



City of Costa Mesa Council Agenda

TUESDAY, JUNE 20, 2006

Allan Mansoor
Mayor

Gary Monahan
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Linda Dixon
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Public Services Director
William Morris

City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
5:00 p.m. – Closed Session and 6:00 p.m. – Council Meeting

TIME LIMIT FOR CITY COUNCIL MEETINGS: Except by majority vote of the City Council to continue, meetings shall conclude at midnight. If there is unfinished business on the Agenda, those items will be continued to the next regularly scheduled City Council meeting, pursuant to Resolution No. 05-8.

Welcome to the City Council Meeting

Your attendance at this public meeting is valued and appreciated.

The following City codes, guidelines, and reminders are provided for your information:

1. In accordance with Costa Mesa Municipal Code, Sec. 2-64 (1): No person in the audience shall "engage in disorderly, disruptive, disturbing, delaying or boisterous conduct including but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which may disrupt the peace and good order of the Council proceedings."
2. All cell phones and pagers are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.
3. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.

4. Please use the podiums on either side of the dais to speak to the City Council. Direct all verbal communications, requests, and/or questions to the Mayor.
5. Any written communications, pictures, etc., to be provided to the Council should be directed to the City Clerk. Any exhibits to be displayed on the overhead screen may be given to the appropriate staff member.

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 754-5225. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

CLOSED SESSION

5:00 p.m.

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6:00 p.m.

I ROLL CALL

II PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items listed on the Closed Session agenda. Each member of the public will be given three (3) minutes to speak.

III CLOSED SESSION:

No Closed Session scheduled.

RECESS TO STUDY SESSION:

The Council will recess to and convene an Agenda Review Study Session beginning at 5:30 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend and offer comment.

Pursuant to Resolution No. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on Study Session agenda items. A maximum overall time of ten (10) minutes will be permitted for public comment. Note that no action may be taken by the City Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

REGULAR CITY COUNCIL AGENDA

6:00 p.m.

PLEDGE OF ALLEGIANCE Council Member Gary Monahan

**MOMENT OF SOLEMN
EXPRESSION**

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The Council disclaims any intent to endorse or sponsor the views of any speaker. Interested presenters, please contact the City Clerk's office.]

ROLL CALL

CLOSED SESSION REPORT

PRESENTATIONS

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.

PLEASE NOTE:

- **YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

IV PUBLIC COMMENTS: To ensure fair and equal treatment of all who appear before the City Council and to expedite City business, speakers will be limited to three (3) minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Linda Dixon
2. Mayor Pro Tem Eric Bever
3. Council Member Gary Monahan
4. Mayor Allan Mansoor
5. Council Member Katrina Foley

VI **CONSENT CALENDAR:** All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Mayor, state their name, city in which they reside, and item number to be addressed.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of April 4, 2006 and June 6, 2006.

Recommendation: Approve

Warrants

3. Warrant Resolution 2114, funding City operating expenses for \$590,876.22.

Recommendation: Approve

4. Warrant Resolution 2113, funding Payroll No. 611 for \$2,202,223.33, and City operating expenses for \$513,618.06 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Completion of Parkway Concrete Repair, Project No. 05-12, by S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond six (6) months thereafter

6. [Measure “M” Eligibility:](#)

(a) Maintenance of Effort.

Recommendation: Approve

(b) Seven-Year Capital Improvement Program

Recommendation: Approve

(c) Pavement Management Program

Recommendation: Approve

(d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF COSTA MESA.

Recommendation: Adopt resolution

7. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE CITY COUNCIL POLICY 100-9 ENTITLED “EXPENSE REIMBURSEMENT AND/OR OVERNIGHT TRAVEL” in conjunction with the requirements of Assembly Bill 1234.](#)

Recommendation: Adopt resolution

Administrative Actions

- 8. [Lease Agreement with State of California for the use of Open Space at Fairview Departmental Center, located at 2500 Merrimac Way, Costa Mesa.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

- (a) Right-of-Entry permit for improvements to the Fairview Development Center.

Recommendation: Approve; authorize the Mayor and City Clerk to sign; subject to City Attorney review and approval.

- (b) Other permit agreements for access, construction, maintenance, and/or use of the Fairview Development Center.

Recommendation: Approve; authorize the Mayor and City Clerk to sign; subject to City Attorney review and approval.

-----END OF CONSENT CALENDAR-----

VII PUBLIC HEARINGS:

- 1. [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.](#)

Recommendation: Continue to Wednesday, July 5, 2006, at 7:00 p.m.

2. PUBLIC HEARING: City Budget for Fiscal Year 2006-2007.

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2006-2007, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88, of \$147,401,694.

Recommendation: Adopt resolution

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2006-2007.

Recommendation: Adopt resolution

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2006-2007, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.

Recommendation: Adopt resolution

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2006-2007 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2006-2007 STATEMENT OF INVESTMENT POLICY.

Recommendation: Adopt resolution

3. PUBLIC HEARING: [Reauthorization of the Business Improvement Area \(BIA\) Assessment of two percent \(2%\) for certain Costa Mesa hotels and motels for Fiscal Year 2006-2007.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING YEAR 2006-2007 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

Recommendation: Adopt resolution

4. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-04 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE DEFINITION, REVIEW PROCEDURE, AND REGULATION OF "ASSEMBLY USE".](#)

Recommendation: Give ordinance first reading, to be read by title only, and waive further reading

VIII OLD BUSINESS

1. [From the meeting of June 6, 2006, second reading and adoption of Ordinance 06-13, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 2, CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE PURCHASING SYSTEM AND ADDING ARTICLE 3 RELATING TO PROCEDURES FOR PUBLIC PROJECTS.](#)

Recommendation: Adopt Ordinance 06-13, to be read by title, and waive further reading

IX NEW BUSINESS

1. [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.](#)

Recommendation: Give ordinance first reading, to be read by title only, and waive further reading

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting July 5, 2006.