

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

**September 04, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session September 04, 2007, at 5:04 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor Pro Tem.

**I. ROLL CALL**

Council Members Present: Mayor Pro Tem Eric Bever  
Council Member Linda Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: Mayor Allan Mansoor

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

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee organizations: Costa Mesa City Employee Association (CMCEA), and the Costa Mesa Police Association (CMPA).

Mayor Pro Tem Bever recessed the meeting at 5:02 p.m., to the closed session in Conference Room 1B.

Mayor Pro Tem Bever reconvened the meeting at 6:02 p.m.

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

**MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Abbate, Calvary Chapel**

**ROLL CALL**

Council Members

Mayor Allan Mansoor

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

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Assistant Development Services Director Mike Robinson  
Public Services Director William Morris  
Chief of Police Christopher Shawkey  
Police Lieutenant Dale Birney  
Principal Planner Kimberly Brandt  
Police Field Operations Capt. Ron Smith  
Building Official Khanh Nguyen  
City Clerk Julie Folcik

(Mayor Mansoor entered at 6:31 p.m.)

## **PRESENTATIONS**

Mayor Pro Tem Bever congratulated Mike Robinson, Assistant Development Services Director, as the Employee of the Month for September 2007, recognizing 34 years of service and dedication to the City and people of Costa Mesa.

Mayor Pro Tem Bever presented the Little League All Star Mayors Cup Certificates to the Costa Mesa American Little League All Star Team and their President Mr. Pat Axtell, and to Costa Mesa National Little League All Star Team and their President Mr. James Shoaf.

(Mayor Mansoor entered at 6:31 p.m.)

## **CLOSED SESSION REPORT**

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

## **IV. PUBLIC COMMENTS**

1. Costa Mesa resident spoke about the Air Quality Management District (AQMD) and distributed an information packet to the Council; encouraged those that are involved in Westside improvements to study the information.

2. Dennis Lashure, Costa Mesa, representing four neighbors, reported a barking dog problem and requested the City's help. He mentioned he had tried to resolve the situation but with no remedy.
3. Terry Shaw, Costa Mesa, spoke on behalf of the Costa Mesa Historical Society and invited everyone to the annual Estancia Adobe Open House event to be held on September 15, 2007, from 10:00 a.m. to 3:00 p.m.
4. Martin Millard, Costa Mesa, spoke about the AQMD and stated that there is pollution on the Westside Bluffs; and complained about the lack of progress in the development of the El Camino Center.
5. Beth Refakes, Costa Mesa, reported that the National Guard is leaving Costa Mesa and suggested that the City would the acquisition for open space and to expand TeWinkle Park.

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

1. Council Member Katrina Foley announced the opening day of AYSO 120 Soccer was to be held on September 8, 2007, at Costa Mesa High School; complimented the Halecrest Community for their 50th Anniversary event; reported that she attended the Newport-Mesa Unified School District (NMUSD) Liaison meeting and mentioned discussions on Measures A and F relating to school improvements; commended the Sonora Elementary School on their academic performance index improvement pointing out the highest improvement increase in the County; and inquired on the status of the El Camino Center.
2. Council Member Linda Dixon thanked Assistant Development Services Director Mike Robinson for 34 years of service; thanked the anonymous donor who donated 15 animal oxygen masks in memory of their special pet Naz; announced the Chamber of Commerce event "A 90-Minute Breakfast Boost", featuring Costa Mesa Police Chief Christopher Shawkey to be held on September 20, 2007, at the Costa Mesa Country Club.
3. Mayor Pro Tem Eric Bever reminded the public that students are back in school and to drive safely around schools.
4. Council Member Wendy Leece recognized Police Chief Shawkey as a member of Driving Under the Influence (DUI) Task Force in partnership with Newport Beach and Orange County to promote awareness of irresponsible alcohol consumption; spoke about the NMUSD meeting she attended with Council Member Foley; advised she would be attending the League of California Cities Conference; and announced the Youth in Government kickoff on October 1, 2007.

#### **VI. CONSENT CALENDAR**

## CONSENT CALENDAR ITEMS NOS. 1 THROUGH 10

**MOTION: Approved recommended actions for Consent Calendar Items Nos. 1 through 10, except for Consent Calendar Items Nos. 2, 5, and 8. 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.

The following claims were received and filed by the City Clerk: John Beall; Law Offices of Sean M. Burke on behalf of Julie Cicero; Tom FitzGibbon; Commerce West Insurance on behalf of Kenneth & Yukari Hirahara; Kelly Liptan; and Stanton T. Mathews & Associates on behalf of Barbara Taylor.

The following request for Alcoholic Beverage Control licenses were received and filed:

Tiol Corp., for OC Pizza, 1420 Baker Street, Suite B, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Yummy Pizza Inc., for Yummy Pizza, 891 Baker Street, Suite A18, for a type 41 (on-sale beer and wine for a bona fide eating place).

The following notification letters were received and filed: Division of Ratepayer Advocate, California Public Utilities Commission – Consumer Protection: Digital Infrastructure Video Competition Act (DIVCA).

3. Warrant Resolution 2176, funding Payroll No. 717 for \$2,398,050.22 and Payroll No. 716A for \$7,502.95, and City operating expenses for \$1,709,605.41 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2177, funding City operating expenses for \$779,652.93.

ACTION: Resolution adopted.

6. Release of cash deposit for bid bond, in the amount of \$5,616 to Forsa Construction, 17601 South Denver Avenue, Gardena, in connection with

Concrete Replacement at Estancia Park (1900 Adams Avenue) and Gisler Park (1250 Gisler Avenue), City Project No. 07-19.

ACTION: Approved.

7. Release of Performance and Labor and Materials Bond (Certificate No. 839103S), in the amount of \$19,050, to HGC Irvine, LLC, 450 Newport Center Drive, Suite 370, Newport Beach, in connection with Encroachment Permit No. PS06-00244 for street improvements located at 2455 Irvine Avenue, Costa Mesa.

ACTION: Exonerated bonds.

9. Accept 2005 Buffer Zone Protection Plan (BZPP) federal grant funds, for purchase of one (1) surveillance camera and supporting hardware, in the amount of \$47,287.

(a). Budget Adjustment 08-006 for \$47,287.

ACTION: Approved; and approved Budget Adjustment No. 08-006.

10. Agreement with the County of Orange to Transfer Property or Funds for Fiscal year (FY) 2006-2007 Homeland Security Grant Program purposes.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPOINTING AN AUTHORIZED AGENT FOR OBTAINING GRANT MONIES, EQUIPMENT, OR SERVICES UNDER THE 2006 HOMELAND SECURITY GRANT PROGRAM.

ACTION: Approved and authorized the Chief of Police and City Clerk to sign; and Adopted Resolution No. 07-70.

#### ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of July 17 and August 7, 2007; and Adjourned Regular Meeting/Study Session Minutes of August 14, 2007.

**MOTION: Approve Adjourned Regular Meeting/Study Session Minutes of August 14, 2007; and continued Regular Meeting Minutes of July 17 and August 7, 2007.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

5. Authorize reward payment to a citizen of Costa Mesa, in the amount of \$500, pursuant to Costa Mesa Municipal Code, Chapter VII ½ Graffiti, Section 11-147.

Mayor Pro Tem Bever commended the anonymous citizen and encouraged the public to call the police if witnessing graffiti.

**MOTION: approve reward.**

**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.

8. Memorandum of Understanding with Newport-Mesa Unified School District (NMUSD) for the extension of the School Resource Officer (SRO) Program providing for two (2) additional officers.

Chief of Police Christopher Shawkey briefed the staff report and along with Lieutenant Dale Birney responded to questions from the Council relating to placement of SRO's, gang attire, enforcement, statistic report, and parent involvement.

City Manager Allan Roeder advised of a change in administrative detail on page three of the staff report and pointed out that the program in subsection 4C is no longer available and should be deleted.

Judi Berry, Costa Mesa, expressed reservation on the funding pointing out the salaries average a \$150,000 per person.

Mike Berry, Costa Mesa, had questions on the SRO Program and commented on the role of the school district in addressing truancy.

**MOTION: Approve; authorize the City Manager and the City Clerk to sign.**

**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.

## VII. PUBLIC HEARING

### 1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-07-01, WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REVIEW PROCEDURES AND DEVELOPMENT STANDARDS FOR THE CONVERSION OF EXISTING RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS TO COMMON INTEREST DEVELOPMENTS.

Senior Planner Kimberly Brandt presented the staff report and answered questions from the Council.

Scott Allan, Newport Beach, representing apartment owner John Conwiser, requested the Council to reconsider the additional parking requirements pointing out that it would be difficult to meet; asked to maintain the current non-conforming parking requirements.

Harvey Berger, Costa Mesa, commented on the upgrades to the ordinance; noted that parking requirement would be a problem recommending that the proposed parking spaces be reduced.

Arlene Flanagan, Costa Mesa, member of the Board of Director of the Costa Mesa Senior Center, commented on the need for senior housing and stated that condominium conversions deprives senior citizens of places to live.

Mike Berry, Costa Mesa, requested clarification on the applicability of the ordinance; recommended altering the language on item (b) page nine of the staff report; opined that there are problems with the ordinance and hoped the Council does not support it.

Diane Russell, Costa Mesa, an advocate for affordable housing, expressed concern on the condominium conversions and the decrease of affordable housing supply for working families.

Jean Forbath, Costa Mesa Housing Coalition, commented on the requirements for regional housing needs assessment and hoped that Council would consider the affordable housing requirement.

Martin Millard, Costa Mesa, commented on the requirements of open space and variances suggesting that the City compromise with owners on additional parking spaces.

Judi Berry, Costa Mesa, expressed the need of parking in a development.

Dyson Worth, Costa Mesa, stated the parking requirements are physically impossible to accommodate; questioned the correlation of the amount of bedrooms and the parking requirements; hoped Council would oppose the ordinance.

Laurie Barman, Costa Mesa, commented on the parking issues and the use of garages as storage.

Council Member Dixon expressed concern on the loss of rental units in the City, parking issues, and commented on the CC&R's including restrictions on garage use. She stated she was not ready to proceed forward on the matter.

MOTION: Continue to Closed Session at 5:00 p.m., and Public Hearing at 7:00 p.m.

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

Discussion ensued amongst the Council and City staff relating to the date of the continuation. The City Attorney clarified that the moratorium expires in November and advised of alternatives such as extending the moratorium or schedule a special meeting to address Council issues. Council Member Dixon stated that she would like the item be continued to a Study Session.

MOTION: Extend the moratorium and continue to the meeting of October 2, 2007.

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

**MOTION: Continue to Closed Session at 5:00 p.m., and Public Hearing at 7:00 p.m. on September 18, 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 Katrina Foley, Council Member Wendy Leece

Noes: Council Member Linda Dixon

Absent: None.

**2. PUBLIC HEARING: Recommended allocation of funds for the 2007-2008 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds (COPS/SLESF).**

(a). Budget Adjustment 08-008 for \$54,150.

Chief of Police Christopher Shawkey, along with Captain Ron Smith, presented the staff report and responded to questions from the City Council.

**MOTION: Approve; and approve Budget Adjustment 08-008 and authorized the mayor to sign.**

**Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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



Noes: None.

Absent: None.

**RECESS THE REGULAR CITY COUNCIL MEETING TO THE SPECIAL MEETING OF THE REDEVELOPMENT AGENCY (RDA)**

**ROLL CALL**

Agency Member Present: Chairperson Eric Bever  
Vice Chairperson Katrina Foley  
Agency Member Linda Dixon  
Agency Member Allan Mansoor  
Agency Member Wendy Leece

Officials Present: Executive Director Donald Lamm  
Agency Attorney Kimberly Hall Barlow

**1. Regular Redevelopment Agency meeting minutes of May 8, 2007.**

**MOTION: Approve.**

**Moved by Agency Member Allan Mansoor, seconded by Chairperson Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Chairperson Eric Bever, Vice Chairperson Katrina Foley, Agency Member Linda Dixon, Agency Member Allan Mansoor, Agency Member Wendy Leece

Noes: None.

Absent: None.

**2. Ratify Warrant Resolutions CMRA-360, CMRA-361 and CMRA-362; and approve Warrant Resolution CMRA-363.**

**MOTION: Approve.**

**Moved by Agency Member Allan Mansoor, seconded by Chairperson Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Chairperson Eric Bever, Vice Chairperson Katrina Foley, Agency Member Linda Dixon, Agency Member Allan Mansoor, Agency Member Wendy Leece

Noes: None.

Absent: None.

**3. Review of 2007-08 Statement of Investment Policy.**

Finance Director Marc Puckett introduced the Accounting Supervisor Christine Tsao and briefed the staff report.

**MOTION: Adopt RDA Resolution, and delegate investment activities to the City Treasurer.  
Moved by Agency Member Allan Mansoor, seconded by Agency Member Linda Dixon.**

The motion carried by the following roll call vote:

Ayes: Chairperson Eric Bever, Vice Chairperson Katrina Foley, Agency Member Linda Dixon, Agency Member Allan Mansoor, Agency Member Wendy Leece

Noes: None.

Absent: None.

**ADJOURN THE SPECIAL MEETING OF THE REDEVELOPMENT AGENCY AND RECONVENE REGULAR CITY COUNCIL MEETING**

**VIII. OLD BUSINESS**

No Old Business scheduled.

**IX. NEW BUSINESS**

1. Green Incentive Program and City Council Policy for Municipal Government Operations:

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A GREEN BUILDING PROGRAM, effective September 5, 2007 to June 30, 2008.

(b). Proposed "Draft" Council Policy No. 500-14 - Sustainable Municipal Green Policy".

Building Official Khanh Nguyen presented the staff report outlining the program and responded to questions from the Council.

Chris Bennett, The Lab in Costa Mesa, commented on their green retail project and expressed support for the green building program.

Jeff Harlan, Costa Mesa and Urban Planner, expressed support of the policy and program and hoped the Council would consider.

The Building Official presented the proposed draft Council Policy and answered questions from the Council. The Mayor commented on page six of the staff report relating to purchase of green vehicles and went on record that he would like the operation be cost effective and reasonable.

Mayor Pro Tem Bever referred to page seven of the staff report relating to City Fleet and expressed concern on the use of technologies and cost effectiveness suggesting the language to read "Replace all

passenger/carpool and non-emergency response vehicles at the end of life cycle with vehicles with higher efficiency."

**MOTION: Approve Council Policy No. 500-14, as amended, in 4.1 to read "Replace all passenger/carpool and non-emergency response vehicles at the end of life cycle with vehicles with higher efficiency." Moved by Council Member Katrina Foley, 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.

**MOTION: Adopt Resolution No. 07-71.**

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Eric Bever for discussion.

Mayor Pro Tem Bever suggested that the green building incentive be given equal priority with all expedited planning processes. Following discussions between Council and staff, the maker of the motion agreed.

The motion restated:

**MOTION: Adopt Resolution No. 07-71, and direct staff to give the Green Building Program equal priority with all expedited planning processes.**

**Moved by Council Member Katrina Foley, 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.

## **X. REPORTS**

There were no reports.

## **XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:41 p.m., to September 11, 2007, at 4:30p.m., for a Study Session. The next Regular City Council Meeting will be held September 18, 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