sports Complex, 2750 Fairview Road, City Project No. 07-17, and award a Construction Contract to MacKenzie Electric, Inc., 7933 Palm Avenue, Highland, in the amount of \$648,000 (Base Bid plus Bid Item AB-3, minus Bid Items AB-1 and AB-2).

Council Member Foley abstained due to the field's close proximity to her home.

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

8. Completion of Roadway Rehabilitation of Placentia Avenue from Wilson Street to Southerly City Limits, 19th Street from Park Avenue to Placentia Avenue, and Anaheim Avenue from 19th Street to Plumer Street - Federal Project Nos. STPL-5312 (035), (040), (037), and (039), City Project No. 04-06, by All American Asphalt, P.O. Box 2229, Corona.

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

9. Release of cash deposit in the amount of \$31,431.41 for 10 Percent Bid Bond to TV Magic, Inc., P.O. Box 546, San Clemente, for RFP No. 1109, the Audio Visual Systems for the Police Facility Expansion and Renovation Project.

ACTION: Authorized release of deposit.

10. Completion of street improvements located at 2307 and 2325 Orange Avenue by Joseph Cefalia, 1312 Dover Drive, Newport Drive, in connection with Encroachment Permit No. PS05-00365.

ACTION: Accepted work; and ordered the bonds exonerated.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: Adopted Resolution No. 07-47.

ITEM REMOVED FROM THE CONSENT CALENDAR

12. **Amendment and Update of Liability Claims Settlement and Rejection Authority.**

The Mayor expressed his support but indicated that he would like to leave the settlement and rejection authority at the current amount of \$25,000 noting that he would like to be informed of such claims against the City prior to processing.

In reference to questions from Council Member Foley, Human Resources Director Terri Cassidy stated that the increase in the settlement and rejection authority was based on a survey of the surrounding agencies and discussions of the the Insurance Committee. She advised that a quarterly report would be provided to Council after claims are processed or if claims are pending unusual circumstances.

MOTION: Direct staff to draft an ordinance amending Municipal Code Section 2-189 and Council Policy 000-3; authorize the City Manager to settle liability claims against the City for up to \$25,000 and to reject liability claims against the City for any amount (either stated or unstated); authorize the City Manager to delegate this authority to settle or reject claims to the City's Insurance Committee, Human Resources/Risk Manager, and/or other qualified staff via an Administrative Regulation.

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

**MOTION: Direct staff to draft an ordinance amending Municipal Code Section 2-189 and Council Policy 000-3; authorize the City Manager to settle liability claims against the City for up to \$50,000 and to reject liability claims against the City for any amount (either stated or unstated); authorize the City Manager to delegate this authority to settle or reject claims to the City's Insurance Committee, Human Resources/Risk Manager, and/or other qualified staff via an Administrative Regulation.**

**Moved by Council Member Katrina Foley, seconded by Council Member**

**Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: Mayor Allan Mansoor

Absent: Mayor Pro Tem Eric Bever

**VIII. OLD BUSINESS**

1. From the meeting of May 1, 2007, second reading and adoption of Ordinance No. 07-10: 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 GRAFFITI IMPLEMENTS AND PENALTIES.

**MOTION: Adopt Ordinance No. 07-10, read by title only, and waive 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, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Mayor Pro Tem Eric Bever

2. From the meeting of November 21, 2006, Review of Neighborhood Traffic Calming Program.

Mayor Mansoor commented on the different traffic solutions for different neighborhoods pointing out that one solution does not fit all. He expressed concern on additional meetings with homeowner groups and the prospective costs of addressing traffic calming concerns. The Mayor stated that he did not support specific guidelines or additional town-hall meetings noting that City staff has the ability to meet with residents to address their concerns.

Council Member Dixon expressed her support of proceeding forward on this matter.

Transportation Services Manager Peter Naghavi responded to questions from the Council and presented a powerpoint presentation relative to the town-hall meeting on traffic calming.

Council Member Foley felt that the guidelines would provide a streamlined process that better enable the neighborhoods to petition the City to regarding traffic calming concerns.

Council Member Leece felt that the information gathered from the town-hall meetings that have been held was sufficient and that there was no reason to pursue the matter.

Beth Refakes, Costa Mesa, felt that the town-hall meetings were a good opportunity to solicit traffic concerns and to educate the community on traffic solutions. She expressed support of the continuance of town-hall meetings.

Micheal Dilsisian, Costa Mesa, expressed concern regarding the restrictions of traffic calming guidelines and suggested that any guidelines be realistic with minimum restrictions.

Gary Monahan, Costa Mesa, recollected the 1997 Eastside Traffic Study and the opposition it generated relative to alternatives that would effect streets and neighborhoods alike. He opined that ultimately traffic calming would do little to reduce speed and would not reduce the amount of traffic. He asked Council not to proceed forward on this matter.

Cindy Brenneman, Costa Mesa, agreeing with the previous speaker's comments encouraged the community to contact the Traffic Services Division for their traffic concerns.

MOTION: Receive and file report; and not to proceed forward on traffic calming guidelines.

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

The Mayor withdrew his motion after consulting with the City Attorney regarding the implication of a tie vote.

MOTION: Continue to the meeting of June 5, 2007.

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

The Mayor requested the City Manager to place this item on the next City Council agenda.

## **VII. PUBLIC HEARING**

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

2. PUBLIC HEARING: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, EXTENDING 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 SUBDIVIDED OR CONVERTED INTO RESIDENTIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.



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

The City Attorney briefly summarized the agenda report, recommended the moratorium extension for no more than six months, and answered questions from the Council.

Harvey Berger, Cost Mesa, referenced a letter from his architect relating to to his proposed condominium conversion located at 2290 College Avenue. He commented on the effect of the moratorium, advised of the progress of the project, and asked for an exception to the moratorium.

**MOTION: Adopt Ordinance No. 07-11, read by title only, and waived futher reading.**

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

Council Member Foley requested the maker of the motion to revise the moratorium extension to four months expressing her concern for the development community. Discussion ensued among Council Members, City Attorney, and staff relating to the noticing requirements and the moratorium extension beyond the four months. The Mayor expressed reservations on such an extension and expressed support for a six months extension.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Eric Bever

RECESS: The Mayor delcared the meeting recessed at 7:58 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:10 p.m.

## **IX. NEW BUSINESS**

### 1. Business Improvement Area (BIA) Reauthorization:

(a). Annual report for the Business Improvement Area (BIA) for Fiscal Year 2007-2008

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2007-2008 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

Legislative and Public Affairs Manager Ann Shultz summarized the

agenda.

Business Improvement Area (BIA) Executive Director Diane Pritchett and Costa Mesa Conference & Visitor Bureau President Thomas Smalley presented the 2007-2008 Annual Report. Mr. Smalley acknowledged the Bureau's Board of Directors, thanked the Council for the continued support, and announced the Bureau's new web address at [www.travelcostamesa.com](http://www.travelcostamesa.com).

The City Manager in response to Council Member Leece's observation of the absence of Costa Mesa on the freeway signage informed the Council of staff's efforts to elicit support for Cal Trans to change the signage as they are to be replaced to add Costa Mesa.

Warner Esher, representative of South Coast Plaza and C.J. Segerstrom & Sons, commented on the history of the 55 Freeway which was at onetime called the Newport Beach Freeway.

**MOTION: Approve annual report for the Business Improvement Area (BIA) for Fiscal Year 2007-2008.  
Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Eric Bever

**MOTION: Adopt Resolution No. 07-48; approved BIA Budget; and set a Public Hearing for June 19, 2007, at 7:00 p.m.  
Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem Eric Bever

2. GPS-07-01 General Plan Screening request for 351 West Bay Street.

Development Services Director Donald Lamm briefed the agenda report.

Garrett Calacci, representative for applicants John and Richard Dick, thanked the Council for their consideration and responded to questions from the Council.

**MOTION: Accept proposed General Plan amendment screening**

**request contingent upon the processing of a development project for home ownership.**

**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, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Mayor Pro Tem Eric Bever

**X. REPORTS**

The City Manager announced the Preliminary Fiscal Year 2007-2008 Operating Budget is available and posted on the City's website.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:34 p.m. The next Regular City Council Meeting would be held on June 5, 2007.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa