

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

**March 20, 2007**

The City Council meeting of the City of Costa Mesa, California met in regular session March 20, 2007, at 5:03 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  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

(Council Member Foley entered at 5:14 p.m.)

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION**

1. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).

Mayor Mansoor recessed the meeting at 5:06 p.m. into Closed Session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:06 p.m.

**PLEDGE OF ALLEGIANCE - Council Member Linda Dixon**

**MOMENT OF SOLEMN EXPRESSION - Pastor Dale Fitch, Church of the Nazarene, Lighthouse 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  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Public Services Director William Morris  
Assistant Development Services Director Mike Robinson  
Interim Fire Chief Steve Parker  
Principal Planner Kimberly Brandt  
Associate Engineer Raja Sethuraman  
City Clerk Julie Folcik

## **CLOSED SESSION REPORT**

City Attorney Kimberly Barlow advised that no action was taken on the closed session item.

## **PRESENTATIONS**

Regional Manager Eddie Marquez of Southern California Edison presented a check for \$200,000 to Senior Property Manager Christy Kraft of Davis Properties, LLC., and recognized the Costa Mesa-based property management firm for their outstanding energy-efficiency efforts.

Interim Fire Chief Steve Parker recognized the State Farm Insurance Company in providing grant funds for equipment for first responder and resident safety. He introduced State Farm Agent Jerry Tardy who expressed appreciation for the Fire Department, Police Department, and the community.

Representatives Nancy Alston and Jeanne Price from Air Fair presented information on John Wayne Airport and spoke about their work to contain the growth of the Airport.

## **IV. PUBLIC COMMENTS**

1. Joe Genovese, Costa Mesa, addressed daytime curfews, noting it singles out children between the ages of six and 18 years of age; requested Council not to implement any daytime curfew, anti-loitering, or truancy ordinance.
2. Jeff Morris, Costa Mesa, expressed opposition to a daytime curfew;and

commented about minors being questioned and detained by police and having to prove that they are not violating the curfew law.

3. Robyn Nordell, Fullerton, expressed opposition to daytime curfew; and referred to California's Comprehensive Truancy Program explaining that the rights of parents are protected and that there is a due process system.
4. Meg Schneider, Costa Mesa, encouraged the Council not to approve a daytime curfew; read excerpts of a resolution, adopted by the Orange County Board of Education in 1997, opposing daytime curfew and commented on the negative effects of imposing a daytime curfew.
5. Terry Welsh, Costa Mesa resident and Chairperson of the Banning Ranch Park and Preserve Task Force, spoke about the location and acquisition of Banning Ranch to preserve it as park and open space; referred to the approval of Proposition 84 for park projects and encouraged Council to commit to the creation of a park and preserve of Banning Ranch.
6. Chris Bunyan, Costa Mesa, addressed green building issues and commented it as the next "big boom" in commerce; referenced it as sustainability, pointing out that green issues include air quality and contained water run-off.
7. Sandra Genis, Costa Mesa, read from a book titled *The Federalist Papers* and quoted from the Bible relating to leadership and governance.
8. Mary Godwin, Costa Mesa, spoke about daytime curfews and shared the positive experience/relationship between youth and Costa Mesa Police Officers; and commented on the negative impact the ordinance would have on children and their view of police authority.

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

Mayor Allan Mansoor reported on the study progress of the extension of the 55 freeway and advised that it should be complete by the summer of 2008; announced information on the Orange County Transportation Authority (OCTA) Adopt-a-Highway and Adopt-a-Ramp programs and noted that the 55 freeway south of the 73 freeway is available; and referred to OCTA test website at [www.google.com/transit](http://www.google.com/transit) on coordinating trip planning.

Council Member Katrina Foley announced her participation in a police ride-along and commented on neighborhood lighting near the Bay Street area, East 19th Street, Pomona Avenue, and Shalomar Drive; advised she attended a meeting along with Council Member Leece regarding the Youth in Government Program and reported that the program would continue with the existing youth participants and three sessions will be held this year to begin April 23, 2007 with a tour the Police Facility; announced that in the week of May 21, 2007, there would be a shadow day at City Hall, and in June a discussion will be held on the following year's program.

Council Member Linda Dixon announced a Town Hall Meeting to be held on April 5, 2007, from 6:30 p.m. to 8:30 p.m., at the Neighborhood Community Center to discuss traffic calming issues; requested staff contact the Newport-Mesa School Board on the results of the truancy and gang initiative report and verify if in support of the California Code relating to three unexcused absences; and encouraged a previous public speaker to contact the Air Quality Management District (AQMD) to report Westside odors.

Mayor Pro Tem Eric Bever asked staff to add an Air Fair group web link to the City website and to include Air Fair information on the Costa Mesa cable channel; reiterated his request for a proclamation honoring Jazz Artist Floyd Levin and that "Floyd Levin Day" correspond with the Costa Mesa Jazz Festival.

Council Member Wendy Leece agreed with Mayor Pro Tem Bever to inform Costa Mesa citizens about Air Fair; reported she attended the Senior Board meeting and encouraged donations and volunteers for the Senior Center; informed she attended the Historic Preservation Committee meeting and advised of a project that is an updated version of the *Story of Costa Mesa*; reported she attended a meeting with Council Member Foley and City staff to discuss the Youth in Government program and advised there will be a meeting in the summer to discuss next year's program, stating that there would not be a limit on youth membership and seeking sponsorship.

## **VI. CONSENT CALENDAR**

**MOTION: approve the recommended actions for Consent Calendar Items Nos. 1 through 17, except for Consent Calendar Items Nos. 7, 14, and 15. 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.

## **CONSENT CALENDAR**

1. Reading Folder.  
ACTION: Received and processed.
2. Adjourned Regular Meeting/Study Session of February 13, 2007, and Regular Meetings of February 6, 2007 and February 20, 2007.  
ACTION: Approved.
3. Warrant Resolution 2152, funding Payroll No. 704 for \$2,294,579.60 and Payroll No. 703A for \$397.62, and City operating expenses for \$574,351.17 including payroll deductions.  
ACTION: Resolution adopted.
4. Warrant Resolution 2153, funding City operating expenses for \$793,225.10.  
ACTION: Resolution adopted.
5. Purchase Agreement with 17th & Newport LLC, for right-of-way acquisition of a portion of property located at 1696 Newport Boulevard, for the Newport Boulevard Improvement Project, in the amount of \$26,500.  
ACTION: Approved; authorized the Mayor and City Clerk to sign.
6. Renewal of Service and Support Agreement with Avaya, 18201 Von Karman Avenue, Suite 630, Irvine, effective July 1, 2007 through June 30, 2009, for the continued technical support of the current telecommunications infrastructure, in the annual amount of \$70,159.80 (not including tax).  
ACTION: Approved; authorized the City Manager and City Clerk to sign.
8. Amendment No. 12 to Cooperative Agreement No. C-95-968, with the Orange County Transportation Authority (OCTA), to update Exhibit A, of the Combined Transportation Funding Programs (CTFP) Allocations, and the Bicycle and Pedestrian Facilities Program (BPF).  
ACTION: Approved; authorized the Mayor and City Clerk to sign.
9. Contract Change Order No.1, to TRC Solutions, Inc., for additional design services proposed for the Newport Boulevard Improvement Project, in the amount of \$70,163.87.  
(a) Budget Adjustment No. 07-064 for \$70,163.87  
ACTION: Approved Contract Change; approved Budget Adjustment and authorized the City Manager to sign.

10. Release of Performance and Labor and Materials Bond (Certificate No. SU 5008531), in the amount of \$64,241.22 each, to United Pacific Development Corp., 3111 N. Tustin Avenue, Suite 220, Orange, in connection with Encroachment Permit No. PS04-00635 for street improvements and corner monumentation located at 115 E. Wilson Street, Costa Mesa.

ACTION: Approved.

11. Release of Performance and Labor and Materials Bond (Certificate No. 839561S), in the amount of \$22,715 each, to Spiegel Development, Inc., 13369 Ventura Boulevard, Sherman Oaks, in connection with Encroachment Permit No. PS05-00279 for street improvements located at 3180 Red Hill Avenue, Costa Mesa.

ACTION: Approved.

12. Completion of street improvements located at 1640 Newport Boulevard by Brown & Associates, 19700 Fairchild Road, Suite 100, Irvine, in connection with Encroachment Permit No. PS06-00628.

ACTION: Approved work and refunded \$21,251 cash deposit.

13. Completion of street improvements located at 292 Knox Place, to Gary Gonzalez, 292 Knox Place, Costa Mesa, in connection with Encroachment Permit No. PS07-00058.

ACTION: Approved work and refunded \$7,310 cash deposit.

16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING A PROCEDURE FOR APPOINTMENTS TO THE COSTA MESA SENIOR CORPORATION BOARD, for appointment of two voting Directors and a non-voting Council Liaison.

ACTION: Adopted Resolution No. 07-30.

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-05-30 SUBJECT TO CONDITIONS.

ACTION: Adopted Resolution No. 07-31.

#### ITEMS REMOVED FROM THE CONSENT CALENDAR

7. **Adopt plans and specifications, and working details for the Drainage Improvements to Alley No. 61, Project No. 06-25, and award a Construction Contract to Accord Engineering, Inc., 1231 E. Dyer Road, Suite 265, Santa Ana, in the amount of \$289,245 (for base bid and all additive bid items).**

The Mayor expressed support of the project and asked for an update on the improvements to the alley. Public Services William Morris reported that this alley and one other alley remain on the original unimproved alley list; advised on the work progress and the City's intent to vacate the property back to the homeowners; and stated a status report would be forth coming to address the remaining alleys.

**MOTION: Approve; authorized the Mayor and City Clerk to sign.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**14. Pre-Tax Payroll Deduction Option for Additional Retirement Service Credit.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ADOPTION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) EMPLOYER PICKUP RESOLUTION, AUTHORIZING THE IMPLEMENTATION OF A PRE-TAX PAYROLL DEDUCTION PLAN FOR (CALPERS) SERVICE CREDIT PURCHASES UNDER INTERNAL REVENUE CODE SECTION 414(h)(2) FOR ALL EMPLOYEE GROUPS.

(b) Authorize Finance Department to take necessary steps to establish this irrevocable plan, and follow through with appropriate arrangements per CalPERS procedures.

In response to Council Member Leece's request, City Manager Allan Roeder explained the provision would allow employees to purchase up to a maximum of five years of service credit on a pre-tax basis; and advised the full cost is paid by the employee.

**MOTION: Adopted Resolution No. 07-27 and approved.  
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.

**15. Salary adjustments for executive classifications and unrepresented confidential employees.**

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE TO REFLECT CHANGES IN THE ESTABLISHED LABOR MARKETPLACE.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS WITHIN THE CONFIDENTIAL EMPLOYEES UNIT.

(c) Budget Adjustment No. 07-065 for \$127,651.

In response to Council Member Leece the City Manager explained the caluculations used to determine the affordability factor which was based on the Chapman University Economic and Business Review Forecast Report and the growth and real employment figure in Orange County.

**MOTION: Adopted Resolutions No. 07-28 and No. 07-29; approved Budget Adjustment and authorized the City Manager to sign.  
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**VI. PUBLIC HEARINGS**

The City Clerk announced that this was the time and place set for a public hearing to consider:

1. PUBLIC HEARING: Development Agreement Amendment DA-07-01 for C.J. Segerstrom & Sons and IKEA Property, Inc., for the Segerstrom Home Ranch Development Agreement (DA-00-01) located at 1201 South Coast Drive regarding the Susan Street Exit Ramp Project. Environmental Determination: Initial Study/Mitigated Negative Declaration.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE SUSAN STREET EXIT RAMP PROJECT FROM THE NORTHBOUND I-405 FREEWAY.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT



AMENDMENT DA-07-01 TO THE SEGERSTROM HOME RANCH DEVELOPMENT AGREEMENT (DA-00-01).

Principal Planner Kimberly Brandt summarized the agenda report and requested Council to include supplemental information modifying the language on page 86 of the Mitigated Negative Declaration.

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

**MOTION: Adopted Resolution No. 07-32, modifying the Mitigated Negative Declaration, Paragraph 1, Page 86 to read “If the measures fail to dissipate queues that may back up on the distributor road in a manner that impacts approaching Harbor Boulevard traffic, then the City would commit to work with Caltrans to identify and implement other necessary mitigation measures. The costs for the implementation of the identified mitigation measures will be shared by the City and the State”; and introduced Ordinance No. 07-5, read by title only, and waived further reading.**

**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.

**VIII. OLD BUSINESS**

1. From the meeting of March 6, 2007, second reading and adoption of Ordinance No. 07-4, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 811 PAULARINO AVENUE FROM R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) TO R3 (MULTIPLE-FAMILY RESIDENTIAL) BY ADOPTION OF REZONE PETITION R-06-05.

**MOTION: Adopt Ordinance No. 07-4, read by title only, and waived further reading.**

**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.

**IX. NEW BUSINESS**

1. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PLACING A MORATORIUM ON THE APPROVAL OF ANY SUBDIVISIONS, USE PERMITS, VARIANCES, OR ANY OTHER APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING INDUSTRIALLY ZONED PARCELS TO BE SUBDIVIDED INTO INDUSTRIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.

Assistant Development Services Director Mike Robinson briefed the staff report and answered questions from the Council.

Council Member Dixon stated that she had questioned the proposed projects that have been approved and stated that a moratorium would allow staff an opportunity to study standards for industrial conversions.

Kevin Kirby, Newport Beach resident and a Mixed-Use Development Specialist with C.B. Ellis, expressed concern relating to industrial to office condominium conversion; commented on the tax advantage of an office condominium, and spoke about the negative effects of a moratorium and the disincentive to property owners.

Sandra Genis, Costa Mesa, encouraged the City Council to adopt the ordinance.

The City Attorney explained the urgency of the ordinance stating that the City does not have any adopted guidelines regarding these types of conversions and pointed out the effects of approving such conversions.

**MOTION: Introduce and Adopt Ordinance No. 07-6, read by title only, and waived further reading.  
Moved by Council Member Linda Dixon, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The City Manager suggested that staff when complying with noticing requirements include notification to the Chamber of Commerce, Orange County Business Council, and the Westside Revitalization Oversight Committee. Council Member Foley requested that the list also include the Building Industry Association, C.J. Segerstrom & Sons, and the Westside Revitalization Association.

2. Dais Seating for City Council.

Mayor Mansoor referred to the Council's orientation manual on the Mayor's responsibility to receive input when making decisions regarding seating at the dais for regular Council meeting.

Sandra Genis, Costa Mesa, referred to past Mayors' process on dais seating and indicated that each Council Member would submit their preference seating to the Mayor who would coordinate and accommodate accordingly; noted that junior Council Members would defer to the senior Council Members; and suggested that Council should work hard in advance to prepare for meetings.

**MOTION: Direct a change in the seating assignments at the dais with Council Member Dixon and Council Member Leece to exchange seats effective at the next meeting; and directed staff to draft a Council Policy indicating the authority for dais seat assignments would be delegated to the Mayor after receiving Council Members' input.**

**Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.**

Council Member Dixon read an e-mail she received informing of the dais seat change and expressed the discourteous nature of the request.

Council Member Foley stated that she would be abstaining and expressed that the matter is not related to City business.

The motion carried by the following roll call vote:

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

Noes: Council Member Linda Dixon

Abstain: Council Member Katrina Foley

Absent: None.

**X. REPORTS**

The City Manager announced that at the City Council Study Session of April 10, 2007, the item regarding Green Building would be discussed; announced that members of the Southern California Association of Governments (SCAG) would attend an upcoming Study Session to present the Regional Transportation Plan, focusing on air transportation for all of Southern California; advised that staff is inquiring about volunteer groups regarding the OCTA/Caltrans Adopt-A-Highway Program for City on/off ramps; advised that the final agreement with the State regarding the sport fields at the Fairview Developmental Center may be complete; and announced that the following Tuesday a Special Joint Study Session with the Parks and Recreation Commission was to be held at 5:00 p.m. in Conference Room 1A.

XI. Adjournment - The Mayor declared the meeting adjourned at 8:12 p.m., to March 27, 2007, 5:00 p.m., for a Joint Study Session with the Parks and Recreation Commission.

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa