



# City of Costa Mesa Council Agenda

## TUESDAY, SEPTEMBER 5, 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. Public Employee Discipline/Dismissal/Release, pursuant to Government Code Section 54957.

#### ***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**

Employees of the Month – Matt Pallo and Laura LeGrand,  
Park Rangers of the Police Department Field Operations  
Division

Recognition of Performance for Traffic Safety Bureau  
Personnel – Officer Tony Yannizzi, Officer Scott Dibble,  
and Officer Allen Rieckhof

Orange County Transportation Authority (OCTA) -

\$1 Million Dollar TEA funds for Landscaping Projects to  
the City

Resolution presented to Council Member Katrina Foley in  
recognition of the work on Measure M Super Committee

Orange County Performing Arts Center 20<sup>th</sup> Anniversary and  
Opening of New Concert Halls

**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 11.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Adjourned Regular Meeting/Study Session of August 8, 2006, Special Joint Meeting with the Planning Commission and Parks and Recreation Commission on August 8, 2006, and Adjourned Regular Meeting of August 16, 2006.

**Recommendation: Approve**

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2123, funding City operating expenses for \$681,097.51.

**Recommendation: Adopt resolution**

4. Warrant Resolution 2124, funding Payroll No. 616 for \$2,357,460.66 and Payroll No. 615A for \$367.88, and City operating expenses for \$1,458,312.93 including payroll deductions.

**Recommendation: Adopt resolution**

Administrative Actions

5. [Completion of Replacement of Condenser Pipes at Costa Mesa City Hall, 77 Fair Drive, Project No. 06-04, by Refrigerated Air Mechanical Systems, 2050 S. Loara Street, Anaheim.](#)

**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 twelve (12) months thereafter**

6. [Completion of street improvements within Newport Boulevard, by Tom Talebi, 2127 Indian Springs Lane, Newport Beach, in connection with Encroachment Permit No. PS06-00319.](#)

**Recommendation: Accept work; refund \$15,256 cash deposit**

7. [Final Map for Tract No. 16946 located at 2233 Fairview Road, Costa Mesa, for the subdivision to convert an existing eighteen \(18\) unit apartment complex into a condominium development.](#)

**Recommendation: Approve; authorize City Engineer and City Clerk to sign**

CONSENT CALENDAR—continued

Administrative Actions

8. [Lease Agreement with Omnipoint Communications Inc. \(a subsidiary of T-Mobile USA, Inc.\), 3 Imperial Promenade, Suite 1100, Santa Ana, in the amount of \\$18,000 per year for five \(5\) years, with five \(5\) five \(5\)-year options, with a 15% increase each option term.](#)

**Recommendation: Approve; authorize the City Manager to sign**

9. [Final Extension Agreement with Western Transit Systems, 1619 East Lincoln Avenue, Anaheim, for the Senior Mobility Program \(SMP\), for one \(1\) year, effective October 1, 2006, through September 30, 2007.](#)

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

10. [Grant application with the California Department of Parks and Recreation's Recreational Trails Program \(RTP\), in the amount of \\$220,000 for improvements in and around the planned wetlands/riparian area at Fairview Park.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM.

**Recommendation: Adopt resolution**

11. [Grant application with the California Department of Parks and Recreation's Habitat Conservation Fund Program in the amount of \\$210,000 for improvements at Fairview Park.](#)

- (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE LOCAL AGENCY GRANT PROGRAM, FISCAL YEAR 2007-2008, UNDER THE HABITAT CONSERVATION FUND PROGRAM OF THE CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 FOR THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT.

**Recommendation: Adopt resolution**

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

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

1. PUBLIC HEARING: [From the meeting of August 15, 2006, appeal of Planning Application PA-06-29, a residential common interest conversion of an existing 12-unit apartment complex to condominiums on property located at 2379 through 2381 Elden Avenue \(odd numbers\), in an R2-MD zone; Peter Zehnder, authorized agent for Evans Trust, applicant. Environmental Determination: Exempt.](#)

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

2. PUBLIC HEARING: [Appeal of denial of Planning Application PA-06-34, to amend conditions of approval of an existing conditional use permit \(PA-99-49\) to allow concurrent sales of beer and wine \(single servings\) with gasoline, and to allow exterior advertisement for alcoholic beverages on property located at 3067 Bristol Street and zoned C-1; Greg Fick of Tait and Associates, Inc., authorized agent for Conoco Phillips, appellants. Environmental Determination: Categorically Exempt.](#)

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

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-06 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODPLAIN AND FLOODWAY DISTRICTS. Environmental Determination: Exempt.](#)

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

4. [PUBLIC HEARING: Recommended allocation of funds for the 2006-2007 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Funds \(COPS/SLESF\).](#)

**Recommendation: Approve**

VIII OLD BUSINESS

1. [From the meeting of August 15, 2006, second reading and adoption of ORDINANCE 06-18: 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: Adopt Ordinance No. 06-18, to be read by title only and waive further reading**

2. [Master Plan of Drainage Plan Update: To consider adoption of an ordinance amending Title 15, Chapter III, of the Costa Mesa Municipal Code to update the City's Master Plan of Drainage and drainage requirements and to adopt a resolution setting new Drainage Impact Fees.](#)

- (a) From the meeting of August 15, 2006, second reading and adoption of ORDINANCE 06-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 15 OF THE COSTA MESA MUNICIPAL CODE RELATING TO DRAINAGE.

**Recommendation: Adopt Ordinance No. 06-19, to be read by title only and waive further reading**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A REVISED DRAINAGE FEE FOR THE CITY OF COSTA MESA.

**Recommendation: Adopt resolution**

3. [From the meeting of August 15, 2006, application for rehearing by Council Member Foley of the determination of the City Council from its regular meeting held August 2, 2006, regarding denial of Development Review DR-06-01, to legalize the installation of a mobile home on a lot with an existing home, located at 2333 Elden Avenue; Susan and James Bollinger, appellants.](#)

**Recommendation: Grant or deny request for rehearing**



IX NEW BUSINESS

1. [Request by Mayor Mansoor for consideration of the offering of a publicly funded reward.](#)

**Recommendation: Consider request and provide direction**

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to September 12, 2006, 4:30 p.m.