

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

**May 20, 2008**

The City Council meeting of the City of Costa Mesa, California met in regular session May 20, 2008, at 5:01 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 Eric R. Bever  
Mayor Pro Tem Allan R. Mansoor  
Council Member Linda W. 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 5:05 p.m.)

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION:**

1. CONFERENCE WITH LEGAL COUNSEL - Existing Litigation: Acosta v. City of Costa Mesa, District Court for the Central District of California Case Number SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).

Mayor Bever recessed the meeting to closed session in Conference Room 1B at 5:02 p.m.

The Mayor reconvened the regular meeting at 6:08 p.m.

**ROLL CALL**

Council Members Present: Mayor Eric R. Bever  
Mayor Pro Tem Allan R. Mansoor  
Council Member Linda W. 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  
Development Services Director Donald Lamm  
Public Services Director Peter Naghavi  
Senior Planner Minoo Ashabi  
Human Resources Manager Terri Cassidy  
Administrative Services Director Steve Mandoki  
City Clerk Julie Folcik

**PLEDGE OF ALLEGIANCE AND NATIONAL ANTHEM - All American Boys Chorus,  
Music Director Wesley Martin**

**MOMENT OF SOLEMN EXPRESSION - Reverend Doctor Barbara Stewart, St.  
John's Episcopal Church**

#### **CLOSED SESSION REPORT**

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

#### **PRESENTATIONS**

Mayor Bever presented the Vanguard University Women's Basketball Team and Staff with certificates recognizing them as the 2008 NAIA National Champions. A video presentation highlighted the team's championship game.

The Mayor recognized Killybrooke Elementary School for academic achievement of an Academic Performance Index (API) score of 815 and presented a proclamation to Principal Kathy Sanchez. He also recognized Sonora Elementary School for an API score of 819 noting the Highest API Growth Award from the Newport-Mesa Unified School District and presented a proclamation to Principal Christine Anderson.

The City Manager introduced the employee recognition program for City employees with 25 and 30 years of service to the City; and a video presentation highlighted employees that would be receiving service recognition awards on May 29, 2008, at 9:00 a.m., at the Neighborhood Community Center. The City Council congratulated Senior Communications Officer Jana Cacho, Fire Captain Jeff Janzen, Property/Evidence Specialist Karl Verhoef, for 25 years of service; and recognized Communications Installer Tommy Thompson for 30 years of service.

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

1. Chris Bunyan, Costa Mesa, reported on the Banning Ranch Forum held on May 19, 2008, at the Neighborhood Community Center; announced the next Banning Ranch Task Force meeting to be held July 21, 2008, 6:30 p.m. at the Neighborhood Community Center, to address concerns relating to open space, preservation, and traffic; and encouraged the public to contact 714-865-9746 for more information.
2. Martin Millard, Costa Mesa, reported graffiti on the Westside and Mesa North; commented on crime, gangs; the need for a more proactive approach to gangs, and the need for modern low income housing in the South Coast Metro area.
3. Jim Fitzpatrick, Costa Mesa, gave an update on the Broadway sidewalks; advised he attended the Colorado River Aqueduct Tour and commended the Mesa Consolidated Water District; and voiced his support for the efforts of the Banning Ranch Task Force.

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

Council Member Wendy Leece announced a Veterans' Memorial Service to be held at the Costa Mesa Veterans' Memorial on May 26, 2008, and advised that personalized bricks for the memorial are still on sale; reminded the community that a permit is needed for block parties celebrating the 4th of July and Labor Day; reported on the decrease of sales tax in the City, encouraging everyone to spend their money in Costa Mesa; and recognized Costa Mesa senior, Anne Hogan Shereshevsky, wishing her a speedy recovery.

Mayor Pro Tem Allan Mansoor reported he attended a special district meeting with the Mesa Consolidated Water District and announced that free water-savings sprinkler heads are being offered to residents.

Council Member Katrina Foley reported she attending a meeting with representatives of the Orange County Transportation Authority (OCTA) regarding the SR-55 Study, and requested OCTA to look into the traffic counts on 19th Street and to notify the surrounding residents of information concerning the study; commented on the decrease in car dealership sales numbers within the City and requested the City Manager to contact the Harbor Boulevard of Cars Association to address promotions; and congratulated high school students from Costa Mesa who were rewarded at the Chamber of Commerce Breakfast.

Council Member Linda Dixon congratulated City employees for all their years of service.

Mayor Eric Bever reported on the special district meeting with the Mesa Consolidated Water District and commented on the statewide water issues and finding resolutions; reminded everyone to be proactive and conserve

water pointing out the various water saving programs sponsored by the district; announced his participation in the kickoff of the American Cancer Society Relay for Life held on May 16, 2008; advised that he and the Mayor Pro Tem submitted a letter to OCTA Board of Directors regarding the funding of the Environmental Impact Report (EIR) and conceptual design for the SR-55 freeway extension; reported a letter was sent to the State Legislature supporting AB2151 relative to the city's authority in the permitting of Alcoholic Beverage Licenses; and referenced the City of Orange's ordinance relative to day laborers and requested that the matter be brought before the Council to review at a study session.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.**

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 6, except for Consent Calendar Item No. 7.**

**Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: Law Offices of Randall J. Paulson on behalf of Katharine Willis; Gregory Bennett Tilden.

The following Request for Alcoholic Beverage Control License was received and processed: SWH Corporation, for Mimis Café located at 1835 Newport Boulevard, Suite F, for type 47 (on-sale general for a bona fide eating place).

2. Regular Meeting Minutes of May 6, 2008.

ACTION: Approved.

3. Warrant Resolution 2213, funding Payroll No. 809 for \$2,524,229.71, and Payroll No. 808A for \$429.61 and City operating expenses for \$1,417,235.39 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2214, funding City operating expenses for

\$861,553.72.

ACTION: Resolution adopted.

5. Maintenance Agreement with South Coast Plaza (Developer A), 3315 Fairview Road, Costa Mesa, and Maguire Properties-Pacific Arts Plaza, LLC (Developer B), 3200 Park Center Drive, #1150, Costa Mesa, for landscape and other improvement maintenance within the Theater and Arts District (TAD) public right- of-way.

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

6. Adopt plans and specifications, and working details for the Roadway Rehabilitation of Sakioka Drive from Anton Boulevard to Sunflower Avenue, Federal Project No. STPL-5312 (060), City Project No. 07-11, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$431,044.60.

(a). Budget Adjustment No. 08-052 for \$452,732.

ACTION: Approved and authorized the Mayor and City Clerk to sign; approved Budget Adjustment No. 08-052 and authorized the Mayor to sign.

#### ITEM REMOVED FROM THE CONSENT CALENDAR

7. **Adopt plans and specifications, and working details for the installation of netting along the sides adjacent to the Costa Mesa Golf Course for Fairview Developmental Center Sports Complex.**

The Mayor announced staff's request for a continuance.

**MOTION: Continue to the meeting of June 3, 2008.**

**Moved by Council Member Katrina Foley, seconded by Council Member Linda W. Dixon.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

#### **VII. PUBLIC HEARING**

1. PUBLIC HEARING: General Plan Amendment GP-08-01, Rezone R-08-01, and Planning Application PA-08-06, for Phil Schwartz, authorized agent for Newport Investment Strategies, for: General Plan Amendment to change the land use designation from Public/Institutional to Medium

Density Residential; Rezone from I&R (Institutional and Recreational District.) to R2-MD (Multiple-Family Residential District, Medium Density), Design Review for a 2-unit, 2-story detached residential common interest development including variance from rear yard lot coverage, an administrative adjustment for second floor rear yard setback, and a minor modification to allow an 8-foot perimeter wall, located at 320 E. 18th Street, in an I&R (Institutional and Recreational) zone. Environmental determination: exempt.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-08-01 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.

(b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL - MEDIUM DENSITY) FOR PROPERTY LOCATED AT 320 E. 18TH STREET.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-08-06 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.

Senior Planner Mino Ashabi presented the staff report, responded to questions from the City Council relating to fencing, construction hours, and the requested variances.

Phil Schwartze, representative for the applicant, responded to questions relative to the proposed plan, noting unusual lot shape, concerns regarding saving of a tree, the compatibility of proposed units to the neighborhood, and the changes to the plan with out the requested variances.

Paul Wilbur, Costa Mesa, addressing of the rezone application and parcel maps questioned whether the lot could be developed or subdivided.

Beth Refakes, Costa Mesa, expressed support of the project although noted a concern relative to proposed eight foot wall abutting the parking lot, drainage issues and requested for demolition notification for the surrounding neighbors.

Discussion ensued between the Council and staff relative to the master plan for the church, property ownership and legal subdivision, number of bedrooms, parking, egress from the development, and reinforcement of the eight foot wall.

**MOTION: Adopt Resolution No. 08-36, approving GP-08-01; Introduced Ordinance No. 08-4 for first reading, read by title only,**

**and waived further reading; Adopt Resolution No. 08-37, approving PA-08-01.  
Moved by Mayor Eric R. Bever, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## **VIII. OLD BUSINESS**

1. Amendment to Subdivision Agreement for Final Tract Map No. 16917 located at 1101-1045 El Camino Drive for a one-year time extension for the completion of off-site improvements.

Public Services Director Peter Naghavi summarized the report and noted that the demolition of the existing buildings would commence within the week; to be completed no later than June 19, 2008. The Public Services Director responded to questions from the Council concerning the timeline for demolition, fencing, improvements, and development.

Council Member Dixon suggested that the developer be required to plant grass and install sprinklers on the property until development begins.

Martin Millard, Costa Mesa, agreed with requiring the developer to install grass until development begins, expressed concern on the start of construction, the number of homes to be built, and encouraged the Council to help the developer improve the surrounding area.

Michael Dilsisian, Costa Mesa, expressed support for improvements to the site; encouraged the Council to not delay the demolition, and supported the planting of grass until construction is begun.

Michelle Christiansen, Costa Mesa, expressed disappointment in the lack of progress with the development and maintenance of the site, imploring the Council to require the developer to improve the site.

Lisa Reedy, Costa Mesa, presented a petition in support of the demolition; expressed concern on the demolition timeline and the maintenance of landscaping and fencing; and inquired as to the number of citation issued and the amount of fines imposed on the property thus far.

Council Member Dixon and Council Member Foley expressed support for a condition of approval that required the developer to install grass and

sprinklers, and the maintenance of landscaping.

Steve Sheldon, Oxbow 101, LLC, clarified that they have owned the property since 2006 and have inherited part of the history of the project; expressed their desire to develop the property and commence landscape demolition starting the next day. In reference to Mayor Pro Tem Mansoor's request to amend the recommended action to "requiring" the developer to complete the off-site improvements by April 30, 2009, the applicant agreed.

In reference to questions from the Council on construction, the applicant indicated their intent to proceed forward and develop, and pointed out that without the approval of the subdivision they would lose their entitlements. Discussion ensued between Council Member Foley and the applicant on the condition that if building permits are not pulled within six months that the developer would plant grass on the site. The applicant was not in support of the additional condition and indicated that he would prefer the recommended action. Further discussion ensued among the Council and staff on the development process, installation of grass and irrigation, and housing market.

The Mayor referencing the petition in support of demolition, expressed support of the applicant proceeding forward in development.

**MOTION: Approve; authorized the City Engineer and City Clerk to sign the Amendment to Subdivision Agreement for a one-year extension as amended, "requiring" the developer to complete the off-site improvements by April 30, 2009.**

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

Mayor Pro Tem Mansoor expressed support of the developer proceeding forward and recognized the impact of the housing market.

Director of Development Services Don Lamm responded to questions from the Council relating to the fencing, property maintenance, citations issued, and guard service.

The developer conveyed their motivation to proceed with the project and encouraged the Council to approve the recommended actions.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**IX. NEW BUSINESS**

1. Resolution of Intent to approve an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System (CalPERS) to implement the 2.5%@55 retirement formula for eligible Miscellaneous employees.

City Manager Allan Roeder introduced the item and Human Resources Manager Terri Cassidy summarized the report and responded to questions from the Council.

The Mayor expressed support of the employees paying for the benefit.

**MOTION: Adopt Resolution No. 08-38, a Resolution of Intent to approve an amendment to a contract with the Board of Administration California Public Employees' Retirement System; approve and authorize the Mayor and City Clerk to sign; and authorize the City Clerk to execute the Certification of Governing Body's Action and the Certification of Compliance with Government Code Section 7507.**

**Moved by Mayor Eric R. Bever, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**X. REPORTS**

City Manager reported on the efforts for joint meeting in the month of June with the City of Newport Beach City Council regarding aviation issues. Council Member Foley suggested a joint Study Session.

- XI. ADJOURNMENT – The Mayor declared the meeting adjourned at 8:40 p.m. The next Regular City Council Meeting will be held June 3, 2008.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa