

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

**November 21, 2006**

The City Council meeting of the City of Costa Mesa, California met in regular session November 21, 2006, at 5:00 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 Members Absent: None

Council Members Excused: Council Member Gary Monahan

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public speakers.

Mayor Mansoor recessed the meeting at 5:03 p.m. into Closed Session in Conference Room 1D.

**III. CLOSED SESSION**

1. Conference with Real Property Negotiators: Property located at 1640 Monrovia Avenue. Agency Negotiator: Allan Roeder, City Manager; and Negotiating Party: Nexus Development, pursuant to Government Code Section 54956.8.
2. Public Employee Performance Evaluation for City Attorney and City Manager, pursuant to Government Code Section 54957.

The Mayor reconvened the Regular Meeting at 6:15 p.m.

**PLEDGE OF ALLEGIANCE - Council Member Gary Monahan**

**MOMENT OF SOLEMN EXPRESSION - The Mayor read Abraham**

**Lincoln's Thanksgiving Proclamation signed on October 3, 1863.**

**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

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Public Services Director William Morris  
Management Analyst Carol Proctor  
Fairview Park Plan Administrator Robert Staples  
Senior Planner Claire Flynn  
Principal Planner Kimberly Brandt  
Management Analyst Hilda Veturis  
Senior Engineer Fariba Fazeli  
City Clerk Julie Folcik

**CLOSED SESSION REPORT**

The City Attorney reported no action was taken on the Closed Session items.

**PRESENTATIONS**

The Mayor congratulated Employees of the Month - Human Resources, Risk Management Division Staff: Risk Administrator Debra Yasui; Risk Management Analysts Jim Thyden and Ryan Thomas; and Benefits Coordinator Natasha Martinez. They were recognized for their teamwork, professionalism, dedication, and organizing the Annual Health and Wellness Week and the Employee Benefits Open Enrollment Period.

Judge William Evans announced the Annual Recruitment for the 2007-2009 Orange County Superior Court Grand Jury. He invited participation of Orange County residents and referred to their websites at [www.occourts.org](http://www.occourts.org) and [www.ocgrandjury.org](http://www.ocgrandjury.org) for information and application.

City Manager Allan Roeder introduced the new Costa Mesa Police Chief Christopher Shawkey. Chief Shawkey thanked the City and stated he is looking forward to being the new Police Chief.

#### **IV. PUBLIC COMMENTS**

- 1. Scott Sink spoke about the Immigration Custom Enforcement (ICE) Proposal and closure of the Job Center; referred to a Los Angeles Times article on immigration.**
- 2. Gema Salas, Costa Mesa, spoke about her participation in an anti-police and immigration officer brutality march held on October 22, 2006.**
- 3. Martin Millard, Costa Mesa, commented on the outcome of the election and City leadership; recommended City improvements; commented on issues concerning airport expansion, freeway undergrounding, Westside Bluffs development, and athletic field space.**

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

- 1. Council Member Linda Dixon congratulated Mayor Mansoor and Council Member Elect Wendy Leece on their victories; pointed out the City's population of 116,000 residents with 55,000 registered voters compared to the state of Minnesota with an 80 percent voter turn out on election day; expressed interest in educating our youth on the importance of voting.**
- 2. Mayor Pro Tem Eric Bever voiced appreciation to Council Member Monahan; wished everyone a Happy Thanksgiving; reminded everyone of the Holiday Snowhill event on December 9, 2006 from 9:00 a.m. to 12:00 p.m. at the Balearic Community Center; and referenced previous public speakers comments relating to the Los Angeles Times article.**
- 3. Council Member Gary Monahan had no comments.**
- 4. Mayor Allan Mansoor referred to a letter from Supervisor Bill Campbell relating to the Orange County Storm Water Program and announced a public workshop will be held on December 4, 2006 from 1:00 p.m. to 2:30 p.m. at the Peter and Mary Muth Interpretive Center in Newport Beach.**
- 5. Council Member Katrina Foley wished everyone Happy Thanksgiving; encouraged youth basketball registration; invited everyone to view the Waldorf School youth arts gallery in the City Hall lobby; reminded the audience that the Childcare Youth Services Committee is still accepting applications; announced the South Coast Plaza Tree Lighting Event was to be held November 27, 2006; and inquired on the Airport Land Use Commission (ALUC) and recommended a representative for the City.**

**The City Manager advised that the ALUC committee members are appointed by the Board of Supervisors and the League of California Cities; advised the current representatives are Newport Beach Council Member Don Webb and alternate member Newport Beach City Manager Homer Bludau.**

**VI. CONSENT CALENDAR**

**CONSENT CALENDAR ITEM NOS. 1 THROUGH 12.**

**MOTION: Approve the recommended actions for Consent Calendar Items Nos. 1 through 12, except for Consent Calendar Item Nos. 5 and 7 and to hear Consent Calendar Item No. 6 after Public Hearing No. 4. 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, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

**1. Reading Folder.**

ACTION: The following claims were received and filed: Louana Arseneau; and Kenneth J. Wenzel on behalf of Robert Krastine.

The following Notification Letter was received and filed: Royal Street Communications, LLC – Notification Letter of intent to construct a cellular facility – PCS Wireless Site No. LA0601A.

**2. Adjourned Regular Meeting/Study Session Minutes of October 10, 2006 and Regular Meeting Minutes of November 7, 2006.**

ACTION: Approved.

**3. Warrant Resolution 2135, funding City operating expenses for \$1,099,556.88.**

ACTION: Resolution adopted.

**4. Warrant Resolution 2136, funding Payroll No. 622 for \$2,312,152.73 and Payroll No. 621A for \$2,027.97, and City operating expenses for \$779,613.79 including payroll deductions.**

ACTION: Resolution adopted.

**8. Completion of Tewinkle Park Athletic Field Complex, Project No. 05-20, by Lehman Construction, Inc., Post Office Box 3569, Tustin.**

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

9. **Completion of Harbor Boulevard at Gisler Avenue Intersection Improvements, Project No. 05-27, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs.**

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

10. **Final Map for Tract No. 16820 located at 654 West 18th Street, Costa Mesa, for a one lot airspace subdivision to facilitate a six-unit common interest condominium development.**

ACTION: Approved; authorized City Engineer and City Clerk to sign.

11. **Recommended allocation of funds for the 2006-2007 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds (COPS/SLESF) for the purchase of 100 Tasers.**

(a). Budget Adjustment No. 07-041 for \$55,442.

ACTION: Approved; approved Budget Adjustment and authorized the Mayor to sign.

12. **Accept a Grant from the Fireman's Fund Heritage Grant Program, for VHF Radios and Digital Voice Recorders, in the amount of \$7,800.**

(a). Budget Adjustment No. 07-039 for \$7,800.

ACTION: Approved; approved Budget Adjustment and authorized the Mayor to sign.

**ITEMS REMOVED FROM CONSENT CALENDAR**

5. **Memorandum of Agreement for Orange Coast River Park (OCRP).**

Martin Millard, Costa Mesa, commented that this park would not benefit the City; recommended that the Council not take action and suggested looking at alternatives for bringing in the ocean to the area.

Management Analyst and Representative to the Orange Coast River Park Carol Proctor answered questions from City Council; advised approval was requested of participating agencies prior to the County of Orange Board of Supervisors meeting to be held on December 4, 2006.

**MOTION: Approve.**

**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, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

6. **Amended Agreement with Harbor Soaring Society (HSS), Post Office Box 1673, Costa Mesa, for the use of a portion of Fairview Park for flying radio-controlled model aircraft.**

The Mayor announced this item would be heard after Public Hearing No. 4.

7. **Award Construction Contract, for the Costa Mesa Senior Center Energy Efficient Roof Coating, Project No. 06-19, to Best Roofing & Waterproofing, Inc. d.b.a. Best Contracting Services, Inc., 19027 South Hamilton Avenue, Gardena, in the amount of \$84,271.**

(a). Budget Adjustment No. 07-033 for \$44,300.

Director of Public Services, William Morris, answered questions from Council Members explaining the purpose of the budget adjustment was due to the increase in costs of quality roofing material.

Council Member Foley suggested staff meet with the Coast Community College District and utilize their cost estimate program for estimating City projects.

**MOTION: Approved and authorized the Mayor and City Clerk to sign; Approved Budget Adjustment and authorized the Mayor 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 Gary Monahan

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: Continued from the meeting of October 17, 2006 regarding North Costa Mesa High-Rise Residential Projects in the North Costa Mesa Specific Plan area:**

a. Final Program Environmental Impact Report (EIR) No. 1052 (SCH #2006011077);

- b. General Plan Amendment GP-06-02 (Land Use and Noise Elements);
- c. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-05 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING HIGH-RISE RESIDENTIAL DEVELOPMENT IN PLANNED DEVELOPMENT AND TOWN CENTER ZONES;
- d. North Costa Mesa Specific Plan Amendment SP-06-02;
- e. Preliminary Master Plan PA-05-53 for Segerstrom Town Center (Site 1);
- f. Preliminary Master Plan PA-05-52 for OCMA (Site 2);
- g. Preliminary Master Plan PA-05-47 for Symphony Towers (Site 4);
- h. Preliminary Master Plan PA-05-50 for Pacific Arts Plaza (Site 5);
- i. Consideration and action related to Airport Land Use Commission Determination.

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

Development Services Director Don Lamm reported that due to the recent determination of the Airport Land Use Commission (ALUC) recommended that items 1(b) through 1(h) be continued to the January 16, 2007 meeting.

**MOTION: Continue Items 1(b) through 1(h) to the meeting of January 16, 2007, at 7:00 p.m.**

**Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Eric Bever.**

Council Member Dixon requested the motion include a provision on public art or similar amenities to the Theater Arts District. She stated that the particular area has a strong art appearance and commented that the public art would be important to the area; recommended incorporation of green building technologies into the proposals; and suggested an in lieu commitment of funding toward affordable housing.

There being no public comment on Item 1(i) or 1(a), the Mayor closed public comments.

Council Member Monahan did not support the addition of those items until a full hearing could be conducted.

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 Gary Monahan

Noes: None.

Absent: None.

The Development Services Director commented on the magnitude of the project and stated it was the second largest in Costa Mesa to date; briefly summarized the agenda report commenting on the collaborative efforts in presenting one master plan; advised of the Airport Land Use Commission's (ALUC) determination and pointed out the Council's option to accept or override the ALUC action; recommended Council adopt Item 1(i) stating the Council is not committing to the override but intend to proceed forward with the project and giving the Commission a 45 day notice; noted a final decision by Council will be made on January 16, 2007.

Jean Forbath, representative of the Costa Mesa Housing Coalition, addressed the EIR; congratulated the City on the proposal for the innovative housing needed in Costa Mesa; reminded the Council of the need for affordable housing; suggested a percentage of affordable rental units to be built offsite; referred to an interoffice memo to Council relating to the housing element update process.

Eileen McCarthy, Staff Attorney from the Public Law Center, commented on the need for affordable housing; reported that the City has built approximately ten percent of low and very low income housing needs; stated that this project will represent 154% of moderate and above-moderate housing needs; encouraged the Council to remember its obligation when considering the land use decisions that would be made.

**MOTION: Adopt Resolution No. 06-93: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, NOTIFYING THE AIRPORT LAND USE COMMISSION OF THE CITY'S INTENTION TO ADOPT PROPOSED FINDINGS AND ACTION TO OVERRIDE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED NORTH COSTA MESA HIGH-RISE RESIDENTIAL PROJECTS (INCLUDING GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT) ARE INCONSISTENT WITH THE 2002 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN.**

**Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**MOTION: Adopt Resolution No. 06-94: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 1052 FOR THE NORTH COSTA MESA HIGH-RISE RESIDENTIAL PROJECTS GENERALLY**



**LOCATED NORTH OF THE I-405 FREEWAY, SOUTH OF SUNFLOWER AVENUE, EAST OF BRISTOL STREET, AND WEST OF SAKIOKA DRIVE IN NORTH COSTA MESA.**

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

Council Member Dixon commented that this project should include some kind of commitment towards funding of affordable housing in other areas of the City, and indicated that one of the elements that she would be considering when reviewing this project would be an in-lieu commitment for affordable housing.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Council Member Dixon noted that she will be making a separate motion in relation to projects in the City. She directed staff to research and return to Council with a Citywide Library Assessment Fee for additional need for library facilities needed as a direct result of the additional developments in Costa Mesa.

Council Member Foley requested information be brought to a Study Session.

**MOTION: Directed staff to research and return to a Study Session with a Citywide Library Assessment Fee for additional need for library facilities needed as a direct result of the additional developments in Costa Mesa. Moved by Council Member Linda Dixon, seconded by Council Member Katrina Foley.**

Council Member Monahan suggested that staff review if such fee would need to go to the voters and if it is covered under Proposition 218.

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

Noes: Council Member Gary Monahan

Absent: None.

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

2. **PUBLIC HEARING: Continued from the meeting of October 17, 2006 regarding "The Californian at Town Center" high-rise residential project at 580 Anton Boulevard in the North Costa Mesa Specific Plan area:**

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

**MOTION: Continue to January 16, 2006 at 7:00 p.m.  
Moved by Council Member Gary Monahan, 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, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

RECESS: The Mayor declared the meeting recessed at 7:27 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:38 p.m.

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

3. **PUBLIC HEARING: Continued from the meeting of November 14, 2006 regarding A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF EL CAMINO DRIVE, MENDOZA DRIVE, AND CORONADO DRIVE ADJACENT TO 1011-1045 EL CAMINO DRIVE AND AT 2805 & 2829 SAN JUAN LANE. (Public Hearing set by Resolution No. 06-67.)**

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

Public Services Director William Morris summarized the agenda report and responded to questions from the City Council. He advised the developer has posted bonds that would effectuate any vacation that would occur.

The Mayor asked if anyone wished to comment to come forward.

Brad Barlow, Project Developer, expressed concern regarding the conditions that were put forth on the abandonment and requested that these conditions not be included; answered questions from the City Council; pointed out his concern of condition one as stated in the proposed resolution relating to the recording of the final tract map.

The City Attorney indicated that when the developer present a final tract map then the resolution will be recorded. She stated it is the recording of the resolution that effectuates the vacation; explaining the order of recordation of the documents.

Discussion ensued among the developer, staff, and Council Members relating to the conditions and a time frame expected to break ground.

The City Attorney advised that the proposed process of recordation is acceptable with the County. Council Member Foley expressed concern on the project

development, building timeline, and commented that the property is an attractive nuisance.

MOTION: Adopt the amended resolution dated November 21, 2006; authorized the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deeds.

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

After clarification of the motion to include the proposed conditions, Council Member Monahan withdrew his second. He commented that there is a conflict in recording of the tract map between the developer and the County; stated that a commercial property will not be developed since it is rezoned residential.

Council Member Foley seconded the original motion.

**SUBSTITUTE MOTION: Adopt Resolution No. 06-95, as amended to exclude Condition No. 1; authorized the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deeds.**

**Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem Eric Bever.**

Council Member Foley stated she would not be supporting the motion and opined that that the recordation of the quitclaim deeds without conditions may create problems for the city if the current project is not built. If not built, it may be in the City's best interest to preserve the property as a park, community center, or to build a landscape median to beautify the neighborhood.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: Council Member Linda Dixon, Council Member Katrina Foley

Absent: None.

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

**4. PUBLIC HEARING: Consideration of an ordinance, review and approval of the permitting regulations and permitting system, and establishment of a permit fee, for the flying of model aircraft at Fairview Park.**

(a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER II OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO FLYING OF MODEL AIRCRAFT AT FAIRVIEW PARK.

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

Fairview Park Plan Administrator Robert Staples briefed his staff report and answered questions from City Council.

In response to a question from Mayor Pro Tem Bever, HSS Secretary/Treasurer Jim Hanson explained they have a device that will be able to transmit the real time altitude above ground of a model aircraft; and advised that the FAA altitude regulation is 400 feet above ground level.

Hugh Broesamle, Costa Mesa, stated that there is no FAA regulation for altitude and it is an advisory and not enforceable; mentioned there is no 400 foot ceiling for flying of model aircraft at Fairview Park; referenced Section 12-61 of the proposed ordinance; questioning language regarding prohibitions, the definition of model aircraft, and the Academy of Model Aeronautics (AMA) weight limit. He expressed concern for safety at Fairview Park.

The City Attorney advised the 400 feet limit is based on an FAA advisory circular that is binding and should be enforceable; commented on the definition of model aircraft and stated it is intended for aircraft that can be flown above the height of a house and restricted to flying at Fairview Park.

Discussion ensued among Council Members and City Attorney referencing the previous speaker's comments. City Attorney stated staff could refine the definition of model aircraft and introduce ordinance for first reading. Mr. Robert Staples requested free flight models be removed from the definition. Council Member Dixon requested that the ordinance be specific to restrict flying only at Fairview Park.

Jim Hansen answered questions from Council regarding the types of aircrafts; clarified a few points about insurance issues and aircraft weight limit.

Mayor Pro Tem Bever requested the aircraft weight limit be reduced to 12 pounds. After discussions, it was confirmed by an HSS representative that the maximum weight of an aircraft is approximately 18 pounds.

MOTION: Direct staff to come back with revised language to the ordinance as indicated this evening.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

Council Member Monahan advised that he would not support the motion and referenced a letter that was received from a public speaker.

The Mayor withdrew his motion. Robert Staples answered questions from Council Member Foley and advised staff has been working on proposed ordinance for approximately a year; addressed concerns of the citizen; and stated the intent of the ordinance is to protect the use of the field, to protect the public, and the liability of the City.

MOTION: Introduce ordinance for first reading, read by title only, and waived further reading and directed staff to come back on December 5, 2006, to provide additional definition of model aircraft and to refine the definition of where and what types of model aircraft are allowed.

Moved by Council Member Katrina Foley, seconded by Council Member Linda

Dixon.

Mayor Pro Tem Bever commented that there appears to be a problem in defining the difference between soaring gliders and scale model flying. He did not support moving forward at this time.

The City Attorney commented that if the majority of the Council is satisfied with refining the definition of model aircraft and the appropriate criteria with respect to the type of aircraft, the Council could move forward and return for a second reading in December. Council Member Foley supported moving forward on this matter. Council Member Monahan and Mayor Pro Tem Bever expressed reservations.

**MOTION: Continue to January 2, 2007 Council meeting at 7:00 p.m.  
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

Council Member Foley stated she would support the motion. The Mayor commented that he would like to take a chance to review the information that was just received.

A public speaker expressed support for the ordinance and stated that the new information Council received is biased and relates to an HSS internal issue.

Council Member Monahan suggested staff review the \$500,000 liability insurance requirement.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

#### CONSENT CALENDAR ITEM

6. **Amended Agreement with the Harbor Soaring Society (HSS), Post Office Box 1673, Costa Mesa, for the use of a portion of Fairview Park for flying radio-controlled model aircraft.**

**MOTION: Continue to January 2, 2007 Council meeting at 7:00 p.m.  
Moved by Mayor Allan Mansoor, seconded by Council Member Linda Dixon.**

Mayor Pro Tem Bever request the maker of the motion to include the item as part of the Public Hearing for the proposed ordinance. It was agreed by Mayor Mansoor and Council Member 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 Gary

Monahan  
Noes: None.  
Absent: None.

It was unanimously agreed to take New Business No. 1, regarding the Eastside Traffic Study, out of order.

## **IX. NEW BUSINESS**

### **1. 2006 Eastside Neighborhood Traffic Study.**

Council Member Dixon suggested that a town-hall meeting be held so that the meeting could be advertised, the public could be noticed, and where they would have an opportunity to attend and ask questions. Council Member Monahan requested that staff send a detailed notice of specific items to be discussed to the surrounding neighborhood, especially to the area surrounding the intersections that are to be affected.

**MOTION: Continue to a town-hall meeting, with detailed notices to be sent to those surrounding the affected intersections.  
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, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.  
Absent: None.

**RECESS:** The Mayor declared the meeting recessed at 9:27 p.m.

**AFTER RECESS:** The Mayor reconvened the meeting at 9:37 p.m.

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

### **5. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE CLOSURE IMPACT REPORT PREPARED FOR THE TROPIC TRAILER PORTS MOBILEHOME PARK LOCATED AT 351 WEST BAY STREET, and adopting homeowner relocation measures.**

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

Management Analyst Hilda Veturis summarized the agenda report and responded to questions from the City Council.

Vickie Talley, Talley and Associates, prepared the Closure Impact Report; stated that she would be available for questions; and encouraged Council to adopt the

resolution.

Anita Osnor, Costa Mesa, advised she rents a house on the property and stated she has not received any notice of the park closure. She inquired on a formal notice to vacate, deposit return, and free rent if relocated before July 31st.

Lily Rhoads, Costa Mesa, commented on the hardships of relocation and having to start over again.

Thomas Vansyoc, Costa Mesa, advised he paid \$38,000 for his mobile home six months ago and reported it currently has no value due to the park closure and is too old to relocate. He read a letter he wrote to the Tropic Trailer Ports, expressing concerns relating to the compensation for his displacement from the park.

Mike Hood, an attorney in Costa Mesa, expressed concern relating to the options stated in the Voluntary Relocation Agreement.

Danny Reyes, Costa Mesa, stated he did not understand the agreement and expressed he would like it translated in Spanish. He commented on the storage of his Recreational Vehicle (RV) and the unfairness of the situation.

Susan Handel, Costa Mesa, advised that she would be needing to relocate her home business; expressed confusion on the the compensation for the relocation of a mobile home versus a travel trailer and questioned the space availability at the Tustin RV Park.

Public Speaker (*name in audible*), Costa Mesa, spoke about her housing needs and requested assistance with finding a studio or one-bedroom apartment.

Vickie Talley and Robert Evans, representative of Tropic Trailer Ports, answered questions from the City Council relating to public speakers comments, housing options, and noticing of park closure.

**MOTION: Adopt Resolution No. 06-96, as amended by extending the deadline for signing to December 5, 2006, as referenced in Option II of Exhibit A.**

**Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

Mayor Mansoor commented this matter is being brought before Council voluntarily and is not required; encouraged residents to work with Ms. Talley and the Property Owner.

Council Member Dixon asked if the maker of the motion include that the property owner work with the outstanding residents in regards to the relocation costs. Ms. Talley responded that the owner would be willing to extend a time period of 15 days for the signing of the voluntary relocation agreement.

The motion carried by the following roll call vote:

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

Katrina Foley, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

## VIII. OLD BUSINESS

### 1. From the meeting of September 5, 2006, Master Plan of Drainage Plan Update: Adjusting new Drainage Impact Fees.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A REVISED DRAINAGE FEE FOR THE CITY OF COSTA MESA.

Public Services Director William Morris and Senior Engineer Fariba Fazeli summarized the agenda report and responded to questions from the City Council.

Council Member Monahan commented that he favored Option No. 2, and expressed he would like to see the increase spaced over three years, for 33 percent of the proposed amount each year, giving the Council the option, at that time, the opportunity to increase it further based on inflation. He felt that the increase over two years, as proposed, was "too steep, to fast."

Mayor Mansoor agreeing with Option No. 2, suggested 50 percent of the proposed amount be implemented with the remainder to be implemented a year or two later.

Mayor Pro Tem Bever favored following the rate of inflation.

Paul Freeman, Segerstrom and Sons, commented that while he has no objection in principle he was hopeful for a gradual implementation. He advised that there is a question on the monies paid in the past for previous developments and asked that any payment that may be due be at the prevailing plus inflation and that only prospective developments have the new adjusted fees applied.

The City Attorney confirmed that the proposed fee would be for prospective developments and that the resolution would take effect immediately, unless otherwise specified by the Council, as the ordinance relative to this fee that was adopted in August was currently in effect.

Mayor Pro Tem Bever commented that he was comfortable to increasing based on inflation as stated in Option No. 5, supporting a straight fee.

MOTION: Adopt Resolution No. 06-97 based on Option No. 5 with an adjustment fee based on the rate of inflation, phased over a two-year period, starting with 50 percent of the proposed amount for the first year, and increasing it to the full amount in the second year, with an implementation date of February 1, 2007.



Moved by Mayor Pro Tem Eric Bever. Motion died for lack of second.

The Mayor made a motion to adopt Resolution No. 06-97 based on Option No. 2 with an increase of 50 percent of what is listed in the Table, and increase the remaining amount after one year. The motion was seconded by Council Member Linda Dixon.

Council Member Monahan stated he agreed with the nexus of Option No. 2. He requested the maker of the motion to increase the remaining amount after two years and include an implementation date of January 1, 2007. It was agreed to by Mayor Mansoor and Council Member Dixon.

The motion is as restated:

**MOTION: Adopt Resolution No. 06-97 based on Option No. 2 with an increase of 50 percent of what is listed in the Table, and increase the remaining amount after two-years, and an implementation date of January 1, 2007.**

**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, Mayor Pro Tem Eric Bever, Council Member Gary Monahan

Noes: None.

Absent: None.

## **X. REPORTS**

City Attorney: Expense report relative to immigration issues.

**City Attorney Kimberly Hall Barlow:** Yes, thank you, Mr. Mayor. Member Foley did request that we prepare for you and bring forward a report identifying certain expenses. We have provided to you a copy of the Costa Mesa Police Department memorandum dated March 27, 2006, which spelled out some of the costs incurred as a result of some protests, and additional costs incurred with respect to some Council meetings. I was also asked to compile information regarding attorneys' fees expended concerning specific matters, and including advisement to you on immigration-related matters, litigation services provided by my office related to the lawsuit brought by Mr. Acosta, the City Prosecutor expenses related to the prosecution for Mr. Acosta, and outside counsel expenses for that civil litigation on Mr. Acosta. And that's what the first page of this report is -- identifies each category of expenditures as requested by Member Foley, and the total for your information. **Council Member Katrina Foley:** Would you please read the total?

**City Attorney Kimberly Hall Barlow:** Certainly. The total of attorneys' fees on those four items was \$58,652.50 from October of 2005 to...through October 2006. I believe the total on the...police services from the memo of March 27th

was \$44,042.72.

City Manager reported that the next regular meeting will be the certification of the election results and reported that there will be a reception for Council Member Monahan at City Hall.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 11:23 p.m. The next regular meeting will be held on December 5, 2006.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa