



City of Costa Mesa Council Agenda

Tuesday, April 5, 2005

Allan Mansoor
Mayor

Gary Monahan
Mayor Pro Tem

Linda Dixon
Council Member

Katrina Foley
Council Member

Eric Bever
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Director of Public Services
William Morris

Deputy City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
5:00 p.m. – Closed Session and 6:30 P.M. – Council Meeting

TIME LIMIT FOR COUNCIL MEETINGS – except by majority vote of the Council to continue, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to the next regularly scheduled council meeting (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 Deputy 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 Deputy 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, Council will adjourn to Conference Room 1B for meeting in closed session. Please note that if there are not any closed session items listed, Council will convene at its regular meeting time of 6:30 p.m.

I ROLL CALL

- II PUBLIC COMMENT 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:

1. Pursuant to Subdivision (a) of Section 54956.9 of the California Government Code, a closed session has been scheduled for the City Council to confer with legal counsel, Kimberly Hall Barlow, City Attorney, regarding existing litigation in one (1) case: City of Costa Mesa v. Nishimura, Case No. 04CC07196.
2. Pursuant to subdivision (b)(1) of Section 54956.9 of the California Government Code, a closed session has been scheduled for the City Council to confer with the legal counsel Kimberly Hall Barlow, City Attorney, regarding matters involving anticipated litigation – significant exposure , one (1) potential case.

RECESS TO STUDY SESSION:

The Council will recess to/convene an **Agenda Review Study Session** beginning at **6:00 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 10 minutes will be permitted for public comment. Note that no action may be taken by the Council prior to the 6:30 p.m. meeting.

RECONVENE REGULAR MEETING
REGULAR CITY COUNCIL AGENDA
6:30 p.m.

PLEDGE OF ALLEGIANCE Council Member Dixon

**MOMENT OF SOLEMN
EXPRESSION**

Paul Hill, First Church of Christ Scientist

[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

PRESENTATION National Multiple Sclerosis Society Proclamation
Human Relations Committee Report

**SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE YELLOW FORM
LOCATED AT THE PODIUM AND PRESENT IT TO THE DEPUTY CITY CLERK.**

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 minutes during Oral Communications to speak on any item within the 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 the Council Members.

V CONSENT CALENDAR-All matters listed under the Consent Calendar are considered to be routine and will be enacted in one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion, unless members of the Council, staff, or the public request specific items to be removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following 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.

Written Communications

1. Reading Folder.
Recommendation: Receive and process

Minutes

2. Regular meetings of March 1, 2005, and March 15, 2005.
Recommendation: Approve

Warrants

3. Warrant Resolution 2049, funding Payroll No. 505 for \$2,018,482.85, Payroll No. 504A for \$671.94, and City operating expenses for \$1,351,339.84, including payroll deductions.
Recommendation: Approve
4. Warrant Resolution 2050, funding City operating expenses for \$1,005,924.19.
Recommendation: Approve
5. Warrant Resolution 2051, funding Payroll No. 506 for \$2,046,441.33, Payroll No. 505A for \$1803.80, and City operating expenses for \$660,293.51, including payroll deductions.
Recommendation: Approve

Claims

6. Claim from Javier Alvarado (allegedly slipped and fell on County Fairgrounds).
Recommendation: Reject
7. Application for Leave to Present a Late Claim from Carlos Eduardo Da Silva Braga, et al. (alleged street design defects).
Recommendation: Reject

CONSENT CALENDAR—continued

Claims

8. Claim from William Olivera on behalf of Andre Braga (alleged street design defects).
Recommendation: Reject

9. Claim from Phillip Brashears (alleges City tree branch fell on vehicle).
Recommendation: Reject

10. Claim from Jayme Ann Guerra (alleges improper street lighting caused auto accident).
Recommendation: Reject

11. Claim from Janet Roshanzamir (allegedly slipped and fell on County Fairgrounds).
Recommendation: Reject

Administrative Actions

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO DESIGNATE ALL MUNICIPAL FIRE STATIONS WITHIN THE CITY OF COSTA MESA JURISDICTION AS “SAFE-SURRENDER SITES” FOR NEWBORNS.](#)
Recommendation: Adopt resolution, to be read by title only and waive further reading

13. [Fiscal Year 2004-2005 Development Services Department’s Budget – consulting services account for West 19th Street Marketing and Recruitment Program.](#)
 - (a) Reaffirm direction excluding West 19th Street Marketing and Recruitment Program.
Recommendation: Approve

 - (b) Budget Adjustment No. 05-067 for \$20,000.00, to reallocate Planning Division consulting funds if West 19th Street Marketing and Recruitment Program is deleted from Westside Community Implementation Program.
Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

14. [Purchase of three Traffic Signal Controller Cabinets from Econolite Control Products, Inc., 3360 La Palma Avenue, Anaheim, for \\$36,585.44.](#)
Recommendation: Approve

15. [Completion of street improvements at 3400 Avenue of the Arts, by Center Tower Associates, LLC, Post Office Box 1440, Costa Mesa, in connection with Encroachment Permit No. PS04-00641.](#)
Recommendation: Accept work, refund \$49,505.00 cash deposit

16. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS.](#)
Recommendation: Adopt resolution, to be read by title only and waive further reading, setting a public hearing on Tuesday, May 3, 2005, at 6:30 p.m.

17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)
Recommendation: Adopt resolution, to be read by title only and waive further reading

18. [Final Map and Subdivision Agreement for Tract No. 16600, located at 190 East 23rd Street, to subdivide 3 lots into 31 lots, 25 lots for residential use and 6 lots for common use.](#)
Recommendation: Approve map, authorize City Engineer and Clerk to sign; approve agreement and authorize Mayor and Clerk to sign

19. [Cancellation of Planning Commission and Parks and Recreation Commission's Last Meeting in December and a change in the meeting schedule for the Parks and Recreation Commission.](#)

CONSENT CALENDAR—continued

Administrative Actions

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE PERMANENT CANCELLATION OF THE LAST MEETING IN DECEMBER FOR THE PLANNING COMMISSION.
Recommendation: Adopt resolution, to be read by title only and waive further reading
- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RESCINDING RESOLUTION NO. 02-34 AND ESTABLISHING THE DATE AND TIME FOR THE PARKS AND RECREATION COMMISSION MEETINGS AND THE PERMANENT CANCELLATION OF THE LAST MEETING IN DECEMBER.
Recommendation: Adopt resolution, to be read by title only and waive further reading
- 20. [Establishment of the Confidential Employees Unit for specific positions within the Administrative Services Department and the Finance Department.](#)
Recommendation: Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING THE CONFIDENTIAL EMPLOYEES UNIT, to be read by title only and waive further reading
- 21. [Reorganization and establishment of the Human Resources Division, adding new job classifications of Personnel Administrator and Risk Administrator, and including specific positions in the Confidential Employees Unit.](#)
Recommendation: Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 05-____ BY ESTABLISHING AND INCLUDING NEW JOB CLASSIFICATIONS AND PAY RANGES FOR THE CONFIDENTIAL EMPLOYEES UNIT SALARY SCHEDULE, to be read by title only and waive further reading
- 22. [Memorandum of Agreement and Land Covenant with Headland Reserve, LLC, 24849 Del Prado Avenue, Dana Point, for the development and maintenance of a Coastal Sage Scrub Community \(CSS\) at Fairview Park.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign; and approve the addition of five (5) new native species to the list of approved plant materials for the CSS areas of Fairview Park

CONSENT CALENDAR—continued

Administrative Actions

23. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PUBLIC SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)
Recommendation: Adopt resolution, to be read by title only and waive further reading

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

VI PUBLIC HEARINGS

1. [PUBLIC HEARING: Continued from the meeting of February 22, 2005, a request for a “Resident Only” permit parking restriction on Walnut Avenue between Orange Avenue and Westminster Avenue.](#)
Recommendation: Deny an initial request to implement a “resident only” permit parking program; or if original petition requesting “resident only” permit parking is approved, adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON WALNUT AVENUE BETWEEN ORANGE AVENUE AND WESTMINSTER AVENUE, to be read by title only and waive further reading

2. PUBLIC HEARING: [Rezone R-04-03 and Planning Application PA-04-05 for Birtcher Commercial Development, LLC, authorized agent for State Farm Mutual Auto Insurance Company, for a rezone from MP \(Industrial Park\) to PDI \(Planned Development Industrial\) and a master plan to demolish approximately 307,000 square feet of building and construct a 312,540 square foot multiple tenant home furnishings center with ancillary retail and food uses, located at 3333 Hyland Avenue in an MP zone. Environmental determination: Mitigated Negative Declaration.](#)
 - (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REZONE PETITION R-04-03 CHANGING THE ZONING OF 3333 HYLAND AVENUE FROM MP (INDUSTRIAL PARK) TO PDI (PLANNED DEVELOPMENT INDUSTRIAL)
Recommendation: Give ordinance first reading, to be read by title only and waive further reading

 - (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING MASTER PLAN PA-04-05
Recommendation: Adopt resolution, to be read by title only and waive further reading; or

PUBLIC HEARING – Continued

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING REZONE R-04-03 AND MASTER PLAN PA-04-05
Recommendation: Adopt resolution, to be read by title only and waive further reading

VII OLD BUSINESS

- 1. [From the meeting of March 15, 2005, second reading and adoption of Ordinance 05-3, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES, amending Title 7 of the Costa Mesa Municipal Code.](#)
Recommendation: Adopt Ordinance 05-3, to be read by title only and waive further reading or to continue to April 19, 2005
- 2. Continued from the meeting of March 15, 2005, presentation by the Costa Mesa United Foundation.
- 3. [Request for Rehearing from Council Member Katrina Foley of the March 15, 2005, on Council decision to close the Costa Mesa Job Center.](#)

VIII NEW BUSINESS

- 1. [General Plan Amendment Screening Request GPS-05-01, South Coast Metro Center, located at 475 – 595 \(odd numbers only \) Anton Blvd.](#)
Recommendation: Accept for processing
- 2. Costa Mesa Skate Park:
 - (a) [Agreement with Volcom, 1740 Monrovia Avenue, Costa Mesa, for a Skate Park Naming Rights Sponsorship Program for a term of ten \(10\) years through 2015, with a one 10-year option for renewal.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign

NEW BUSINESS—continued

- (b) [AN ORDINANCE OF CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, ADDING ARTICLE 1 OF CHAPTER II OF TITLE 12 TO THE COSTA MESA MUNICIPAL CODE SETTING REGULATIONS FOR THE USE OF PUBLIC SKATE PARKS](#)

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

- (c) [Skate Park Operations Plan](#)

Recommendation: Receive and accept Parks and Recreation Commission recommendation on the day-to-day operations of the permanent skate park located in TeWinkle Park.

- 3. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 2, DELETING SECTION 2-75, CHAPTER VII OF TITLE 2, AMENDING SECTIONS 2-224 AND 2-224.5 AND CHAPTER IX OF TITLE 2, AMENDING SECTION 2-305 AND 2-309 OF THE COSTA MESA MUNICIPAL CODE, updating various sections of Title 2.](#)

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

IX REPORTS

City Attorney

City Manager

X COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

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

XI ADJOURNMENT