

## MINUTES

### CITY COUNCIL CITY OF COSTA MESA

April 18, 2006  
REGULAR MEETING

Mayor Mansoor called the Regular Meeting of the City of Costa Mesa, California to order at 5:00p.m.

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR, MAYOR  
ERIC R. BEVER, MAYOR PRO TEM  
LINDA W. DIXON  
KATRINA A. FOLEY

ABSENT: COUNCIL MEMBERS: GARY C. MONAHAN

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER  
KIMBERLY HALL BARLOW, CITY ATTORNEY  
LINDA D. RUTH, INTERIM CITY CLERK

PUBLIC COMMENTS: There were no public comments.

#### CLOSED SESSION

1. Conference with Legal Counsel—Existing Litigation: Acosta vs City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).
2. Public Employment—Chief of Police recruitment, pursuant to Government Code Section 54957.

The Mayor declared the City Council recessed into Closed Session at 5:04 p.m.

AFTER RECESS AND AGENDA REVIEW STUDY SESSION: The Mayor reconvened the meeting at 5:30 p.m., with all Council Members being present except Council Member Monahan, for the purpose of conducting an agenda review study session. No action was taken on any matter. The Mayor declared the meeting recessed at 5:55 p.m.

AFTER RECESS: The Mayor reconvened the Regular Meeting of the City Council at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bever led the assembly in the Pledge of Allegiance to the Flag.

MOMENT OF SOLEMN EXPRESSION: The Mayor requested the audience to remain silent for a moment of solemn expression and to remember those in the military who are preserving our freedoms.

ROLL CALL: The Mayor requested the Interim City Clerk to call the roll:

PRESENT: COUNCIL MEMBERS: ALLAN R. MANSOOR, MAYOR  
ERIC R. BEVER, MAYOR PRO TEM  
LINDA W. DIXON  
KATRINA A. FOLEY

ABSENT: COUNCIL MEMBERS: GARY C. MONAHAN

ALSO PRESENT: ALLAN L. ROEDER, CITY MANAGER  
KIMBERLY HALL BARLOW, CITY ATTORNEY  
LINDA D. RUTH, INTERIM CITY CLERK  
DONALD LAMM, DEVELOPMENT SERVICES DIRECTOR  
WILLIAM MORRIS, DIRECTOR OF PUBLIC SERVICES  
MEL LEE, SENIOR PLANNER

CLOSED SESSION REPORT: There was nothing to report

INTRODUCTIONS: Mayor Mansoor asked the City Manager to make two introductions. Mr. Roeder introduced Tom Hatch, the new Assistant City Manager, and Linda Ruth, the Interim City Clerk.

#### PRESENTATIONS

1. Mayor's Award for April: The Mayor presented Devin Fairbairn with a Certificate and gift and congratulated him on being a concerned citizen; he encountered a toddler walking alone on the street, called the Police, and waited with the child until the Police arrived.
2. Employee of the Month: The Mayor recognized Stephanie Smith as the Employee of the Month; she was first on the scene of a house fire, checked to see that there were no occupants in the home, and then proceeded to release and recapture three dogs trapped in the backyard. The Mayor thanked her for her bravery and service.
3. Sister City Student Exchange Program: Chad Kooner and Carolina Barnes, seniors at Estancia High School, traveled to Australia as last Summer's youth ambassadors under the Sister City Student Exchange Program. Mr. Kooner gave a slide show presentation and commented on their experiences. Sue Smith introduced next year's student participants.

#### PUBLIC COMMENTS

1. John Earl, Huntington Beach, gave a brief overview of the history and culture of the Minuteman Project. He referred to the founder of the Minuteman Project, Jim Gilchrist, who was in the audience.
2. Anne Hogan-Shereshevsky, Costa Mesa, requested a copy of the Voter Survey of Undergrounding Utilities Revenue Measure; requested that leaf blowers be banned in the City; thanked the City for providing the dead battery receptacle in the Senior Center building and encouraged everyone to fill the dead battery bucket by Saturday, Earth Day.
3. Allan Beek, Newport Beach, commented on the outsourcing of American jobs to overseas businesses; average family income has been decreasing since 1970; and that business should bring labor here to do the jobs.
4. Dave Salcido, Costa Mesa, spoke in opposition to immigration and reminded the City Council that one year ago he suggested that the City send a letter to President Bush about illegal immigration.
5. Michael Berry, Costa Mesa, requested more playing fields. He noted that at a recent Parks and Recreating Commission meeting the subject of additional lights was discussed and he expressed his concern that half of the people in the organized leagues were not from Costa Mesa.
6. Charlene Ashendorf, Costa Mesa, commented on a newspaper article in which the Mayor mentioned her name as serving on a committee. She stated that she never served on the committee that was mentioned but was proud to be linked with that committee. She commented that she had written a letter to the Mayor and City Council regarding the 3R Committee, but only received a response from Council Member Foley.
7. Scott Sink, Santa Ana, expressed his opposition to the ICE proposal and requested rescission of the ICE proposal.
8. Humberto Caspa, Costa Mesa, spoke to Chief Hensley's resignation; expressed opposition to the ICE Proposal; commented on Council appointees to committees/commissions; and responded to the Mayor Pro Tem that he does recite the Pledge of Allegiance at the meeting.
9. Jim Gilchrist, Aliso Viejo, founder of the Minuteman Project, commended the Council for approving the ICE proposal, despite the criticism some members of the public have expressed.
10. Bob Holtzclaw, Lake Forest, expressed his support of the ICE proposal and thanked the Mayor and City Council for approving it.
11. William Orton, Costa Mesa, expressed his general support of the policies that the majority of the City Council has proposed, but questioned the leadership of the Mayor relating to a certain committee.

12. Wendy Leece, Costa Mesa, expressed her support for the ICE proposal; her concern about crime on the west side of the City, noting she always perused the Police log in the newspaper; the high volume of vehicle thefts; and graffiti on sidewalks and buildings.
13. Chris Blank, Costa Mesa, advised that residents from a neighboring city use City ball fields and believed they should be used only by Costa Mesa residents; expressed the opinion that the City should issue resident cards; and expressed his disappointment with approval of the ICE proposal.
14. Martin Millard, Costa Mesa, stated he is a free speech advocate and referred to previous speakers this evening who did not share the same philosophy; and encouraged the City Council to keep up the good work.
15. Gisselle Suazo, Costa Mesa, thanked Council Members Foley and Dixon for not supporting the ICE proposal, nor the Chief's recommendation to spend \$200,000 on the program; and commented that the focus should be on education and enforcement of the law at the business/corporate level.
16. Harvey Berger, Newport Beach, referred to a recent TV show on the pros and cons of the immigration issue; discussed California/Mexican border conditions; spoke about legal and illegal immigrants; the right of the United States to guard their borders; and expressed his frustration with illegal immigrants demanding American citizenship, noting his wife had to wait for years before she was naturalized.
17. Betsy Bacas, Costa Mesa, complimented the Art Commission on staging the Artist Showcase, noting the opportunity to see local artists' work; offered constructive criticism about advertising the event and the possibility of opening it to artists from surrounding areas.

#### COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

##### Council Member Katrina Foley

1. She thanked Sister City Exchange Students from Estancia High School for their presentation and congratulated next year's participants; she noted that she served on the committee to select next year's students.
2. Referred to the Ribbon Cutting ceremony this date for the Fairview Park Bridge.
3. Requested that the Police Department make a presentation relating to vehicle theft at a future study session and to inform the community of the presentation.
4. Asked when the gang prevention program would be reviewed; City Manager advised Police Department would be making a presentation at a Budget Study Session; and requested that the community be advised.
5. Congratulated Boy Scouts Goat Hill Troop on earning their Constitutional Merit Badge; noted she made a presentation to them on Constitutional law.

##### Council Member Linda Dixon

1. Noted the 100<sup>th</sup> Anniversary of the San Francisco Earthquake and submitted a Survival List of items for home, car, and work; requested list to be posted on the City's website.

Mayor Pro Tem Eric Bever

1. Thanked Ms. Baca on her comments made about the Artist Showcase; noted that the Art Show is a work in progress and advertising and expansion of the event is being reviewed.
2. Noted local comments made about the ICE MOU, and referred to the adopted L.A. Sheriff's ICE MOU which has proven not to be redundant.

Mayor Allan Mansoor

1. Clarified that City Council as a whole makes appointments to committees and not individual Council Members; noted his support for a request to City Attorney for appointment criteria guidelines.
2. Noted that he had met with Charlene Ashendorf, but would be happy to meet with her again on current issues; apologized for inaccurate statement about service on a commission.
3. Requested the City Manager to review permitted construction hours.

CONSENT CALENDAR

Mayor Mansoor noted that the Interim City Clerk requested withdrawal of Item No. 2; Council Member Foley removed Item No. 9; and Council Member Bever removed Item No. 6.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council took the following actions on the following Consent Calendar items:

Written Communications

1. Received and Processed Reading Folder.

Warrants

3. Adopted Warrant Resolution 2104, funding City operating expenses in the amount of \$784,772.20.
4. Adopted Warranted Resolution No. 2105, funding Payroll No. 607 in the amount of \$2,192,001.95 and Payroll No. 606A for negative \$2,484.60, and City operating expenses in the amount of \$1,114,423.97.

Administrative Actions

5. Approved and authorized the Mayor and City Clerk to execute an Agreement with Hazelrigg Risk Management Services, Inc., 14275 Pipeline Avenue, Chino for Third Party Administration Claim Services for self-insured Workers' Compensation Programs, for the term of April 1, 2006 to December 31, 2006.
7. Accepted completion of the work for construction of the Fairview Park Bicycle Pedestrian Bridge, Project No. 05-17, by Sol Construction, Inc., 231 East Alessandro Boulevard, Suite A405, Riverside; authorized the City Clerk to file a Notice of Completion; authorized release of retention funds 35 days thereafter; authorized exoneration of the Labor and Material Bond seven months thereafter; exonerated Performance Bond 12 months thereafter.
8. Authorized the City Attorney to review the Bail Schedule for the purposes of updating the current amounts and include unlisted chargeable sections.

10. Adopted the following resolution entitled:

RESOLUTION NO. 06-37. A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Council Member Monahan absent. MOTION CARRIED. The Mayor declared Resolution No. 06-37 duly passed and adopted.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Minutes: The Interim City Clerk removed and withdrew submission of the April 4, 2006 Minutes from the Consent Calendar.
6. Agreement with 3D/International, Inc., City-owned building evaluation services: Mayor Pro Tem Bever removed the matter from the Consent Calendar

Martin Millard requested retaining walls in the City be included in the agreement.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council approved and authorized the Mayor and City Clerk to execute an agreement with 3D/International, Inc., 12100 Wilshire Boulevard, Suite 1950, Los Angeles, in an amount not to exceed \$75,000, for City-owned building evaluation services. Council Member Monahan absent. MOTION CARRIED.

9. Prequalification Program—Police Facility Expansion and Renovation Project: Council Member Foley removed the matter from the Consent Calendar.

In response to Council Member Foley, City Manager Roeder advised there would not be an adverse impact on the timeline for construction of the project.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council adopted the following resolution entitled:

RESOLUTION NO. 06-36: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A PREQUALIFICATION PROGRAM INCLUDING PREQUALIFICATION STATEMENT, UNIFORM SYSTEM OF RATING, AND APPEAL PROCEDUDRE, PURSUANT TO PUBLIC CONTRACT CODE SECTION 10163 FOR CONSTRUCTION OF THE POLICE FACILITY EXPANSION AND RENOVATION PROJECT.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Resolution No. 06-36 duly passed and adopted.

CONTINUED PUBLIC HEARING: PLANNING APPLICATION PA-05-42, 2590  
ORANGE AVENUE; JIM CEFALIA, APPLICANT

PA-05-42, development review to construct two, detached, two-story, 3,200 square foot residences on property located at 2590 Orange Avenue, in a R2-MD zone with a variance from minimum lot size requirements (12,000 square feet required, approximately 4,000 square feet per lot proposed), lot width requirements (100 feet required, 58 feet and 62 feet proposed), and consideration of Susannah Place, instead of Orange Avenue, as the front of Parcel 2; Jim Cefalia, applicant, and Pete Volbeda, agent. Environmental determination: Exempt. Report submitted by the Development Services Department/Planning Division is on file in the City Clerk's office.

The Interim City Clerk announced that the public hearing on Planning Application PA-05-42 was continued from the March 21, 2006 meeting. Review of the Planning Commission's decision had been requested by Council Member Dixon, and public hearing scheduled and continued from the meetings of March 7 and 21, 2006 to this date. The Interim City Clerk reported that the Affidavits of Publication and Mailing were on file in the City Clerk's office. She advised that a request for continuance from the applicant had been received.

Mayor Mansoor acknowledged the request for continuance and asked the applicant if it was his architect's intent to submit a project consistent with the guidelines discussed at the March 21<sup>st</sup> City Council meeting. Following a brief discussion with the City Council, Mr. Cefalia responded that he did not want to change his project.

**MOTION:** On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council denied the request for continuance of the public hearing. Council Member Monahan absent.  
**MOTION CARRIED.**

Mayor Mansoor opened the public hearing and asked if anyone wished to address the City Council on the matter.

The following persons spoke:

1. Teresa Catlin, a resident on Orange Avenue, stated she was opposed to the variance requests and emphasized insufficient parking was available in the area now.
2. Victor Paxton, a resident on Susannah Place, noted the neighborhood was composed of residents who have lived there for 20 and 30 years in single-story homes and did not wish to see the neighborhood change.
3. Richard Nelson, a resident of Susannah Place, opined that the proposed project would alter the appearance of the neighborhood and pointed out that General Plan policies state that the character of the established neighborhood should be preserved and that proposed structures should be compatible with the existing neighborhood.
4. Norm Glass, a resident of Susannah, encouraged the City Council to retain Orange as the frontage street, to require the project to have a common driveway for the two units, and to retain the limited off-site parking spaces that were now available.
5. Dana Elrich, a resident of Susannah Place, believed that a precedent would be set if the project were approved as requested. He encouraged the City Council not to use their neighborhood to set a new precedent for Costa Mesa.
6. Aaron Nelson, a resident of Susannah Place, stated that the requested variances were excessive, the project would negatively impact the appearance of the neighborhood and would reduce the limited parking spaces now available.
7. Jennifer Friend of Selman Breitman, attorney representing the applicant, stated that the units satisfy applicable Building and Zoning Code requirements, the project would have seven percent more open space and would not be over-developed. She further stated the issue was whether or not the applicant could subdivide his property into two lots.

Mayor Mansoor asked if anyone else wished to address the City Council; hearing no response, he closed the public hearing.

Council discussion ensued. Mayor Pro Tem Bever stated he understood the applicant's property rights and the rights of the neighborhood and that in his opinion the neighborhood was on the verge of change. He believed the main issue was parking. He suggested that the residents petition the City for resident permit parking. In response to Mayor Pro Tem Bever, Senior Planner Mel Lee advised that the applicant could submit an application to construct two units, either as rental units or a two-unit common interest development, which would not be subject to a public hearing, provided compliance with Code requirements.

MOTION: On motion by Council Member Dixon, seconded by Council Member Mansoor, the City Council adopted Resolution No. 06-38 entitled:

RESOLUTION NO. 06-38: A RESOLUTION OF THE CITY COUNCIL OF THE CITY COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING PLANNING APPLICATION PA-05-42.

Mayor Pro Tem Bever stated he could not support the motion because he disagreed with the proposed findings for the project.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: BEVER

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Resolution No. 06-38 duly passed and adopted.

RECESS: The Mayor declared the meeting recessed at 8:22 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:40 p.m., with all Council Members being present, except Council Member Monahan.

#### OLD BUSINESS

1. ORDINANCE NO. 06-7: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFONRIA, ADOPTING ZONING CODE AMENDMENT CO-06-13 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING DENSITY BONUSSES AND OTHER INCENTIVES.

The Interim City Clerk read the title of Ordinance No. 06-7 which was introduced for first reading at the April 4, 2006 meeting.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Dixon, the City Council waived further reading and adopted Ordinance No. 06-07.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Ordinance No. 06-7 duly passed and adopted.

2. ORDINANCE NO. 06-8: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-05-05, CHANGING THE ZONING OF THE NORTHWESTERLY PORTION OF 1941 CHURCH STREET TO GENERAL BUSINESS (C2) TO ACCOMMODATE A LOT LINE ADJUSTMENT.

The Interim City Clerk read the title of Ordinance No. 06-8 which was introduced for first reading at the April 4, 2006 meeting.

MOTION: On motion by Council Member Dixon, seconded by Council Member Bever, the City Council waived further reading and adopted Ordinance No. 06-08.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Ordinance No. 06-8 duly passed and adopted.

3. ORDINANCE NO. 06-9: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-05-05 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING A MIXED-USE OVERLAY DISTRICT.

The Interim City Clerk read the title of Ordinance No. 06-9 which was introduced for first reading at the April 4, 2006 meeting.

The following persons spoke to the adoption of the Ordinance:

1. Eileen McCarthy, Santa Ana, staff attorney with Public Law, stated her comments pertained to Old Business Item Nos. 3 through 5 relating to Mixed-Used Overlay Districts. She spoke on behalf of those in need of affordable housing and commented on State Housing/Community Development reports. She expressed her concern about the lack of meeting affordable housing needs and on establishing a certain percentage of required units to be made available for families of low and very low income.
2. Jean Forbath, Costa Mesa, expressed concern about no requirement included in the plan for affordable housing on the west side of the City.
3. Martin Millard, Costa Mesa, expressed his support for Old Business Item Nos. 3 through 5. He spoke on eliminating the Newport border and undergrounding the 55 Freeway down to 15<sup>th</sup> Street.

The Mayor expressed his support for adoption of the Ordinances (06-9 through 06-11), since it would create more housing.



In response to Council Member Dixon, City Attorney Barlow stated the City could request a developer to provide a certain percentage or number of units for affordable housing, but could not compel them to do so.

In response to Mayor Pro Tem Bever, the City Attorney stated the City does not have an inclusionary ordinance and if one were to be considered, it would have to be Citywide.

Mayor Pro Tem Bever asked the City Manager if staff could submit an application to LAFCO to obtain a Sphere of Influence over the Banning Ranch property. City Manager Roeder responded that the City Council could authorize application, if it so desired.

Council Member Foley questioned if the City was in complete compliance with REHNA requirements. Development Services Director Lamm emphasized that Costa Mesa was considered a built-out City, but that the City was promoting overlay zoning in an attempt to provide more housing. REHNA determines the number of units they believe the City should strive to achieve to provide, but they are not mandated numbers. Mr. Lamm noted that the City's Housing Element has been certified by the State and that the next review of the Housing Element would be in 2008.

Council Member Bever noted that at the last meeting, the City Council discussed including the property at the southwest corner of Victoria and Placentia in the Ordinances, but that it would take an amendment. He requested staff to initiate an amendment.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council waived further reading and adopted Ordinance No. 06-09.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Ordinance No. 06-9 duly passed and adopted.

4. ORDINANCE NO. 06-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING OVERLAY ZONE PETITION R-05-06A FOR A MIXED-USE OVERLAY DISTRICT IN THE SOBECA URBAN PLAN AREA LOCATED SOUTH OF BAKER STREET, EAST OF THE SR-73 FREEWAY, AND NORTH OF THE INTERSECTION OF THE SR-73/SR-55 FREEWAYS.

The Interim City Clerk read the title of Ordinance No. 06-10 which was introduced for first reading at the April 4, 2006 meeting.

Mike Berry, Costa Mesa, spoke on housing affordability and the advantages of the live and work environment in the home.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council waived further reading and adopted Ordinance No. 06-10.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Ordinance No. 06-10 duly passed and adopted.

5. ORDINANCE NO. 06-11: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING OVERLAY ZONE PETITION R-05-06b FOR A MIXED-USE OVERLAY DISTRICT IN THE WESTSIDE URBAN PLANS AREA, GENERALLY BOUND BY WILSON STREET (NORTH), HARBOR BOULEVARD AND SUPERIOR BOULEVARD (EAST), AND THE CITY'S CORPORATE LIMITS (WEST/SOUTH)..

The Interim City Clerk read the title of Ordinance No. 06-11 which was introduced for first reading at the April 4, 2006 meeting.

Harvey Berger expressed support for the Ordinance, noting that it would provide an opportunity to turn older rental units into single-family units.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Bever, the City Council waived further reading and adopted Ordinance No. 06-11.

Roll Call Vote:

AYES: COUNCIL MEMBERS: MANSOOR, BEVER, DIXON, AND FOLEY

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: MONAHAN

MOTION CARRIED. The Mayor declared Ordinance No. 06-11 duly passed and adopted.

NEW BUSINESS

1. Survey results for funding mechanisms to underground overhead utilities Citywide.

Director of Public Services William Morris introduced Josh Williams of Godbe Research, who conducted the Voter Survey of Undergrounding Utilities Revenue Measure (on file in the City Clerk's Office). He reviewed the Survey results, using a slide show presentation. Mr. Williams noted that the Survey interviews were conducted between March 24 and 27, 2006, and were about 20 minutes in duration.

Mayor Pro Tem Bever inquired if the Survey question relating to the Transient Occupancy Tax (TOT) included any reference to the fact that increasing the TOT could make the hotels in the City less competitive in the market, to which Mr. Williams responded in the negative.

Mayor Mansoor asked if anyone in the audience wished to address the City Council on the matter:

The following persons spoke:

1. Robert Graham, Costa Mesa, expressed his support for underground utilities, noting the potential increase in home values as a result. He believed that the press and the public needed to be educated on the merits of such an endeavor.
2. Betsy Bacas, Costa Mesa, believed that the public was not interested in paying for undergrounding utilities, but she did support the TOT and sales tax approach. She expressed her opinion that the 20-minute interview was too long.

Mayor Pro Tem Bever stated that when an area is rebuilt, utilities should be undergrounded pursuant to Code requirements. He also congratulated staff on the high 90 percent community approval rate on delivery of municipal services.

Mayor Mansoor also expressed his appreciation to staff for their high performance rating by the community. The Mayor stated that he believes their needs to be a clear purpose expressed by the City if an undergrounding project were to be proposed. He advised that one of his goals in supporting the Survey was to determine what people want, if they are willing to pay for it, or how much they were willing to pay. Mayor Mansoor stated that if a revenue measure were passed, perhaps arterials could be undergrounded first and any money left over could be used to support assessment districts, thus reducing the cost to property owners.

Council Member Dixon advised that people with whom she spoke did not favor undergrounding utilities. She commented that those surveyed were in favor of having it done, but did not want to pay for it. She believed that education of the public, particularly about the TOT, was key in getting an undergrounding utilities revenue measure passed.

Council Member Foley stated that although she did not see a groundswell of support this evening, she also believed the public wanted undergrounding, but did not want to pay for it. She also believed that formation of assessment districts should be discussed. She asked the City Manager if a presentation on the formation of assessment districts could be agendaized for a future Study Session. She cautioned that if a City revenue measure was placed on the November ballot, it would be competing against Measure M which would also provide monies for other City projects.

In response to the City Council, City Manager Roeder advised that formation of an assessment district could be initiated by the City or residents. He stated Newport Beach had recently instituted a process for determining if it was feasible to form an assessment district in a particular area before actually starting the legal formation process.

Director of Public Services Bill Morris advised that the City has a process in place, modeled after the Newport Beach model.

MOTION: On motion by Council Member Mansoor, seconded by Council Member Foley, the Voter Survey of Undergrounding Utilities Revenue Measure, was ordered received and filed. Council Member Monahan absent. MOTION CARRIED.

2. Appointments and reappointments to various Council-appointed standing committees  
(Child Care and Youth Services Committee, Cultural Arts Committee, Fairview Park Friend/Fundraising Committee, Historical Preservation Committee, and the Investment Oversight Committee)

The City Council considered the matter at the beginning of the meeting and determined they wished to continue the matter, pending receipt of guidelines being prepared by the City Attorney.

MOTION: On motion by Council Member Bever, seconded by Council Member Mansoor, the City Council continued appointments/reappointments to various Council-appointed standing committees to the May 2, 2006 meeting.

In response to Council Member Dixon, City Attorney Kimberly Barlow advised that she is preparing guidelines for interviewing prospective committee/commission candidates and would be providing the guidelines to the City Council in the very near future. Ms. Barlow advised the guidelines would contain appropriate questions to ask and what the City Council may consider in making appointments.

Council Member Foley stated she could not support the motion, since she believed that each Council Member was obliged to talk to candidates.

Mayor Mansoor stated he believed a two-week delay was reasonable. Mayor Pro Tem Bever advised that comments from the public have been received relating to appointments made by prior City Councils. Therefore, he was desirous of receiving some legal parameters from the City Attorney.

A vote was taken on the foregoing motion. Council Member Foley voted "NO". Council Member Monahan absent. MOTION CARRIED.

### REPORTS

#### City Attorney

Brandt vs. City of Costa Mesa: The City Attorney reported that the City prevailed in the Brandt vs. City of Costa Mesa case relating to installation of City entrance signs.

#### City Manager

No report given.

ADJOURNMENT: The Mayor declared the meeting adjourned at 10:10 p.m., to the next Regular Meeting to be held May 2, 2006.

Respectfully submitted,

JULIE FOLCIK, CITY CLERK

BY: LINDA D. RUTH, INTERIM CITY CLERK