



City of Costa Mesa Council Agenda

TUESDAY, APRIL 4, 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

Director of Public Services
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 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 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, 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. Bristol Street Mini-Storage
 - (a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa, California. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Rob Richardson).
 - (b) Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code, one case, Bristol Street Mini-Storage.

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 Council Member Gary Monahan

**MOMENT OF SOLEMN
EXPRESSION**

Pastor Dave Manne, Calvary Chapel of Costa Mesa

[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**

Employee Service Recognition for 25, 30 and 35 Years of Service

California Building Officials Association Presentation of the "2006 Building Department of the Year" Award

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:

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

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

Minutes

2. Regular meeting of March 21, 2006.

Recommendation: Approve

Warrants

3. Warrant Resolution 2102, funding City operating expenses for \$1,337,714.24.

Recommendation: Approve

4. Warrant Resolution 2103, funding Payroll No. 606 for \$2,165,961.61, and City operating expenses for \$507,649.09, including payroll deductions.

Recommendation: Approve

Claims

5. Claim from Rosanna Locke (alleges storm drain floods property).

Recommendation: Reject

6. Claim from Glenn Morton (alleges defective street design caused auto accident).

Recommendation: Reject

7. Claim from James Turner (alleges property wrongfully seized and not returned).

Recommendation: Reject

Administrative Actions

8. [A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)

Recommendation: Adopt resolution

9. [Amendment No. 1 to Cooperative Agreement No. D99-128, with the County of Orange, the Orange County Flood Control District, the Irvine Ranch Water District \(IRWD\), the Irvine Company, and the "Watershed Cities," for the Toxics Total Maximum Daily Load \(TMDL\) studies in the Newport Bay Watershed, adding CalTRANS, Tustin Legacy Community Partners \(TLCP\) Lennar Great Park Corporation \(GPC\) as parties to the agreement.](#)

Recommendation: Approve; authorize the Mayor and Clerk to sign

10. [Completion of street improvements located at 120 Monte Vista Avenue, by West Coast Concrete Contractor, 707 13th Street, Huntington Beach, in connection with Encroachment Permit No. PS04-00682.](#)

Recommendation: Approve work, exonerate bonds

11. [Completion of street improvements located at 373 Monte Vista Avenue, by Joe Cefalia, P.O. Box 551, Newport Beach, in connection with Encroachment Permit No. PS03-00707.](#)

Recommendation: Approve work, exonerate bonds

12. [Exterior Painting of Costa Mesa Senior Center \(695 W. 19th Street\), Project No. 05-16.](#)

- (a) Reject non-responsive bid from A.J. Fistes Corporation.

Recommendation: Approve

- (b) Reject non-responsive bid from Three Star Construction and Painting.

Recommendation: Approve

- (c) Award Contract to Southwest Coatings, Inc., 503 Harker Street, San Pedro, in the amount of \$33,500.00.

Recommendation: Approve; authorize Mayor and clerk to sign

13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF FISCAL YEAR 2006 BRYNE JUSTICE ASSISTANCE GRANT \(JAG\) ALLOCATION, in the amount of \\$21,280.00.](#)

Recommendation: Adopt resolution and accept grant

- (a) Agreement with the County of Orange to Transfer Funds for the 2005 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Recommendation: Approve; authorize the City Manager and the clerk to sign

- (b) Allocation of \$21,280.00 from the 2006 Edward Byrne Memorial Program JAG proceeds for the Orange County ProActive Methamphetamine Laboratory Task Force.

Recommendation: Approve; authorize the City Manager and the clerk to sign any documents necessary to effectuate allocation

14. [Fiscal Year 2005-2006 Mid-Year Budget Report.](#)

Recommendation: Receive and file

- (a) Budget Adjustment No. 06-040 for \$2.6 million.

Recommendation: Approve; authorize City Manager to sign

- (b) Budget Adjustment No. 06-041 for \$28,100.00.

Recommendation: Approve; authorize City Manager to sign

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

VII PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)

- 1. [PUBLIC HEARING: General Plan Amendment GP-05-03 and Zoning Code Amendment CO-06-03 for Density Bonuses and other incentives. Environmental Determination: exempt.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-03 REGARDING DENSITY BONUSES AND OTHER INCENTIVES.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-03 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING DENSITY BONUSES AND OTHER INCENTIVES.

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

- 2. [PUBLIC HEARING: General Plan Amendment GP-05-06, Rezone 05-05, and Lot Line Adjustment LL-05-02, for Charles Margolin, authorized agent for Robert L. Smith, to amend the General Plan designation from Medium Density Residential to General Commercial, and rezone from R2-MD \(Multiple Family Residential, Medium Density\) to C2 \(General Business District\), to facilitate a proposed lot line adjustment between 1944 Newport Boulevard and 1941 Church Street. Environmental Determination: exempt](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-05-06 FOR THE PROPERTY LOCATED AT 1941 CHURCH STREET.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-05-05, CHANGING THE ZONING OF THE NORTHWESTERLY PORTION OF 1941 CHURCH STREET TO GENERAL BUSINESS (C2) TO ACCOMMODATE A LOT LINE ADJUSTMENT.

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

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING LOT LINE ADJUSTMENT LL-05-02 FOR THE PROPERTY LOCATED AT 1944 NEWPORT BOULEVARD AND 1941 CHURCH STREET.

Recommendation: Adopt resolution

3. [PUBLIC HEARING: General Plan Amendment GP-05-11A, Zoning Code Amendment CO-05-05, Mixed Overlay Zoning District R-05-06A, and SoBECA Urban Plan for Bristol Street Corridor Area SP-05-06. Environmental Determination: Mitigated Negative Declaration.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING SOBECA INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT GP-05-11A, REGARDING A MIXED-USE OVERLAY DISTRICT.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE ADMENDMENT C0-05-05 THAT AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING A MIXED-USE OVERLAY DISTRICT.

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

- (c) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING OVERLAY ZONE PETITION R-05-06A FOR A MIXED-USE OVERLAY DISTRICT IN THE SOBECA URBAN PLAN AREA, LOCATED SOUTH OF BAKER STREET, EAST OF THE SR-73 FREEWAY, AND NORTH OF THE INTERSECTION OF THE SR-73/SR-55 FREEWAYS.

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

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING SOBECA URBAN PLAN SP-05-06 FOR THE BRISTOL STREET CORRIDOR AREA LOCATED SOUTH OF BAKER STREET, EAST OF THE SR-73 FREEWAY, AND NORTH OF THE INTERSECTION OF THE SR-73/SR-55 FREEWAYS.

Recommendation: Adopt resolution

- 4. [PUBLIC HEARING: General Plan Amendment GP-05-11B, Mixed-Use Overlay Zoning District R-05-06B, 19 West Urban Plan SP-05-07, Mesa West Bluffs Urban Plan SP-05-08, and Mesa West Residential Ownership Urban Plan SP-05-09. Environmental Determination: Mitigated Negative Declaration.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE WESTSIDE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND GENEAL PLAN AMENDMENT GP-05-11B REGARDING A MIXED-USE OVERLAY DISTRICT IN WESTSIDE COSTA MESA.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING OVERLAY ZONE PETITION R-05-06B FOR A MIXED-USE OVERLAY DISTRICT IN WESTSIDE URBAN PLANS AREA, GENERALLY BOUND BY WILSON STREET (NORTH), HARBOR BOULEVARD AND SUPERIOR BOULEVARD (EAST), AND THE CITY'S CORPORATE LIMITS (WEST/SOUTH).

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

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 19 WEST URBAN PLAN SP-05-07 FOR AN APPROXIMATELY 103-ACRE AREA GENERALLY BOUND BY 19TH STREET AND VICTORIA STREET (NORTH), SUPERIOR BOULEVARD (EAST), AND THE CITY'S CORPORATE LIMITS (WEST/SOUTH).

Recommendation: Adopt resolution

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE MESA WEST BLUFFS URBAN PLAN SP-05-08 FOR AN APPROXIMATELY 277-ACRE AREA BOUND BY VICTORIA STREET (NORTH), SUPERIOR AVENUE (EAST), AND THE CITY'S CORPORATE LIMITS (SOUTH AND WEST).

Recommendation: Adopt resolution

- (e) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE RESIDENTIAL OWNERSHIP URBAN PLAN SP-05-09 FOR AN APPROXIMATELY 238-ACRE AREA IN WESTSIDE COSTA MESA.

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. [From the meeting of February 22, 2005, six month evaluation of Parking Restriction on Walnut Avenue between Orange Avenue and Westminster Avenue.](#)

Recommendation: Receive and file

2. [From the meeting of October 4, 2005, six-month review of the Action Minute format.](#)

Recommendation: Continue use of Action Minute format for City Council meeting minutes

IX NEW BUSINESS

1. [General Plan Screen Request: GPS-06-01 for Wyndham Hotels and Resorts, 3350 Avenue of the Arts.](#)

Recommendation: Accept for processing

2. [Annual review of Athletic Field/Facility Use and Allocation Policy.](#)

Recommendation: Receive and file; authorize staff to implement an Adult Allocation Formula for Group 6 organizations based upon number of documented resident players; and add Harper School, Killybrooke Elementary School and Back Bay/Monte Vista School back into the fields that would be available for use on Sundays.

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to April 18, 2006