



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 4, 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 6:00 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 6:00 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. Request for closed session pursuant to California Government Code Section 54957, Public Employment: Housing Rehabilitation Coordinator; Public Employee Discipline/Dismissal/Release.
2. Request for closed session pursuant to California Government Code Section 54956.9(a), conference with legal counsel – existing litigation, Dunne v. City of Costa Mesa, Case Number 04CC06183.

RECESS TO STUDY SESSION:

*The Council will recess to/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 10 minutes will be permitted for public comment. Note that no action may be taken by the Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING
REGULAR CITY COUNCIL AGENDA
6:00 p.m.

PLEDGE OF ALLEGIANCE Mayor Mansoor

**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

PRESENTATION

Mayor's Award, David Davis
Employees of the Month –
 Bart Mejia, Parks Project Manager, Public Services
 Tom Banks, Senior Engineer, Public Services
 Mike Guevara, Assistant Engineer, Public Services
Operation Interdependence

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

PLEASE NOTE:

- **THE YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **THE 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 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 COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

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

VI 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

CONSENT CALENDAR—continued

Minutes

2. None.

Warrants

3. Warrant Resolution 2076, funding City operating expenses for \$648,239.37.
Recommendation: Approve
4. Warrant Resolution 2077, funding Payroll No. 519 for \$2,134,377.18, and Payroll No. 518A for \$30,598.11, and City operating expenses for \$615,264.94, including payroll deductions.
Recommendation: Approve

Administrative Actions

5. [Application for Change of Control of the Cable Television Franchise:](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONDITIONALLY AUTHORIZING THE ASSIGNMENT AND ULTIMATE TRANSFER OF CONTROL OF A CABLE TELEVISION FRANCHISE BY COMCAST CORPORATION TO C-NATIVE EXCHANGE I, LLC, A WHOLLY-OWNED SUBSIDIARY OF TIME WARNER NY CABLE LLC, and Assignment and Assumption Agreement and Guarantee of Assignee's Obligations (Cable Franchise Agreement).
Recommendation: Adopt resolution; approve agreement, authorize Mayor and Clerk to sign
 - (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONDITIONALLY AUTHORIZING THE ASSIGNMENT OF A CABLE TELEVISION FRANCHISE BY ADELPHIA CABLEVISION OF ORANGE COUNTY, LLC, TO TIME WARNER NY CABLE LLC, A SUBSIDIARY OF TIME WARNER CABLE INC., and Assignment and Assumption Agreement and Guarantee of Assignee's Obligations (Cable Franchise Agreement).
Recommendation: Adopt resolution; approve agreement, authorize Mayor and Clerk to sign
6. [Award Bid Item No. 1085, Purchase of 26 Scott Self-Contained Breathing Apparatus and the Upgrade of 28 Scott Air-Pak 50's, to Allstar Fire Equipment, Inc., 12328 Lower Azusa Road, Arcadia, for \\$104,258.15.](#)
Recommendation: Approve

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

VII PUBLIC HEARINGS – 7:00 P.M. (Resolution 05-55)

1. [PUBLIC HEARING: Continued from the meeting of September 20, 2005, appeal from Lee Jamieson, Owner, Bristol Street Mini Storage, LLC, of the Planning Commission's denial of the six-month extension of time for Conditional Use Permit PA-05-30 for the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility \(originally approved under PA-94-24 and PA-04-12\) from September 1, 2005, to March 1, 2006, located at 1100 Bristol Street in a C1 \(Local Business District\) zone. Environmental determination: exempt.](#)
Recommendation: Adopt resolution to uphold, reverse or modify Planning Commission's decision

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY AT 1629 SUPERIOR AVENUE.](#)
Recommendation: Adopt resolution, authorize Mayor and Clerk to sign Quitclaim Deed No. 3533

VIII OLD BUSINESS

1. [From the meeting of September 20, 2005, second reading and adoption of Ordinance 05-12, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.](#)
Recommendation: Adopt Ordinance 05-12, to be read by title only and waive further reading

OLD BUSINESS – Continued

2. [From the meeting of September 20, 2005, second reading and adoption of Ordinance 05-13, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING CANOPIES ON RESIDENTIAL PROPERTIES.](#)
Recommendation: Adopt Ordinance 05-13, to be read by title only and waive further reading

3. [Continued from the meeting of September 6, 2005, proposed action minutes format for City Council meeting minutes.](#)
Recommendation: Approve action minute format

IX NEW BUSINESS

1. [Request from Robert Graham, Parks and Recreation Commissioner, for a review of the Fairview Park Master Plan regarding the following:](#)
Recommendation: Give directions to staff regarding the request for a review of the Fairview Park Master Plan
 - (a) Bike and walking trail access through the lower park area to connect Placentia Avenue to the River Trail.
 - (b) Lack of parking in the lower park area to accommodate people unable or unwilling to use the upper parking lot to gain access to Talbert Park and the proposed wetlands area.
 - (c) Trail access between the upper bird street area and the new pedestrian/bike bridge over Placentia Avenue connecting the east and west sides of the park.

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to Tuesday, October 18, 2005