

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

**October 02, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session October 02, 2007, at 5:13 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 Wendy Leece

Council Members Absent: Council Member Linda Dixon  
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 speakers.

**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).

The City Attorney announced that due to a recent court ruling that was made after the agenda was posted, and in order for the Council to consider action that may be necessary before the next regularly scheduled meeting, requested the Council to consider an additional closed session item and relative to the case of People vs. Benito Acosta.

**MOTION: Approved the addition of the following closed session item: CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: People v. Acosta, Orange County Superior Court Case No. 06-HN-04320, pursuant to Government Code Section 54956.9(a); determined necessary due to a court ruling on October 1, 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 Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

Mayor Mansoor recessed the meeting at 5:16 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the meeting at 6:22 p.m.

**PLEDGE OF ALLEGIANCE - Council Member Wendy Leece**

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

**ROLL CALL**

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

Council Members Absent: Council Member Linda Dixon  
Council Member Katrina Foley

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  
Building Official Khanh Nguyen  
City Clerk Julie Folcik

**CLOSED SESSION REPORT**

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

**PRESENTATIONS**

The Mayor congratulated Kelly Shelton, Secretary to the City Manager, Christiane Goldsworthy, Executive Secretary, and Linda Fischer-Harris, Office Specialist of the City Manager's Department for being honored as Employees of the Month. They were recognized for their individual efforts to ensure that the City Manager and City Council offices are always running smoothly. The City Council acknowledged each of them for their professionalism and commitment to

the City of Costa Mesa.

#### IV. PUBLIC COMMENTS

1. John Feeney, Costa Mesa, reported on recent gang activity and how it relates to new graffiti in the the Mesa North neighborhood. He also inquired about the graffiti rewards of only \$500, when the maximum is \$2,000.
2. Ambika Hanna, Costa Mesa, informed the Council of the July fourth celebration in her neighborhood and of the use of illegal fireworks.
3. Carmen Santangelo, Costa Mesa, expressed concern on the use of fireworks and stated she would like fireworks banned from the City.
4. Chris Bunyan, Costa Mesa, announced the opening of a new location of "The Closet" fashion store in downtown Costa Mesa. He also encouraged public involvement in the Citizen's Police Academy and the Citizen's Firefighter Academy.
5. Shirlee McDaniels, Costa Mesa, encouraged the Council to consider a suitable location for the skate park. She felt that Lions Park was not an appropriate place for a skate park and suggested Fairview Park as an alternative location.
6. Hema Salas, Costa Mesa, inquired as to the cost associated with the prosecuting of Coyotl Tezcatlipoca.
7. Terry Shaw, Costa Mesa, speaking on behalf of the Costa Mesa Historical Society, announced a program on Aircraft Wrecks to be held on October 14, 2007, at 1870 Anaheim Avenue, and to visit their website at [www.costamesahistory.org](http://www.costamesahistory.org).
8. Robin Leffler, Costa Mesa, expressed her concerns of the Environmental Impact Report (EIR) for the Wyndham Hotel and the trend of high-rises in the City.
9. Billy Stade, owner and founder of "The Closet", announced the relocation of their business to the corner of 18th Street and Newport Boulevard and was looking forward to the support of the Council and the community.
10. Cindy Brenneman, Costa Mesa, expressed support and encouraged involvement in the following programs provided for the citizens of Costa Mesa: the Fire Academy, Community Emergency Response Team (CERT) Program, and the Citizen's Police Academy. She announced that October is Breast Cancer Awareness Month and reminded the community to be proactive and have cancer screenings performed and advised that the Costa Mesa Organization, Susan G. Komen For the Cure, will do outreach into the schools or community.

11. Humberto Caspa, Costa Mesa, spoke about criminal violence and gang activity in the City's neighborhoods and the coordinated efforts and enforcement by neighbors and police in the past; pointing out the importance of community involvement.
12. Martin Millard, Costa Mesa, commented on the increase of graffiti and gang activity; and suggested that development fees be used for improvements in Mesa North and Mesa Del Mar areas or be utilized for the purchase of open space for parks.

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

Council Member Wendy Leece announced the kick-off of the Youth in Government Program and noted that the program registration was not closed, and encouraged students to get involved; reported that she attended the League of Cities Conference and partook in sessions on economic development, technology, and homelessness. She expressed concern regarding the City's homeless situation and announce it would be a situation she would address with the City Manager in a meeting to take place to discuss the issue. She announced the Disaster Preparedness Product Fair and reminded the public to be prepared and to register for CERT training.

Mayor Allan Mansoor inquired about the application filing period for the Costa Mesa Senior Corporation Board. The City Manager advised that applications are still being accepted.

Mayor Pro Tem Eric Bever addressed public comments on gang related issues and requested that the Police Department's Gang Unit be available for public outreach; acknowledged the fireworks issue on Platte Drive and expressed appreciation of the Police and Fire departments' efforts on July 4th; congratulated Billy Stade on the opening of their new store; echoed comments made by Council Member Leece relating to the CERT training.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR**

**MOTION: Approved recommended actions for Consent Calendar Items Nos. 1 through 13, except for Consent Calendar Items Nos. 2, 11, and 12. 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: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

1. Reading Folder.

ACTION: The following claims were received and filed by the City Clerk: Fred G. DuBrutz; Law Offices of Jerry L. Steering on behalf of David Ross Miller; Phyllis L. Slane; Dulce Romero Zetina.

The following requests for Alcoholic Beverage Control Licenses were received and filed:

MLMLC Wine LLC, for Winestyles located at 270 E. 17th Street, Suite 14, for a person-to-person transfer of existing type 20 (off-sale beer and wine) and type 42 (on-sale beer and wine).

Carmen Anthony Cimini, for Carms Coneys located at 488 E. 17th Street, Suite B102, for a person-to-person transfer of an existing type 41 (on-sale beer and wine).

The following Notification Letter was received and filed: Public Utilities Commission of the State of California – Notice of Prehearing Conference on the Application of San Diego Gas & Electric Company (U 902 M) and Southern California Gas Company (U 904 G) for Approval of Proposals Set Forth in their Joint Climate Action Initiative.

3. Warrant Resolution 2180, funding Payroll No. 719 for \$2,450,541.72 and Payroll No. 718A for \$1008.47, and City operating expenses for \$2,112,690.19, including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2181, funding City operating expenses for \$922,374.64.

ACTION: Resolution adopted.

5. Award Formal Bid Item No. 1113, for the purchase of six (6) new 2008 extended cab mini trucks from Raceway Ford, in the amount of \$107,577.30, from Raceway Ford, 5900 Sycamore Canyon Boulevard, Riverside.

ACTION: Approved.

6. Award Formal Bid Item No. 1115, for the purchase of twelve (12) new black and white 2008 Police Interceptor Ford Crown Victoria vehicles with the police package, in the amount of \$286,801.89, from Raceway Ford, 5900 Sycamore Canyon Boulevard, Riverside.

ACTION: Approved.

7. Construction Contract with Civil Source, 500 Wald Street, Irvine, for the design of Hamilton Street (Project "A") and Plumer Street (Project "B"), CDBG Street Improvement Project No. 07-08, in the amount not to

exceed \$63,475.

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

8. Completion of 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, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release or 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 six (6) months thereafter.

9. Completion of East 17th Street Improvement Project, Project No. 06-15, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release or 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.

10. Adopt plans and specifications, and working details for the Roadway Rehabilitation of East 17th Street from 150 feet east of Santa Ana Avenue to Irvine Avenue, Federal Project No. STPL 5312 (049), Project No. 07-14, and award construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, in the amount of \$1,454,291.20 (base bid plus additive bid item).

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

13. Report on Ordinance No. 07-9, extending the moratorium on the approval of Industrial Condominium Conversions.

ACTION: Received and filed.

#### ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **Regular Meeting Minutes of July 17, August 21, September 4 and September 18, 2007; and the Adjourned Regular Meeting/Study Session Minutes of September 11, 2007.**

**MOTION: Approve; amend Regular Meeting of August 21, 2007 to include "possible" in reference to Fairview Park on page 10; and continue the Regular Meeting of July 17, 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 Wendy Leece  
Noes: None.  
Absent: Council Member Linda Dixon, Council Member Katrina Foley

11. **Appropriation of grant funds of \$22,456 from the California Integrated Waste Management Board Tire-Derived Product Grant Program and allocation of Citywide Street Improvement Project (\$75,000) and Parkway Maintenance funds (\$10,000) for Rubberized Sidewalk on Sunflower Avenue Project.**

(a). Budget Adjustment No. 08-009 for \$85,000.

Public Services Director William Morris briefly summarized the staff report.

**MOTION: Approve; and authorize the Mayor and City Clerk to sign. 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 Wendy Leece  
Noes: None.  
Absent: Council Member Linda Dixon, Council Member Katrina Foley

12. **Accept Mobile AVL/GPS Devices and Systems from FATPOT Technologies, Inc., for the management of emergency resources, in conjunction with the Orange County Fire Authority.**

The City Manager requested a modification to the recommendation to approve and authorize the City Manager to sign the license agreement subject to the approval of the City Attorney. He indicated that the agreement was in progress and would require approval to retain the federal funding.

**MOTION: Approve; authorize the City Manager to sign the agreement subject to review and approval by the City Attorney. 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: None.  
Absent: Council Member Linda Dixon, Council Member Katrina Foley

**VII. PUBLIC HEARING**

1. **PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp, D. Wooley and Associates, authorized agent for Maximillian Group, LLC,**

to convert six (6) apartment units to a one (1)-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway Street, in an R2-HD zone (Multiple-Family Residential District, High Density). Environmental Determination: exempt.

The Mayor announced that the applicant requested a 30-day continuance.

**MOTION: Continue to the meeting of November 6, 2007, at 7:00 p.m. 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: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

2. PUBLIC HEARING: Consideration of intent to overrule the Airport Land Use Commission's (ALUC) Inconsistency Determination with the John Wayne Airport Environs Land Use Plan for the Wyndham Boutique Hotel / High-Rise Residential Project (GP-06-03/SP-07-01/PA-06-75/VT-17172) located at 3350 Avenue of the Arts.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RELATED TO THE INTENT TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT (INCLUDING GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT) ARE INCONSISTENT WITH THE 2002 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN.

A four-fifths vote is required for the overrule action to carry.

Development Services Director Donald Lamm presented the staff report and responded to questions from the City Council.

Howard Zelefsky, representative of Makar Properties, LLC, expressed support of the proposed resolution and in response to a question by Council Member Leece explained the determination of the ALUC, pointing out the consensus on the role of the Federal Aviation Administration (FAA) and the disagreement on land use authority.

Robin Leffler, Costa Mesa, referred to the recommendations of the John Wayne Airport Environs Land Use Plan (AELUP) and the ALUC, asked the Council to limit the height of the buildings in the area.

**MOTION: Adopt Resolution No. 07-73. 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 Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-2, 5-3, 5- 12, AND 5-95 OF TITLE 5, AND SECTIONS 7-14 AND 7-21 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2007 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO; the codes include the California Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Electrical Code and the Model Codes related to International Property Maintenance Code, Uniform Code for Abatement of Dangerous Buildings and the Orange County Grading Code.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2007 CALIFORNIA BUILDING CODE AND TO THE 2007 CALIFORNIA FIRE CODE WITH RESPECT TO HOUSING OCCUPANCIES RELATIVE TO LOCAL CLIMATIC AND GEOGRAPHIC CONDITIONS.

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

**MOTION: Introduce Ordinance No. 07-18 for first reading, read by title only, and waive further reading.  
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 Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

**MOTION: Adopt Resolution No. 07-74.  
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: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

## VIII. OLD BUSINESS

1. From the meeting of September 18, 2007, second reading and adoption of Ordinance 07-17, 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.

The Development Services Director recommended the second reading and adoption of the ordinance, and responded to questions from the Council.

Robin Leffler, Costa Mesa, felt that if condominium conversions of industrial properties were allowed, the chance of residential redevelopment would end and rule out future flexibility.

**MOTION: Adopt Ordinance No. 07-17, read by title only and waived further reading.**

**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: None.

Absent: Council Member Linda Dixon, Council Member Katrina Foley

## IX. NEW BUSINESS

No New Business scheduled.

## X. REPORTS

City Manager Allan Roeder expressed appreciation for the recognition of his office staff; recognized the S.W.A.T. team for their efforts in safely handling a recent serious situation and also recognized the Fire Department for their response and efforts of an apartment fire that occurred over the weekend.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 7:37 p.m., to October 9, 2007, at 4:30p.m., for a Study Session. The next Regular City Council Meeting will be held on October 16, 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