

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

July 05, 2006

The City Council meeting of the City of Costa Mesa, California met in regular session July 05, 2006, at 6:39 p.m., in the Council Chambers of City Hall, 77, Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. CLOSED SESSION

II. ROLL CALL

Council Members Present:	Mayor Allan Mansoor Mayor Pro Tem Eric Bever Council Member Linda Dixon Council Member Katrina Foley Council Member Gary Monahan
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Council Members Absent:	None
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Officials Present:	City Manager Allan Roeder City Attorney Kimberly Hall Barlow City Clerk Julie Folcik
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PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION

1. Conference with legal counsel - Existing Litigation: Mansfield v. City of Costa Mesa, Case Number SACV 05-133 CJC RNBx, pursuant to Government Code Section 54956.9(a).
2. Public Employment: Police Chief and Fire Chief, pursuant to Government Code Section 54957.
3. Bristol Street Mini-Storage:

(a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone).

(b) Conference with Legal Counsel - Anticipated Litigation. Significant exposure to litigation, one case, Bristol Street Mini-Storage, pursuant to Government Code Section 54956.9(b).

RECESS: The Mayor recessed to the meeting into Closed Session in Conference Room 1 B at 5:05 p.m.

AFTER CLOSED SESSION AND AGENDA REVIEW STUDY SESSION: The Mayor reconvened the meeting at 5:40 p.m., with all Council Members being present except Council Member Bever, and declared the meeting recessed to Conference Room 1A, for the purpose of conducting an agenda review study session. No action was taken on any matter.

AFTER RECESS: The Mayor reconvened the meeting at 6:39 p.m.

[PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor](#)

[MOMENT OF SOLEMN EXPRESSION - Pastor Dave Peckham, Costa Mesa Seventh Day Adventist Church](#)

[ROLL CALL](#)

Council Members Present: Mayor Allan Mansoor
Council Member Linda Dixon
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: Mayor Pro Tem Eric Bever

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
City Clerk Julie Folcik
Public Services Director William Morris
Development Services Director Donald Lamm
Senior Planner Mel Lee
Senior Planner Claire Flynn

[CLOSED SESSION REPORT](#)

The City Attorney announced that no action was taken on Closed Session Items Nos. 1

and 2. She announced that by a unanimous vote, the following action was taken on item No. 3: Extended the tolling agreement with Bristol Street Mini Storage until August 16, 2006.

PRESENTATIONS

The Mayor congratulated 11 year old Adelina Hernandez on receiving the Mayor's Award for July 2006. She witnessed a felony hit-and-run traffic collision and her keen observations and clear descriptions resulted in capture of the suspect by the Costa Mesa Police.

The Mayor recognized Jovita Guthrie on being named Employee of the Month for July.

Jeanne Douglass, Recreation Coordinator for the Downtown Recreation Center, commended her excellent service as a youth-mentor in the Teen Drop-In Program.

The Mayor presented a Proclamation declaring Appreciation Day for the Art Tree Trimming Club of America, Orange County Branch, and recognized the special skills, knowledge, and yearly support in their volunteer efforts to trim and beautify the Costa Mesa City Hall Japanese Garden.

MOTION: Move the City Manager's Report on 2006 Fireworks Enforcement efforts at this point in the meeting.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

X. REPORTS

City Manager: Fireworks Enforcement efforts for 2006.

The City Manager introduced Police Captain Ron Smith who presented preliminary statistics from the Fireworks Taskforce Report which consists of reported incidents, citations issued, confiscated fireworks, staffing personnel and costs, and number of fire incidents.

No action was taken on the matter at this time.

MOTION: Provide a maximum of 45 minutes for public comment.

Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley

Noes: Council Member Gary Monahan

Absent: Mayor Pro Tem Eric Bever

IV. PUBLIC COMMENTS

1. Trudy Hall, Director of the Mesa Water Consolidated District, invited everyone to their demonstration garden at the Orange County Fair located at the Centennial Farm area. She noted information and the schedule of presentations are available on their website at www.mesawater.org. She welcomed the community to tour the large garden at the Mesa Consolidated District on 1965 Placentia Avenue.

Council Member Foley requested a list of landscape information for the City; and Council Member Dixon requested Water District program information and suggested incentives for growing California native plants or water conservation efforts.

2. Scott Sink, Anaheim, directed comments to Council Member Monahan; requested reversal of the decision on the ICE Program; and the re-establishment of the Job Center. Council Member Monahan responded to accusations; clarified quotes from the L.A. Times article and reiterated the composition of the ICE Proposal.
3. Ann Hogan Shereshevsky, Costa Mesa, spoke on the illegal fireworks and referred to an article in the July 4th Daily Pilot; and noted that Captain Smith's Fireworks Report did not include hospital minor/major burn reports.
4. Tracy Umetsu, Costa Mesa, spoke on the Police enforcement in the Tanager Park area on July 4; thanked Sergeant Allum and his fellow officers for an exceptional job; and recognized the City's Police Force.
5. Richard Reinhardt, Costa Mesa, referred to the negative changes in the City after returning a year and a half ago; spoke about traffic, law enforcement, eighteen wheelers on residential streets, fireworks, and population density; expressed his dissatisfaction of tolerating illegal aliens; and suggested to refocus on misdemeanors.
6. Gema Salas, Costa Mesa, expressed in support of trash cleaning in Costa Mesa and safety maintenance by Police Officers; and expressed opposition against the ICE Proposal and closure of the Labor Center.
7. Patricia Rosete, Costa Mesa, referred to discrimination and intolerance; spoke of areas of improvement; and expressed opposition against the ICE Proposal and the re-election of the Mayor.
8. Terry Shaw, Costa Mesa, thanked Council for the fireworks report; referred to an article in the O.C. Register about increased fireworks injury; read an article he submitted to the Daily Pilot; and called for a ban on fireworks.

9. Sandra Sweet, member of Save our State, expressed support of the Mayor and direction of the immigration enforcement; referred to a group "Return for Reason" funded by C.G. Segerstrom & Sons; and stated she opposed the Day Labor Center and supported the ICE Proposal and re-election of the Mayor.
10. John Earl presented a photo of a Day Labor site in Laguna Beach displaying members of National Vanguard; and commented on the ICE Proposal and an interview with Council Member Monahan.
11. Walt Hollowell, Costa Mesa, spoke on fourth of July fireworks in his neighborhood; commented about repeated phone calls to the Police, a response time of 45 minutes, and no citation presented; and suggested an action plan to deal with the fireworks problem.
12. Wendy Leece, Costa Mesa, encouraged to follow-up on a suggestion by Newport Beach Council Woman Leslie Daigle to ban together to appeal to the State regarding group homes.

The Mayor requested a letter in support for Council Member Daigle and verify the League of Cities position on this matter. Council Member Foley advised that the League of Cities have taken a position on group homes.
13. Jim Gilchrist, Founder of The Minuteman Project, spoke on the arrest and apprehension of Armando Garcia who killed L.A. Sheriff Deputy David Marsh; and spoke on the consequences of illegal immigration.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Katrina Foley requested to bring forward within the next two months to a Study Session an item or resolution preventing the State from paroling child molesters into City's motels; referred to a public speaker's comment on hospital reports on fireworks; asked City Manager for a brief summary from Code Enforcement on the citation issued regarding those remodeling homes with a POD in front of their homes; and congratulated the Hillcrest and Mesa Del Mar neighborhoods on their 4th of July celebration.

Council Member Linda Dixon reminded everyone of the Concerts in the Park event held next Tuesday on July 11; referred to a conversation with the City Manager regarding the benefits of fireworks stands for non-profit sports organizations; requested to bring forward to a Study Session a report on proposing to raise the sales tax to 1/4 percent to be used as a fund for non-profits or recreational programs or to look at a percentage of City's fund balance to be used for community youths.

Mayor Pro Tem Eric Bever had no comments.

Council Member Gary Monahan had no comments.

Mayor Allan Mansoor referred to discussions regarding the golfcourse and space for youth sports fields; advised that he is not going forward with this; read a brief statement from a letter he submitted to the Daily Pilot stating that he will not bring it to a Study Session; and commented on an article about a Costa Mesa Marine who died in Iraq.

VII. PUBLIC HEARINGS

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

- 1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ALLEY 84 ADJACENT TO 164 MAGNOLIA STREET.

The Affidavit of Publication and of Mailing is on file in the City Clerk’s office. The Director of Public Services presented the agenda report. Since there were no public speakers, the Mayor closed the public hearing.

MOTION: Adopt Resolution No. 06-57; authorized the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deed 3597.

Moved by Council Member Gary Monahan, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

- Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan
- Noes: None.
- Absent: Mayor Pro Tem Eric Bever

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

- 2. PUBLIC HEARING: Planning Application PA-05-56, for The Irvine Company Apartment Communities, Inc., authorized agent for MARJACK, LLC, for a master plan to construct an 890-unit, three story, multiple family rental apartment complex (The Enclave), with a variance from perimeter open space requirements and a request for a park fee credit, for property located at 450 Anton Boulevard (south side of Sunflower Avenue between Sakioka Drive and Anton Boulevard) in a Planned Development Residential - North Costa Mesa Specific Plan (PDR-NCM) zone. Environmental determination: Mitigated Negative Declaration.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-05-56 FOR 450 ANTON

BOULEVARD, and adopting the Mitigated Negative Declaration.

The Affidavit of Publication and of Mailing are on file in the City Clerk's Office.

The Senior Planner summarized the agenda report. A detailed presentation was made by Max Gardner and John Hyde of The Irvine Company Apartment Communities and they responded to questions from the City Council.

Upon presentation by The Irvine Company, Mayor Mansoor opened the Public Hearing.

1. Jean Forbeth, member of the Costa Mesa Housing Coalition, spoke on affordable housing and stated that the City failed to set a portion aside for affordable housing.

2. Kathy Asfahani, Costa Mesa, expressed concern for affordable housing and spoke on The Enclave not meeting the requirements to provide housing that meets all economic segments of the community.

3. Christy Brooks, Costa Mesa, stated the project will not be affordable for a large portion of employees in the South Coast Metro area working in service jobs; and requested to delay The Enclave Project in order to include affordable units.

4. Jack Clasure, Member of Costa Mesa Housing Coalition, spoke on providing or maintaining a range of housing to meet the housing needs of all segments of the community; expressed the need for affordable housing in the City; and requested to delay approval of this proposal.

5. Ellen Wright, Costa Mesa, referred to Costa Mesa's General Plan and stated the project did not provide additional affordable housing.

6. Mary Capallini, Member of the Costa Mesa Housing Coalition, referred to the recent approval of residential development projects in the City and stated that only .01% is set aside for affordable housing.

7. Diane Russell, Costa Mesa, requested delay of approving this project in order to work with The Irvine Company to include some affordable units and to look at other cities on how they address affordable housing.

Council Member Dixon and Council Member Foley commented on designating a portion of The Enclave as affordable units.

MOTION: Adopt Resolution No. 06-58.

Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

Council Member Dixon stated that she would not be supporting the project. She expressed that at least two units should be available for affordable housing at The Enclave.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Council Member Linda Dixon

Absent: Mayor Pro Tem Eric Bever

RECESS: The Mayor recessed the meeting at 9:06 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:23 p.m.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 12.

MOTION: Approve the recommendations from Consent Calendar Item Nos. 1 through 12.

Moved by Council Member Gary Monahan, seconded by Mayor Allan Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

1. Reading Folder.

ACTION: the following claims were received and processed: Sabine Jacobs; Michael Joseph Mamelli; and Melody Owen.

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

New Albertsons Inc., for Albertsons, 2300 Harbor Boulevard, Suite C, Costa Mesa, for a person-to-person transfer of an existing type 21 (off-sale general).

The Patina Group Newco LLC, for Orange County Performing Arts Center, 600 Town Center Drive, Costa Mesa, for a person-to-person transfer of an existing type 47 (on-sale general for a bona fide eating place).

The Patina Group Newco LLC, for Orange County Performing Arts Center, 615 Town Center Drive, Costa Mesa, for a premise-to-premise and person-to-person transfer of an existing type 47 (on-sale general for a bona fide eating place).

The following notification letters were received and processed:

Southern California Gas Company – Notification Letter of Proposed Rate Increase – Application No. A.06-06-017.

2. Regular Meetings of September 6, 2005, and June 6, 2006, Adjourned Regular Meeting/Study Session of June 13, 2006; and Special Joint Meeting of the Redevelopment Agency and City Council of June 20, 2006.

ACTION: Approved.

3. Warrant Resolution 2115, funding Payroll No. 612 for \$2,189,621.75, and City operating expenses for \$643,463.02 including payroll deductions.

ACTION: Approved.

4. Warrant Resolution 2116, funding City operating expenses for \$1,175,966.11.

ACTION: Approved.

5. Claim from Mary E. Harringer (trip and fall on the tripod of a road construction sign).

ACTION: Rejected.

6. Claim from Salvador Jimenez (alleges violation of civil rights, false arrest, and failure to provide proper medical care).

ACTION: Rejected.

7. Claim from Wayne Paul Miller (alleges wrongful denial of leave of absence, wrongful termination, retaliation, harassment and whistle blowing).

ACTION: Rejected.

8. Claim from Gregory J. Rager (alleges he was used as test subject by Police Department and that excessive force was used).

ACTION: Rejected.

9. Claim from Topping, Inc. (alleges improper conduct by City Building Inspectors).

ACTION: Rejected.

10. Amended Agreement and Purchase Request with A.C.T. GIS, Inc., 19000 Grovewood Drive, Corona, for Continuation of Support Services for the City's Geographic Information System (GIS), in the amount of \$76,133.

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

11. Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 9 Corporate Park, Suite 200, Irvine, 92602; Bureau Veritas, 2001 East First Street, Santa Ana, 92705; Harris & Associates 34 Executive Park, Suite 150, Irvine, 92614; and CSG Consultants, Inc., 151 Kalmus Drive, Suite C-200, Costa Mesa, for Building Plan Review and Inspection Services for an aggregate amount of \$500,000.

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

12. Completion of street improvements within South Coast Drive and Susan Street, by Mercer Construction Co., 42690 Rio Nedo Way, Suite D, Temecula, connection with Encroachment Permit No. PS02-00609.

ACTION: Accepted work; and ordered the bonds exonerated.

VIII. OLD BUSINESS

1. From the meeting of June 20, 2006, second reading and adoption of Ordinance 06-14, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE OFFICIAL MINUTES OF THE CITY COUNCIL.

MOTION: Adopt Ordinance No. 06-14, to be read by title only and waive 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, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

IX NEW BUSINESS

1. General Plan Amendment Screening GPS-06-02 request to consider addition of residential uses on a portion of Triangle Square, located at 1870 Harbor Boulevard/1875 Newport Boulevard.

The Director of the Development Services summarized the agenda report and responded to questions from the City Council.

Peter Buffa, Costa Mesa, represented the Starpointe Ventures and Green Law Partners; mentioned that the site has a potential as a mixed use location and it would revitalize the Downtown "Triange Square" area. He stated, if approved, project details will be developed with traffic and engineering consultants. He commented on providing quality for-sale residential products; advised Council to examine the overall height of the project instead of the amount of stories; and stated that residential conversion will have a significant reduction in traffic.

The Mayor asked if anyone wished to comment on the matter.

1. Jean Forbeth referenced staff comments in the paper relating to the requirements of affordable housing in the redevelopment area.

Development Services Director Don Lamm indicated that this project is applicable.

2. Beth Refakes, Costa Mesa, commented on the look of Newport Boulevard and Triangle Square; pointed out the windows of the property are covered with advertising; expressed concern of the building height, parking, traffic concerns, and owner occupied housing.

3. Megan Jamieson, Costa Mesa, expressed concerns of traffic, operation space, construction phase, and parking overflow.

MOTION: Accept.

Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

Council Member Foley suggested working with traffic and temporarily closing Broadway to see the effects on traffic. Council Member Dixon suggested green roofs.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

2. Urban Master Plan Screening requests within the Westside Urban Plan area for the following:

(a) UMP-06-01 for a 5-unit residential condominium development proposed at 1974 Meyer Place.

(b) UMP-06-05 for a 6-unit live/work development proposed at 1716/1720 Whittier Avenue.

(c) UMP-06-06 for a 28-unit residential condominium development proposed at

2013-2029 Anaheim Avenue.

The Senior Planner summarized the report and responded to questions from the City Council.

Michael Boudreaux, with Morse and Boudreaux Architects, represented Michael Evans owner of the Whittier property and Craig Hermann owner of the Meyer property. He responded to questions from the City Council. He stated that live/work development has overlay ordinance limitations and suggested uses; and he expected it to be used by artisans, artists, or professionals working at home.

Council Member Monahan expressed his support for all plans. Council Member Foley noted the lack of open space and recreational space and requested addressing energy conservation. Council Member Dixon suggested looking into green roofs. The Mayor referred to the Meyer Place property and expressed concern of the five units on a quarter of an acre and requested clarification on the tandem parking at the Anaheim Avenue property.

In reference to the Mayor's comment, Al Mozayeni, representative of ABCO Reality and Investments, indicated that the Anaheim Avenue project is 40% open space and tandem parking would be in private garages.

The Mayor asked if anyone would like to speak on the item.

1. Carole Ann Burr, Costa Mesa, expressed her concern of an impaired visual ability when entering and exiting south and north of the project; referred to the curb parking and its obstructed view for a safe exit and entry; and opposed the height of the project; mentioned noise abatement control; and requested that consideration be given to the surrounding properties and residents.
2. Mona Carol, Costa Mesa, suggested for Council to visit the project area; and expressed concerned of the impact it will have on the neighborhood.

MOTION: Receive and file reports.

Moved by Mayor Allan Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

3. Urban Master Plan Screening requests within the SoBECA Urban Plan area for the following:

(a) UMP-06-02 for Mixed-use development proposed at 709 Randolph Avenue.

(b) UMP-06-03 for artist studios and live/work lofts development proposed at 765 Saint Clair Street.

(c) UMP-06-04 for Mixed-use development proposed at 763-769 Baker Street, 2972 Century Place, 2991 Randolph Avenue.

The Senior Planner presented the report.

Chris Bennett, Development Director working with Shaheen Sadeghi, responded to Council Member's questions; commented on their "green model" which consisted of green roofs, percolation system, solar energy, and an organic community garden.

MOTION: Recieve and file reports.

Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Council Member Linda Dixon, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Mayor Pro Tem Eric Bever

X. REPORTS

1. City Attorney: No Report.

2. City Manager: Advised suspending July Study Session.

XI. ADJOURNMENT: The Mayor declared the meeting adjourned at 10:35 p.m. The next Regular Meeting will be held on July 18, 2006.

ATTEST:

Mayor of the City of Costa Mesa

City Clerk of the City of Costa Mesa