

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

September 18, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session September 18, 2007, 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.

I. ROLL CALL

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

Council Members Absent: None

Officials Present: 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. CLOSED SESSION WITH LEGAL COUNSEL - ANTICIPATED LITIGATION pursuant to California Government Code Section 54956.9 - significant exposure to litigation - one case.
2. 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 Mansoor recessed the meeting to the closed session in Conference Room 1B, at 5:06 p.m.

The Mayor reconvened the meeting at 6:12 p.m.

PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - Pastor Eric Triple, Calvary Chapel of Costa Mesa

ROLL CALL

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

Council Members Absent: None
Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Development Services Director Donald Lamm
Public Services Director William Morris
Recreation Manager Jana Ransom
Assistant Development Services Director Kimberly Brandt
Building Official Khanh Nguyen
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Barlow reported no action was taken on any closed session items.

PRESENTATIONS

The Mayor presented a proclamation to Sandy Segerstrom Daniels, Managing Partner, C.J. Segerstrom & Sons and to Anton Segerstrom, Partner, South Coast Plaza recognizing South Coast Plaza 40th Anniversary.

IV. PUBLIC COMMENTS

1. Tony Pecca, Costa Mesa, commented on the traffic impacts of the 55 Freeway and Newport Boulevard and invited the input of the Council regarding the expansion of the 55 Freeway and the vision for the Eastside.
2. Martin Millard, Costa Mesa, commented on the growth of John Wayne Airport and suggested the City contact State representatives for a new airport location; and complained about a deteriorating wall on Baker Street.

3. Anne Hogan Shereshevsky, Costa Mesa, referring to an article reported on a house, in Garden Grove, destroyed by fire due to fireworks and reiterated her support for the need for the prohibition of the use of fireworks; commented on a parking issue relating to fire hydrants; and reported on a small fire that damage to the Costa Mesa Senior Center.
4. Sadie Khan, representative of the Islamic Education Center of Orange County, invited the Council and audience to an opening fast on September 22, 2007.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley announced the Youth in Government Program starts on October 1, 2007, and applications are available on the City's website and are due on September 21, 2007; commented on trash dumpsters that were relocated near windows and requested staff to consider the location of placement of dumpsters in the future.

Council Member Wendy Leece announced the Youth in Government Program is open to all to high school students; requested a fireworks survey from the surrounding cities on the fines relating to the use of illegal fireworks; pointed out that the rehabilitation of the City Hall pond has been budgeted; and advised she participated in the County-Wide First Annual Mutual Aid Drill on a mock earthquake and encouraged everyone to register for Community Emergency Response Team (CERT) training.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEMS NOS. 1 THROUGH 7.

MOTION: Approve Consent Calendar Items Nos. 1 through 7, except for Consent Calendar Items Nos. 2, 5, and 6.

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 processed by the City Clerk: Howard Assel; Edward Bopp, Jr.

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

Phillip Martin Dipietro, for Pizza Doro, 1145 Baker Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Kiyoshi Naito, for Full Moon Sushi, 1420 Baker Street, Suite 1A, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Newport Rib Company Inc., 2196 Harbor Boulevard, for a person-to-person transfer of existing type 47 (on-sale general for a bona fide eating place).

Kenneth Al Baki, for Bristol Arco, 300 Bristol Street, for a person-to-person transfer of an existing type 20 (off-sale beer and wine).

The following notification letter was received and processed: Southern California Gas Company – Notice of Proposed Rate Increases, Climate Action Initiative, Application No. A.07-08-031.

3. Warrant Resolution 2178, funding Payroll No. 718 for \$2,524,307.68 and Payroll No. 717A for \$685.00, and City operating expenses for \$504,711.97 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2179, funding City operating expenses for \$869,188.75.

ACTION: Resolution adopted.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF ALLEY NO. 128, setting a Public Hearing on October 16, 2007.

ACTION: Adopted Resolution No. 07-72.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of July 17 and August 7, 2007.

**MOTION: Approve the Regular Meeting Minutes of August 7, 2007, and to continue the Regular Meeting Minutes of July 17, 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 encouraged citizens to report graffiti. In reference to a question from Council Member Leece, City Manager Allan Roeder advised that future staff reports on graffiti rewards would include the disposition of the case.

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 Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

6. **Professional Services Agreement with Western Transit Systems, 1619 East Lincoln Avenue, Anaheim, for Senior Mobility Program Driver Services, for a three (3)-year with one (1) optional one (1)-year extension, for \$202,311.**

Anne Hogan Shereshevsky, Costa Mesa, stated that it is a great service to the seniors in the City and thanked the City for the service.

In reference to questions from Mayor Pro Tem Bever, Recreation Manager Jana Ransom advised the number for Senior Mobility Program Driver Services is (949) 645-2356 and clarified that the service is not available on weekends. The City Manager advised he would provide the Council with information on the Orange County Transportation Authority (OCTA) Access Service noting that it was not route buses.

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

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 Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

The following agenda items were taken out of order due to the time set for public

hearings pursuant to Resolution No. 05-55.

VIII. OLD BUSINESS

No Old Business scheduled.

IX. NEW BUSINESS

1. Conservation Easement with the Orange County Flood Control District and the United States Army Corps of Engineers (USACE) for the construction of Wetlands and Riparian Habitat of Fairview Park.

Public Services Director William Morris presented the staff report and responded to questions from the Council relating to walking trails, opening of the pond, plant types, and parking issues. Mayor Pro Tem Bever suggested that the mitigation with the USACE include further improvements such as restrooms and interpretative centers.

**MOTION: Approve; authorize staff to finalize the Conservation Easement language; authorize the Mayor and City Clerk 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.

VII. PUBLIC HEARING

1. **PUBLIC HEARING: From the meeting of September 4, 2007, 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.**

Assistant Development Services Director Kimberly Brandt presented the staff report, along with Building Official Khanh Nguyen, were present to respond to questions from the Council.

Harvey Berger, Costa Mesa, advised his condominium conversion application was approved under the old ordinance; expressed concern of the proposed ordinance and requested the Council to continue the item for further consideration; pointed out concern on Section 13-42(e)(2c) and 13-42(e)(6) relating to Structural and Mechanical Equipment reports.

Anne Hogan Shereshevsky, Costa Mesa, inquired as to the definition of a common interest development and commented on the need of affordable low-income housing.

In response to a question from the Mayor relating to the public speaker's concern, the Building Official explained the process of obtaining a structural and mechanical equipment reports pointing out these proposals would benefit the owner. Council Member Dixon suggested the requirement of installation of air conditioning be part of the ordinance.

In reference to Council Member Leece's request relating to Section 13-42(h) (8) on Payment of In-Lieu Park Impact Fees, the City Attorney recommended alternative language suggesting the requirement of on-site amenities and that developers have the option to pay a fee, in-lieu of park impact fees.

City staff responded to questions from Council Member Foley relating to the impact costs on the development community. She questioned the additional required reports, report fees, parking issues, and expressed concern on the halt of improvements on the Westside.

MOTION: Introduce Ordinance No. 07-17 for first reading, read by title only, and waived further reading, as amended:

1. Delete Section 13-42(h)8,
2. Modify Section 13-42(b)(4) as per the City Attorney's recommendations, and
3. Allow the approved planning applications exemption and that the pending planning applications would be subject to the adopted ordinance.

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

Mayor Pro Tem Bever suggested if Council would like to establish an In-Lieu Fee, that it could be a separate discussion. Council Member Dixon requested the maker of the motion to include that the "Developer shall provide on-site amenities which may be included in required open space consisting of children's playground area, equipment, swimming pools, jacuzzi, barbecues, picnic areas, pet exercise areas consisting of at least 20 percent of the square footage; and any developer who cannot provide the required on site recreation facilities due to site limitations shall have the option of paying an In-Lieu Impact Fee which shall be established by a resolution following a public hearing." Mayor Pro Tem Bever expressed reservation and indicated that the matter be discussed at a later date. Council Member Dixon stated she would like the matter be brought back to Council pointing out the increase on the use of parks by future occupants of new developments and condominium conversions in the City. Council Member Foley requested the maker of the motion to vote separately on the matter relating to the pending condominium conversion planning applications. Mayor Pro Tem Bever disagreed.

SUBSTITUTE MOTION: Introduce Ordinance No. 07-17 for first reading, read by title only, and waived further reading, as amended:

1. Delete Section 13-42(h)8,

2. Modify Section 13-42(b)(4) as per the City Attorney's recommendations, and
3. Allow the pending planning applications exemption from the zoning code ordinance.

Moved by Council Member Katrina Foley, seconded by Council Member Linda Dixon.

The substitute motion failed by the following roll call vote:

Ayes: Council Member Linda Dixon, Council Member Katrina Foley

Noes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Absent: None.

Discussion ensued among the Council and City staff relating to the pending planning applications.

The motion restated:

MOTION: Introduce Ordinance No. 07-17 for first reading, read by title only, and waived further reading, as amended, as follows:

1. Delete Section 13-42(h)8,

2. Amended Section 13-42(b)(4) to read "The City Council finds and declares that conversion of occupied or previously occupied residential apartments to condominiums (residential common interest developments) shall be prohibited from and after December 31, 2011, for any project which does not meet each and every development standard for common interest developments in place at the time of the proposed conversion, including but specifically not limited to, number and size of parking spaces, on-site open space, landscaping and setbacks; and

3. To allow the seven applicants with pending planning applications a period of six months for completion.

Moved by Mayor Pro Tem Eric Bever, 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 Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

Council Member Foley requested a comparison chart at the second reading of the ordinance and to provide a copy of the report to the Building Industry Association and to all applicants with pending planning applications.

(Council Member Leece exited the Council Chambers at 8:06 p.m.)

IX. NEW BUSINESS

2. Conduct of carnivals in City's parks.

The Recreation Manager presented the staff report and along with the City Manager responded to questions from the Council. Council Member Dixon pointed out the community contributions of the Lions Club and encouraged groups to work with private schools and school districts to use their facilities.

**MOTION: Grandfathered the permitting of the Lions Club for the Fish Fry event at Lions Park; received and filed report.
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The Mayor pointed out the Lions Club's community contribution noting that the annual Fish Fry has historical traditions and expressed concern on the impacts to City parks.

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

Noes: None.

Absent: Council Member Wendy Leece

Council Member Dixon recommended that staff advise individuals to check with Orange Coast College, school districts, or the private schools in the City to utilize their facilities.

X. REPORTS

The City Attorney reported that she attended the League of California Cities from September 5 through 8, 2007.

The City Manager reported that the issue of a skate park at Fairview Park was tentatively set for October 2, 2007, but due to the absence of Council Members at the meeting, requested that the item be brought back to the Regular Meeting of November 6, 2007.

XI. ADJOURNMENT - The Mayor declared the meeting adjourned 8:28 p.m. The next Regular City Council Meeting will be held on October 2, 2007.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa