



City of Costa Mesa Council Agenda

TUESDAY, AUGUST 1, 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:

1. Conference with Legal Counsel—Anticipated Litigation: Significant Exposure to litigation, two cases, pursuant to Government Code Section 54956.9(b).

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 Katrina Foley

MOMENT OF SOLEMN EXPRESSION Reverend Tim McCalmont, Presbyterian Church of the Covenant

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

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 9.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meetings of June 20 and July 5, 2006.

Recommendation: Approve

Warrants

3. Warrant Resolution 2119, funding City operating expenses for \$1,631,445.85.

Recommendation: Approve

4. Warrant Resolution 2120, funding Payroll No. 614 for \$2,258,176.62 and Payroll No. 613A for -\$121.02, and City operating expenses for \$494,443.31 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Authorize refund of cash deposit in the amount of \\$21,041 to Ara Tchaghlassian, in connection with Encroachment Permit No. PS06-00093, for street improvements located at 2015 Harbor Boulevard.](#)

Recommendation: Approve work, exonerate bonds

6. [Completion of Construction Improvements at the TeWinkle Park Skate Park, Project No. 04-19, by California Landscape and Design, Inc., 273 North Benson Avenue, Upland.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter

7. [Right-of-way Easement Agreements with Makar Baynorth Costa Mesa, LLC, and LA Lakes at South Coast L.P., for the Theater and Arts District \(TAD\) plan.](#)

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

8. [Agreement with the American Society of Composers, Authors and Publishers \(ASCAP\), granting City license to perform, or have performed on its behalf, live or mechanical music from the ASCAP repertory.](#)

Recommendation: Approve; authorize the City Manager or his designee and City Clerk to sign

9. [Amendment No. 12-457A1 District Agreement with the California Department of Transportation \(Caltrans\), for design and environmental oversight of improvements to Newport Boulevard between 17th Street and 19th Street.](#)

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

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

VII PUBLIC HEARINGS

1. PUBLIC HEARING: Appeal of Planning Application PA-06-25, to modify the hours of operation for the preschool at the Lighthouse Coastal Community Church located at 301 Magnolia Street in an I and R Zone, originally approved under Master Plan PA-00-56; Frank L. Custer, authorized agent for Leigh Harrison. Environmental determination: Categorically Exempt.

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

2. PUBLIC HEARING: Review of Planning Commission's approval of DR-06-01 to legalize the installation of a mobile home on a lot with an existing home, with a minor modification for an 10-foot wide driveway (16 feet required), property located at 2333 Elden Avenue, in an R2-MD zone. Environmental determination: Categorically Exempt. Planning Commission recommended approval.

Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission's decision

3. PUBLIC HEARING: Review of Rezone Petition R-06-02, rezone of four (4) acres from a combination of CL (Commercial Limited) and I & R (Institutional and Recreational) to P (Parking), on property located at 1450 Adams Avenue. Environmental determination: Categorically Exempt.

- (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-06-02 CHANGING THE ZONING OF 1450 ADAMS AVENUE FROM CL (COMMERCIAL LIMITED) AND I&R (INSTITUTIONAL & RECREATIONAL) TO P (OFF-STREET PARKING).

Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading

VIII OLD BUSINESS

1. [From the meeting of July 18, 2006, second reading and adoption of: ORDINANCE 06-15: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REZONE PETITION R-06-01 TO ADD SEVEN PARCELS LOCATED AT 2115, 2121, 2131, 2139, AND 2145 PLACENTIA AVENUE AND 811 AND 817 VICTORIA STREET TO THE 19 WEST MIXED-USE OVERLAY DISTRICT.](#)

Recommendation: Adopt Ordinance 06-15, to be read by title, and waive further reading

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA FIREFIGHTERS ASSOCIATION TO REFLECT THE ESTABLISHED LABOR MARKETPLACE PURSUANT TO THE 2004-2007 MOU.](#)

Recommendation: Adopt resolution

- (a) Budget Adjustment No. 07-003, for \$497,462, to transfer funds from the Non-Departmental cost center to the Fire Department's operating budget.

Recommendation: Approve

IX NEW BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER I OF TITLE 11 OF THE COSTA MESA MUNICIPAL CODE RELATING TO FALSE REPORTS.](#)

Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING PARTICIPATION IN AND ACCEPTING A GRANT FOR SANTA ANA RIVER HABITAT AND RECREATIONAL PLANNING.](#)

Recommendation: Adopt resolution and provide direction on membership of Blue Ribbon Committee

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to August 8, 2006, 4:30 p.m., Study Session and Assembly Bill 1234 Training.