

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA

OCTOBER 18, 2004

The City Council of the City of Costa Mesa, California, met in regular session October 18, 2004, at 6:30 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by Mayor Pro Tem Mansoor, followed by the Pledge of Allegiance to the Flag led by Council Member Steel, and a moment of solemn expression led by the Reverend Dick George, Mesa Verde United Methodist Church.

ROLL CALL

Council Members Present: Mayor Gary Monahan  
(arrived at 7:00 p.m.)  
Mayor Pro Tem Allan Mansoor  
Council Member Libby Cowan  
(arrived at 6:46 p.m.)  
Council Member Chris Steel  
Council Member Mike Scheafer

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Acting City Attorney Tom Wood  
Development Services Director  
Donald Lamm  
Public Services Director William  
Morris  
Assistant City Manager Steve  
Hayman  
Senior Planner Kim Brandt  
Associate Engineer Raja  
Sethuraman  
Associate Planner Claire Flynn  
Deputy City Clerk Julie Folcik

MINUTES  
October 4, 2004

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 3-0, Mayor Monahan and Council Member Cowan absent, the minutes of the regular meeting of October 4, 2004, were approved with a modification to the motion on Page 5 to give first reading to Ordinance 04-11 to reflect that Council Member Scheafer seconded the motion.

ORDINANCES AND  
RESOLUTIONS

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, and carried 3-0, to read all ordinances and resolutions by title only.

ANNOUNCEMENT

Mayor Pro Tem Mansoor announced that he objected to the proclamation for National Arts and Humanities Month and opposed support for the National Endowment for the Arts (NEA). He cited several examples of NEA monies spent on what he considered to be obscene material.

Council Member Cowan entered the Council Chambers at 6:46 p.m.

MOTION/To Bypass  
the Proclamation  
Failed to Carry

A motion was made by Council Member Steel, seconded by Mayor Pro Tem Mansoor, to bypass the National Arts and Humanities Month proclamation. The motion failed to carry 2-2, Council Member Cowan and Council Member Scheafer voting no.

PRESENTATION  
"National Arts and  
Humanities Month"

Council Member Scheafer read a proclamation declaring the month of October, 2004, as National Arts and Humanities Month, recognizing that the arts and humanities affect every aspect of life in America today including the economy, social problem solving, job creation, education, creativity, and community livability. He, along with Recreation Supervisor Jana Ransom, presented the document to Kathleen Eric, Diane Doyle, and Ted Baker, members of the Costa Mesa Cultural Arts Committee.

PRESENTATION  
Target Stores Criminal  
Justice LE Grant  
Program

Costa Mesa Target Store representatives Curt Pamperin, Investigations Department, and Jaclyn Arabe, Asset Protection Team Leader, presented Police Chief John Hensley with LE Grant Program funds to purchase Orange County Social Service Rainbow Resource Directories to assist crime victims, as well as other citizens, who are in need of finding the appropriate social services.

PUBLIC COMMENT  
19<sup>th</sup> Street Crossing  
Problem

Rich Reiser, Newport Beach, showed photographs of the intersection of Monrovia Avenue and West 19<sup>th</sup> Street taken on Thursday, October 7, 2004, between 7:30 a.m. and 8:00 a.m., illustrating the difficulty children encounter crossing the street at this intersection. He encouraged the City to hire additional Police officers to enforce Vehicle Code Sections 21950(a) and 21953.

City Council Decisions

Martin Millard, Costa Mesa, commented that City Council is entrusted to make subjective opinions which consider the well-being of the entire city. He suggested that many businesses had been negatively impacted by a recent decision which involved Bristol Street property utilized to store containers. Mr. Millard proposed considering each item on the agenda utilizing a "global" view concerning long-term effects on the community.

Orange County  
Humane Society

Eva Park, member of the board of directors and founder of Orange County People for Animals, reported on conditions at the Orange County Humane Society including overcrowding of the animals, filth, disease, and inhumane treatment. She urged Council to conduct a thorough investigation into shelter activities. Mayor Pro Tem Mansoor replied that there is an on-going investigation.

Mayor Monahan entered the Council Chambers at 7:00 p.m.

The following persons who volunteered at the Orange County Humane Society (OCHS) concurred with Ms. Park: Carol Holland, Costa Mesa, stated that there are forty persons willing to testify to the conditions and inhumane treatment which she has personally witnessed, and thought that the investigation should include an audit of the spay and neuter fines collected by OCHS; Suzanne Barthomemy, Costa Mesa, reported on the mistreatment of the animals, and suggested that an independent board be appointed to oversee and inspect the facility; Cindy Woods, suggested that the Humane Society of the United States be contacted in order to utilize its Animal Services Consultation Program wherein a team of experts would provide a customized, comprehensive evaluation and develop recommendations for improving operations and animal care; Jenna Motschman, Fountain Valley, stated that there is no accountability at the shelter; Shelly Hunter, Huntington Beach, asked that animals at the shelter be evaluated for health and temperament on an ongoing basis; Shannon Meade, Costa Mesa; Dee Cordova, Fountain Valley; Linda Frances, Huntington Beach; and Sune Gillin, Huntington Beach.

John Vreeman, a volunteer at the Orange County Humane Society, defined his job at the Society as filling water bowls, cleaning dirty kennels, evaluating the animals, and working with adoptions. He called the Shelter a temporary refuge for unwanted animals, and provided a website, [www.orangecountyhumanesociety.org](http://www.orangecountyhumanesociety.org). He disputed the claims made by those who speak against the Society, and urged Council to quickly complete their investigation.

The following volunteers concurred with Mr. Vreeman and denied the allegations of those speaking against OCHS: a Huntington Beach resident, assured Council and Costa Mesa residents that the allegations made by former volunteers are not true, and stated that 99 percent of the dogs are placed in homes; Rhonda Belcher, a volunteer; stated that the staff love the animals and work hard, and she enumerated her chores of bathing 25 dogs a month, cooking 20 pounds of stew for the dogs each day, monitoring their eating habits, and added that she takes dogs into foster care; Kendall (last name unintelligible), commented that the actions of the protesters have adversely affected adoptions of the animals; and a Fountain Valley resident, indicated that her main concern is the animals, not the politics.

Mayor Monahan advised that the City has a contract with OCHS, and an investigation has been initiated which is being handled by the Police Department. He added that until the investigation is complete, there is nothing that the City can do, and asked if this matter had been brought to the attention of the City of Huntington Beach where the shelter is located. The City Manager added that the facility is also being independently inspected by the Orange County Health Department, and a report will be provided with the results. Upon completion of the City's investigation, those results will be furnished to Council and to members of the public.

Igal Israel, Costa Mesa, asked the amount of the contract. The City Manager replied that he would supply that information to Mr. Israel.

CONSENT  
CALENDAR

The following item was removed from the Consent Calendar: Item No. 8, Agreement with S. Gordin Structural Design and Engineering Services (SGE), for Professional Engineering Services for the Design of Abutments and Approaching Structures for a Pre-Fabricated Steel Bridge over Placentia Avenue at Fairview Park.

MOTION/Approved  
Except Item No. 8

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the remaining Consent Calendar items were approved as recommended.

READING FOLDER

The following Reading Folder items were received and processed:

Claims

Claims received by the Deputy City Clerk: Coral Construction Company; and Tony V. Torres.

Alcoholic Beverage  
Control License

Request from California Wraps and Grill, 250 East 17<sup>th</sup> Street, Suite D, for an original Type 41 ABC License (on-sale beer and wine for a bona fide eating place).

WARRANTS

The following warrants were approved:

Approved Warrant  
2026

Warrant Resolution 2026, funding City operating expenses for \$720,914.25.

Approved Warrant  
2027/Payroll 421 and  
420A

Warrant Resolution 2027, funding Payroll No. 421 for \$1,908,845.50, Payroll No. 420A for \$4,605.09, and City operating expenses for \$1,540,332.56, including payroll deductions.

ADMINISTRATIVE  
ACTIONS/Awarded  
Bid Item 1076, Two  
New Trucks, to Villa  
Ford

Bids received for Bid Item No. 1076, Purchase of Two New 2005 Ford F-250 4x2 Series Trucks with Royal Utility Service Bodies, are on file in the City Clerk's office. The contract was awarded to Villa Ford, 2550 North Tustin Avenue, Orange, for \$56,633.38 (net price which includes a ten percent discount of \$6,292.60 for payment within 30 days).

Awarded Fire Com-  
mand Training Struc-  
ture, Project No. 04-  
21, to WRG Fire  
Training; Approved  
Adjustment No. 05-021

The bid received for Construction of Fire Command Training Structure, 2300 Placentia Avenue, Project No. 04-21, is on file in the City Clerk's office. The contract was awarded to WRG Fire Training Simulation Systems, Inc, 13780 Galbreath, Building C, Sherwood, Oregon, for \$376,825.00 (base bid only), the Mayor and Deputy City Clerk were authorized to sign on behalf of the City, and Budget Adjustment No. 05-021 was approved for \$26,825.00.

Awarded Signal/CCTV  
Cable Communica-  
tions, Project No. 04-  
22, to Moore Electrical;  
Approved Adjustment  
No. 05-020

Bids received for Construction of Signal/CCTV Cable Communications, Project No. 04-22, are on file in the City Clerk's office. The contract was awarded to Moore Electrical Contracting, Inc., 463 North Smith Avenue, Corona, for \$500,070.00, the Mayor and Deputy City Clerk were authorized to sign on behalf of the City, and Budget Adjustment No. 05-020 was approved for \$150,000.00.

Awarded Sound Walls,  
Retaining Walls, and  
Slope Improvements,  
Project No. 04-23, to  
Pima

Bids received for Construction of Sound Walls, Retaining Walls, and Slope Improvements, Along the West Side of Fairview Road and South of Southbound I-405 Freeway Off-ramp, Project No. 04-23, are on file in the City Clerk's office. The contract was awarded to Pima Corporation, doing business as Advanced Construction, 2001 South Barrington Avenue, Suite 204, Los Angeles, for \$427,616.00 (base bid only), and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

Adopted Resolution  
04-60 Approving Sole  
Source Contract with  
Hewlett Packard for  
Computer Equipment

Resolution 04-60 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AUTHORIZE AND AWARD A SOLE SOURCE CONTRACT TO UPGRADE THE CITY'S SERVER AND E-MAIL FOR THE MANAGEMENT INFORMATION SYSTEMS DIVISION, with Hewlett Packard, 1421 South Manhattan Avenue, Fullerton, in an amount not to exceed \$100,000.00.

Agreement with S.  
Gordin Design for  
Bridge Design  
Over Placentia at  
Fairview Park

Item No. 8 on the Consent Calendar was presented: Agreement with S. Gordin Structural Design and Engineering Services (SGE), for Engineering Services for the Design of Abutments and Approaching Structures for a Pre-Fabricated Steel Bridge over Placentia Avenue at Fairview Park.

MOTION/Approved  
Agreement

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 4-1, Mayor Pro Tem Mansoor voting no, the agreement was approved with S. Gordin Structural Design and Engineering Services (SGE), 15351 Normandie Avenue, Irvine, in an amount not to exceed \$51,386.00, and the Mayor and Deputy City Clerk were authorized to sign on behalf of the City.

PUBLIC HEARING  
Appeal of PA-04-21,  
El Camino Partners

The Deputy City Clerk announced the public hearing, continued from the meeting of September 7, 2004, to consider an appeal from Jack Sakzlyan of the Planning Commission's decision to deny Conditional Use Permit PA-04-21 for Daniel C. Carlton, Attorney, authorized agent for Carl Reinhart/El Camino Partners, to modify

an existing conditional use permit for a former gasoline service station to discontinue sales of gasoline to become solely an auto repair facility, located at 1045 El Camino Drive in an R2-MD (Medium Density, Multi-family Residential) zone. Environmental determination: Exempt. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. A communication was received from Daniel C. Carlton, 2600 Michelson Drive, Suite 1120, Irvine, requesting a continuance.

MOTION/Continued  
to February 7, 2005

On motion by Council Member Cowan, seconded by Council Member Steel, and carried 5-0, the public hearing was continued to the meeting of February 7, 2005.

An unidentified speaker asked if copies of the letter submitted by Mr. Carlton requesting the continuance were available to the public. She indicated that the continuance to February 7, 2005, was an extremely long time. Mayor Monahan replied that a copy of the letter is available in the City Clerk's office. The Development Services Director explained that the length of the continuance is to allow the property owner and the gas station owner to negotiate a settlement.

PUBLIC HEARING  
Appeal of PA-04-14,  
Sax

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider an appeal by Council Member Libby Cowan of the Planning Commission's denial of Conditional Use Permit PA-04-14 for Stan Sax, authorized agent for John Saunders and Doug Morehead, to allow a restaurant to serve alcoholic beverages after 11 p.m. (2 a.m. proposed for Fridays and Saturdays), to allow live entertainment/dancing within 200 feet of a residential use, and to allow off-site parking at 2801 Bristol Street for a restaurant, located at 2831 Bristol Street in a CL Zone (Commercial Limited District). Environmental determination: Exempt. The Affidavits of Publishing and Mailing are on file in the City Clerk's office. A communication was received from Ed and Geraldine Evans, Costa Mesa, asking Council to uphold the Planning Commission's denial of the project. Mayor Monahan announced that a request for continuance had been received from the applicant due to his inability to attend this evening.

The owner of the Bear Creek Apartments which are adjacent to the project reported that a similar conditional use permit had been denied for a restaurant in the same location due to the proposed hours of operation and the location being next to an apartment complex. He encouraged Council to uphold the Planning Commission's findings to deny the CUP.

MOTION/Continued  
to November 15, 2004

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, the public hearing was continued to the meeting of November 15, 2004.

There being no objection, Mayor Monahan announced that Public Hearing No. 5 would be addressed next.

PUBLIC HEARING  
Regulations for Motor  
Vehicle Retail Sales  
Businesses

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a proposed Ordinance amending Title 13 of the Costa Mesa Municipal Code to establish additional zoning regulations for motor vehicle retail sales businesses and outdoor communication systems operated by commercial and industrial uses. Environmental Determination: Exempt. The Affidavit of Publication is on file in the City Clerk's office. The Development Services Director reported that a request for continuance until October 17, 2005, has been received from the

dealer's association to allow them to resolve the outstanding issues.

Council Member Steel suggested that car dealer lighting, which severely impacts residential neighborhoods, be added to the discussion, when brought back.

MOTION/Continued  
to October 17, 2005

On motion by Mayor Pro Tem Mansoor, seconded by Council Member Scheafer, and carried 5-0, the public hearing was continued to the meeting of October 17, 2005.

There being no objection, Old Business No. 2 was considered.

OLD BUSINESS  
Solid Waste Hauling  
Franchise Fee

The Deputy City Clerk presented from the meeting of October 4, 2004, second reading adoption of Ordinance 04-12, adopting a Solid Waste Hauling Franchise Fee amending the Costa Mesa Municipal Code Chapter IV of Title 8. Mayor Monahan indicated that a request for continuance had been received from staff.

MOTION/Continued  
to November 1, 2004

On motion by Council Member Scheafer, seconded by Council Member Cowan, and carried 5-0, this item was continued to the meeting of November 1, 2004.

PUBLIC HEARING  
Pacific Medical Plaza

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider the Pacific Medical Plaza, for Cora Newman/Government Solutions, authorized agent for Joseph Brown, for the conversion of two existing trailer parks to allow the construction of a 76,500 square-foot, 4-story medical office building, with a 3-level parking structure, located at 1626/1640 Newport Blvd. Environmental Determination: Final EIR No. 1051.

Resolution certifying Final Environmental Impact Report (EIR) No. 1051 (SCH#2003071089) for the Pacific Medical Plaza.

Resolution adopting General Plan Amendment GP-02-06 for a site-specific Floor Area Ratio (FAR) for a moderate traffic generating land use (0.30 FAR allowed; 0.40 FAR maximum proposed).

Draft ordinance adopting Rezone Petition R-02-03, for rezoning of the property from C2 (General Business District) to PDC (Planned Development Commercial).

Resolution approving Mobile Home Park Conversion Permit PA-02-37, to convert two existing trailer parks, El Nido and Snug Harbor Village, to a medical office land use.

Resolution approving Master Plan Amendment PA-02-36, for the construction of a 4-story, 76,500 square-foot, medical office building and a 3-level parking structure on 4.4 acres.

The Affidavits of Publishing and Mailing are on file in the City Clerk's office. The Development Services Director and Senior Planner reviewed the Agenda Reports dated October 7, 2004, and they, along with the Associate Engineer, responded to questions from Council.

Carol Hoffman, Government Solutions, 230 Newport Center Drive, Suite 210, Newport Beach, representing the property owner, believed that the proposed project is complementary with surrounding uses, and advised that they had been encouraged by the City to present the 76,400 square foot, four-story building which

is allowed under the General Plan, and added that the floor area ratio (FAR) requires Council approval. She indicated that the project architect had been ranked No 1 in the state for the last five years, and presented renderings of projects which they had designed. Ms. Hoffman advised that the narrow portion of the building faces Newport Boulevard, is “stepped back” with a landscaped entry, and mentioned other attributes including a mid-sight passenger drop-off zone to allow for convenient patient access. Ms. Hoffman reviewed the design criteria, and reported that good surface parking has been provided, as well as the two-story, three-level parking structure, and screening landscaping had been installed along Orange Avenue. She listed letters of support received for the project from the adjacent single-room occupancy hotel on Newport Boulevard, Hoag Hospital, Von’s Market, and the owner of the shopping center at 17<sup>th</sup> Street and Orange Avenue. She reported that the medical office use will generate a maximum of 120 trips daily on the weekend with a peak hour maximum of 30, whereas a retail use would generate 2,800 trips and 290 during the peak hours. She responded to a question from Mayor Pro Tem Mansoor, stating that approval of the project would fill a compelling need for medical office space, create an attractive entrance to the City of Costa Mesa, and traffic impact would be reduced on weekends. Mayor Pro Tem Mansoor pointed out that weekday traffic will be increased by 434 trips in a 24-hour period.

Council Member Steel thought that the project was too large for the area and objected to the tiered parking. He, however, supported the medical use over that of retail.

Jay Humphrey, Costa Mesa, asked how the mobile home park conversion was accomplished prior to understanding the impacts on the City. The Senior Planner advised that the City does not have discretionary approval over closures of mobile home parks. In response to a question from Mr. Humphrey, the Associate Engineer explained that 2,769 is the actual number of trips generated by the medical office building. Mr. Humphrey questioned how left turns would be prohibited when exiting the facility, and expressed concern regarding the traffic impact on 17<sup>th</sup> and 19<sup>th</sup> Streets.

There being no other speakers, the Mayor closed the public hearing.

MOTION/Adopted  
Resolution 04-61

On motion by Council Member Cowan, seconded by Council Member Scharfer, and carried 4-1, Council Member Steel voting no, Resolution 04-61 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 1051 FOR THE PACIFIC MEDICAL PLAZA PROJECT LOCATED AT 1626 AND 1640 NEWPORT BOULEVARD.

MOTION/Adopted  
Resolution 04-62

On motion by Council Member Cowan seconded by Council Member Scharfer, and carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no, Resolution 04-62 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GP-02-06 TO CREATE A SITE-SPECIFIC FLOOR AREA RATIO AND TRIP BUDGET FOR 1626 AND 1640 NEWPORT BOULEVARD LOCATED IN THE GENERAL COMMERCIAL LAND USE DESIGNATION.

Mayor Pro Tem Mansoor was not convinced that the project is suitable for this location and expressed concern about traffic

impact. He agreed that the building is beautiful but maintained that it is too tall for the area. Council Member Cowan believed that the project is high quality and does not affect zoning in the area because it is site specific.

MOTION/Gave First Reading to Ordinance 04-13

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no, Ordinance 04-13 was given first reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 4.4 ACRES FROM C2 (General Business District) TO PDC (Planned Development Commercial) BY ADOPTION OF REZONE PETITION R-02-03. Second reading and adoption are scheduled for the meeting of November 1, 2004.

MOTION/Adopted Resolution 04-63

On motion by Mayor Monahan, seconded by Council Member Scheafer, and carried 3-2, Council Member Cowan and Council Member Steel voting no, Resolution 04-63 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE MOBILE HOME PARK CONVERSION (PA-02-37) FOR THE SNUG HARBOR VILLAGE AND EL NIDO TRAILER PARKS LOCATED AT 1626 AND 1640 NEWPORT BOULEVARD.

Mayor Pro Tem Mansoor supported the mobile home park conversion but opposed the medical office use.

MOTION/Adopted Resolution 04-64

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 3-2, Mayor Pro Tem Mansoor and Council Member Steel voting no, Resolution 04-64 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-02-36 FOR THE PACIFIC MEDICAL PLAZA FINAL MASTER PLAN LOCATED AT 1626 AND 1640 NEWPORT BOULEVARD, subject to the findings contained in Exhibit "A", Exhibit "B", and the mitigation measure monitoring program in Exhibit "C".

Mayor Monahan supported the motion, calling the project "phenomenal" because it provides an opportunity to construct a state-of-the art medical office building in Costa Mesa. Council Member Scheafer agreed that this is a building of which Costa Mesa can be proud.

The Mayor declared a recess at 8:50 p.m., and reconvened the meeting at 9:05 p.m.

RECESS

PUBLIC HEARING Habitat for Humanity

The Deputy City Clerk announced that this is the time and place set for the public hearing to consider a planned development for Mark Korando of Habitat for Humanity of Orange County (General Plan Amendment GP-03-03, Rezone Petition R-03-01, Planning Applications PA-03-59 and PA-04-40, and Tentative Tract Map T-16502), for an eight-unit, single-family residential, common-interest development. The 1.49-acre project site consists of two parcels: 1.12-acre commercial parcel at 2300 Harbor Boulevard and 0.37 residential parcel located at 380 W. Wilson. Access to the project site is proposed at the western terminus of Wake Forest Road. Environmental determination: Mitigated Negative Declaration.

Resolution adopting mitigated negative declaration and mitigation monitoring program and approving General Plan



Amendment GP-03-03.

Draft Ordinance adopting Rezone Petition R-03-01 to change the zoning from Shopping Center (C1-S) and Multi-Family Residential District (R3), to Planned Development Residential-Low Density (PDR-LD).

Planning Applications PA-03-59 and PA-04-40 to create a residential common interest development consisting of five 1-story and three 2-story single-family detached homes and to amend the Harbor Center Master Plan's conditions of approval to reflect opening at Wake Forest Road for site access.

Tentative Tract Map T-16502.

The Affidavits of Publishing and Mailing are on file in the City Clerk's office. Communications in opposition to the project were received from Sandy Genis, Costa Mesa; Georgette Huber, Costa Mesa; Tamar Goldman, Costa Mesa, and ReMax Real Estate Agent Linda Hartman. A communication in support was received from Walt Farley, Costa Mesa, and Costa Mesa resident Jack Hoffman suggested that the project be sent back to the Planning Commission because of a potential conflict of interest.

Mark Korando, Costa Mesa, representing Habitat for Humanity, requested a continuance in order to meet with residents regarding the project. The Development Services Director clarified that the continuance in requested to early 2005, and February 7, 2005, is the next scheduled time for consideration of general plan amendments.

Mayor Pro Tem Mansoor was concerned about continuing the item, and preferred proceeding with the hearing. He asked what the alternatives were to opening Wake Forest Road. Mr. Korando replied that discussions had taken place relative to providing access through the rear of the Harbor Shopping Center. Council Member Steel supported proceeding with the public hearing.

Council Member Cowan suggested honoring the continuance request, believing that Habitat for Humanity should be given the opportunity to continue conversations with the representatives from Harbor Shopping Center. She called the project "good quality".

Jeff Goldfarb, Rutan and Tucker, 611 Anton Boulevard, Fourteenth Floor, Costa Mesa, representing ICI Development, reported that their agreement with Habitat for Humanity was drafted to ensure that Wake Forest Road would only be opened in the event that the project is residential. He recollected that there had been a significant concern about noise should the street be opened, and the residents had reserved their right to object to any project.

A motion was made by Council Member Cowan to continue the public hearing to February 7, 2005. The motion died for lack of a second.

MOTION/To Continue  
Died

The Associate Planner reviewed the Agenda Reports dated October 4 and 5, 2004, and responded to questions from Council.

Council Member Steel opposed the project in this location because of the density, the Wake Forest Road access, and there was no guarantee that Costa Mesa residents would be given preference in qualifying for the homes.

Mark Korando stated that the noise level in the area of the proposed project is consistent with that mandated by the City. He added that Habitat for Humanity has made every effort and has put forward a plan which mitigates the important issues involved. He pointed out that this is an opportunity to comply with the objectives and goals within the General Plan to promote low-density, single-family ownership housing. Mr. Korando observed that the only use which would have a lower impact would be a park, and reiterated his request for a continuance.

Jeff Goldfarb announced that he wished to withdraw a letter he had sent previously which included a request that all matters be considered at one time, and noted that ICI Development believes that based on the orientation of the property, residential land use is the most appropriate.

The following Costa Mesa residents opposed construction of the Habitat for Humanity project: Katharine Bequette protested any housing built by anyone behind the Home Depot store, and called the site unsuitable; Flo Martin, normally a supporter of Habitat for Humanity, complained that they have not responded to residents questions; Jane Finch; Charmaine Pickett called it a mistake to rezone commercial property prior to exploring other locations for the housing; Dick Carroll thought that the project was a serious mistake; Jess Bequette asked how many other Habitat for Humanity projects were constructed adjacent to noisy loading docks, and supported retaining the commercial designation; Marianne Segalla addressed the additional traffic which would be generated; Joseph Miner commented on the noise impact, and mentioned alternative uses for the property; Tamar Goldmann indicated that the Home Depot situation has become worse; R. W. Lane; Terry Shaw; Linda Bolton, thought that the College Park neighborhood is an asset to Costa Mesa and residents are being "threatened" by this project; Margaret West asked if Habitat for Humanity had considered other locations for the project; Cindy Brenneman, requested that she be notified if meetings are held with Habitat for Humanity; and Mary Kipp found it odd that the Habitat for Humanity staff called College Park residents and asked that they attend the meeting and support the project.

Ursula Bohlen, Costa Mesa, thought that the foregoing complaints predated the project and are beyond the control of Habitat for Humanity, such as sound issues from the shopping center and use of nearby streets for overflow parking by non-College Park residents.

Paul Eklof, Costa Mesa, a long-time supporter of Habitat for Humanity, spoke on behalf of compromise and continuation.

Mayor Pro Tem Mansoor clarified for previous speaker Dick Carroll that Council is not "beating up on these people" as he had maintained but were merely hearing a request which had been brought forward.

Linda Hartman, ReMax Real Estate Agent, objected to the location of the proposed project.

Igal Israel, Costa Mesa, supported the project, and stated that the property owner has the legal right to develop their property. He suggested that the residents could purchase the property from the current owner and convert it into a park.

Jay Humphrey, Costa Mesa, was concerned about the cumulative impact of increasing noise, as well as the creation of a community surrounded by walls with a separate entryway. He urged Council to allow meetings between residents and Habitat for Humanity to determine a solution which would benefit both parties, and noted the need for increased affordable single-family housing.

Mark Korando addressed the above by stating that traffic impact is an issue, and Habitat for Humanity is proposing the least amount of traffic in the neighborhood; mitigation for the wall is in place; the echo factor is addressed in the context of additional landscaping; and the apartments which face the Home Depot loading dock which have double paneled windows and air conditioners mandated by the mitigation measures have been open for the last 3 weeks which indicates that there are no fume and noise problems.

Council Member Steel asked Mr. Korando to attempt to change policy to ensure that Costa Mesa residents would have the first chance at obtaining the housing. Mark Korando replied that this is a requirement stated in the first condition of approval, and he also responded to a question from Mayor Pro Tem Mansoor indicating that Habitat for Humanity would probably handle any delinquent homeowner's association dues.

There being no other speakers, the Mayor closed the public hearing.

Mayor Pro Tem Mansoor commented that his main concern is noise which impacts quality of life, and asked if there could be additional mitigation measures which address noise issues. The Associate Planner advised that additional mitigation measures or conditions of approval may be imposed by Council on the final master plan for a development proposal.

Council Member Scheafer believed in the mission of Habitat for Humanity but felt that there could be a negative impact should Wake Forest Road be opened and the wall removed. He opposed the project.

MOTION/Adopted  
Resolution 04-65

On motion by Mayor Monahan, seconded by Council Member Steel, and carried 4-1, Council Member Cowan voting no, Resolution 04-65 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING GENERAL PLAN AMENDMENT GP-03-03, REZONE R-03-01, PLANNING APPLICATIONS PA-03-59/PA-04-40 AND TENTATIVE TRACT MAP T-16502 AT 2300 HARBOR BOULEVARD AND 380 WEST WILSON STREET, and denying the mitigated negative declaration.

Mayor Monahan thanked Mark Korando and Habitat for Humanity for their efforts in the City of Costa Mesa, and voiced his support of future projects for the City.

OLD BUSINESS  
Temporary Signs and  
Banners

The Deputy City Clerk presented from the meeting of October 4, 2004, second reading adoption of Ordinance 04-11, regarding the use of temporary signs for City-sponsored events on public property and banners on public baseball and softball fields.

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 3-2, Mayor Pro Tem Mansoor and

MOTION/Adopted  
Ordinance 04-11

Council Member Steel voting no, Ordinance 04-11 was given second reading and adopted: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF TEMPORARY SIGNS FOR CITY-SPONSORED EVENTS ON PUBLIC PROPERTY AND BANNERS ON PUBLIC BASEBALL AND SOFTBALL FIELDS.

NEW BUSINESS  
Committee Appoint-  
ments

The Deputy City Clerk presented appointments to Child Care and Youth Services Committee; Cultural Arts Committee; Fairview Friends/Fundraising Committee; Historical Preservation Committee; and the Human Relations Committee. The Assistant City Manager reviewed the Agenda Report dated October 5, 2004.

MOTION/Appointed  
Members to Child Care  
and Youth Services  
Committee

On motion by Council Member Scheafer, seconded by Council Member Cowan, and carried 5-0, Valerie Breen was reappointed a regular member to the Child Care and Youth Services Committee, and Hilda Alvarado and Pamela Schehl were appointed as alternates members.

MOTION/Appointed  
Members to the  
Cultural Arts Commit-  
tee

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, Mary Ellen Nero, Donna Robb and Thomas Tom were reappointed as regular members to the Cultural Arts Committee.

MOTION/Appointed  
Members to the  
Fairview Park Friend/  
Fundraising Commit-  
tee

On motion by Council Member Cowan, seconded by Council Member Scheafer, and carried 5-0, Shirley Willard (representing ReLeaf Costa Mesa), and Bob Platfoot (representing Orange County Model Engineers), were reappointed as regular members to the Fairview Park Friend/Fundraising Committee; and William Eckles (representing Harbor Soaring Society), Robert Palazzola (representing Costa Mesa Historical Society), and John Willis were appointed as regular members.

MOTION/Appointed  
Member to Historical  
Preservation Commit-  
tee

On motion by Council Member Steel, seconded by Council Member Cowan, and carried 5-0, W. R. (Bob) Wakeham was appointed a regular member to the Historical Preservation Committee.

MOTION/Appointed  
Member to Human  
Relations Committee

On motion by Council Member Steel, seconded by Council Member Cowan, and carried 5-0, Bonnie Sayan was reappointed as a regular member to the Human Relations Committee.

MOTION/Appointed  
Alternate Members to  
the Human Relations  
Committee

On motion by Council Member Steel, seconded by Council Member Cowan, and carried 5-0, alternate positions were created for the Human Relations Committee, and Kim Clark and Clarence Donovan were appointed as alternate members.

NEW BUSINESS  
Contract Legal  
Services

The Deputy City Clerk presented an agreement with the Law Offices of Jones and Mayer, 3777 North Harbor Boulevard, Fullerton, for contract legal services for the City, effective November 1, 2004; and appointment of Kimberly Hall Barlow of the Law Offices of Jones and Mayer as City Attorney, effective November 1, 2004. The Assistant City Manager summarized the Agenda Report dated October 7, 2004.

Sam Clark, Costa Mesa, although not supporting the move to use outside counsel, approved of the qualifications of Jones and Mayer. Council Member Steel agreed with Mr. Clark and agreed with the recommended action.

A motion was made by Council Member Cowan, seconded by Council Member Steel, and carried 4-1, Mayor Pro Tem Mansoor voting no, to approve the agreement, authorize the City Manager

MOTION/Approved Agreement

and Clerk to sign, and to appoint Kimberly Hall Barlow as City Attorney, effective November 1, 2004.

Mayor Pro Tem Mansoor did not support using an outside attorney, however wished Ms. Barlow the best and was looking forward to working with her.

CITY ATTORNEY'S REPORT/Request for Closed Session: Builders Steel v. City, OCSC 02CC12137

The Acting City Attorney announced that pursuant to Subdivision (a) of Section 54956.9 of the California Government Code, a closed session had been scheduled for the City Council to confer with legal counsel, Tom Wood, Acting City Attorney, regarding existing litigation in one (1) case: Builders Steel, Inc. versus City of Costa Mesa, etc. (Case No. 02CC12137 Orange County Superior Court). The Acting City Attorney suggested that the matter could be acted upon in open session.

MOTION/Approved Recommended Action

A motion was made by Mayor Pro Tem Mansoor, seconded by Council Member Steel, and carried 5-0, to approve the recommended action as contained in the City Attorney's confidential memorandum dated October 6, 2004.

The Acting City Attorney reported that he had met with Ms. Barlow, the new City Attorney, and thought that the transition would be smooth.

COUNCIL COMMENTS Surf Rider Foundation

Council Member Scheafer announced that on Saturday, October 16, 2004, he had presented a proclamation to the Surf Rider Foundation who held their annual conference at the Costa Mesa Hilton Hotel and are celebrating their 20<sup>th</sup> anniversary.

Crossing Guard Issue

Council Member Cowan requested the Public Services Director to check if the crossing guard issue at Monrovia Avenue and 19<sup>th</sup> Street had been addressed.

The Mayor declared the meeting adjourned at 11:05 p.m.

ADJOURNMENT

