



# City of Costa Mesa Council Agenda

**Gary Monahan**  
Mayor

**Allan Mansoor**  
Mayor Pro Tem

**Chris Steel**  
Council Member

City Manager  
Allan Roeder

**Libby Cowan**  
Council Member

**Mike Scheafer**  
Council Member

City Attorney  
Kimberly Hall Barlow

Development Services Director  
Donald Lamm

Director of Public Services  
William Morris

Deputy City Clerk  
Julie Folcik

## **COUNCIL MEETS 1<sup>ST</sup> & 3<sup>RD</sup> MONDAYS - 6:30 PM - 77 Fair Drive**

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE YELLOW CARDS AT THE PODIUM.

COUNCIL POLICY 000-4 - TIME LIMIT FOR COUNCIL MEETINGS - Except for extenuating circumstances, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to a future council meeting.

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) 754-5223. 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]. The Council meets for 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. No action may be taken by the Council prior to the 6:30 p.m. meeting.

## **DECEMBER 6, 2004**

- |     |                             |  |
|-----|-----------------------------|--|
| I   | PLEDGE OF ALLEGIANCE        | Flag Ceremony, United States Air Force Auxiliary Civil Air Patrol  |
| II  | MOMENT OF SOLEMN EXPRESSION | Pastor Bob Moore, South Coast Christian Church<br>[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. Interested presenters, please contact the City Clerk's office.]  |
| III | ROLL CALL                   |  |
| IV  | MINUTES                     | Regular meeting of November 15, 2004   |
|     | MOTION                      | To read all ordinances and resolutions by title only   |
|     | PRESENTATION                | Employees of Month, Julie Folcik, Ruth Delaney, and Marian Stueve, City Clerk's Office; and Cyndy West, Purchasing Division, Finance Department<br>Mayor's Award, Mary Bigelow<br>Cultural Arts Committee Presentation, Diane Doyle<br>2005 Orange County Grand Jury Recruitment Drive, Judge Karen Robinson |

V 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.

VI GENERAL MUNICIPAL ELECTION

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2004, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.](#)

**Recommendation: Adopt resolution**

- (a) Swearing in of newly elected City Council Members.

VII 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, address, and item number.

Written Communications

1. [Reading Folder.](#)  
**Recommendation: Receive and process**

Warrants

2. Warrant Resolution 2032, funding City operating expenses for \$273,516.43.  
**Recommendation: Approve**
3. Warrant Resolution 2033, funding Payroll No. 424 for \$2,137,587.03, and City operating expenses for \$810,830,25.67, including payroll deductions.  
**Recommendation: Approve**
4. Warrant Resolution 2034, funding City operating expenses for \$1,034,802.57.  
**Recommendation: Approve**

CONSENT CALENDAR—continued

Administrative Actions

5. [Annual review of Development Agreement DA-04-03 for John Krappman, authorized agent for FSP Two Town Center, LLP, for the annual review of the Two Town Center Development \(DA-00-04\), located at 655 Anton Boulevard, relating to the demonstration of good faith compliance of said development agreement. Environment determination: exempt.](#)  
**Recommendation:** Determine and find that Commonwealth Capital Management, LLC, on behalf of FSP Two Town Center, LLC, has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-04; and delegate future periodic reviews to the Planning Commission, and allow formal periodic review to be conducted every two years
  
6. [Annual review of Development Agreement DA-04-04 for Philip Schwartze, authorized agent for BRE/South Coast LLC/McCarthy Cook, for the annual review of the South Coast Metro Center Development Agreement \(DA-99-01\), located at 475-595 \(odd numbers only\) Anton Boulevard, relating to the demonstration of good faith compliance of said development agreement. Environment determination: exempt.](#)  
**Recommendation:** Determine and find that McCarthy Cook & Company-South Coast Metro, LLC, and BRE/South Coast, LLC, have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-99-01; and delegate future formal periodic reviews to the Planning Commission, and allow the next formal review to occur when hotel development activity begins
  
7. [Completion of street improvements at 600 Town Center Drive by South Coast Plaza, P.O. Box 1440, Costa Mesa, in connection with Encroachment Permit No. PS-04-00375.](#)  
**Recommendation:** Refund cash deposit of \$103,050.75
  
8. [Budget Adjustment No. 05-036 for \\$26,929.00, for the California Integrated Waste Management Tenth Cycle Used Oil Recycling Block Grant, to recognize the grant revenue and appropriate funds for continuation of the used oil residential pickup program and the promotion and advertising of the City's used oil and oil filter recycling programs.](#)  
**Recommendation:** Approve

CONSENT CALENDAR—continued

Administrative Actions

9. [Grant from Federal Emergency Management Agency \(FEMA\), for \\$6,333.00, for Community Emergency Response Team \(CERT\) Program and Citizen Corps expenditures.](#)  
**Recommendation: Accept grant**
  - (a) Budget Adjustment No. 05-039 for \$6,333.00, to appropriate the grant funds to the Fire Department operating budget.  
**Recommendation: Approve**
  
10. [Donation of \\$18,000.00 to the Police Department from a private citizen.](#)  
**Recommendation: Accept donation**
  - (a) Budget Adjustment No. 05-037 for \$18,000.00 to appropriate the donated funds for the purchase of patrol rifles.  
**Recommendation: Approve**
  
11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE TRANSPORTATION SERVICES MANAGER TO EXECUTE THE NECESSARY AGREEMENTS \(State Funded Projects Agreement and Program Supplement Agreement\) TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTE TO SCHOOL \(ST2S\) PROGRAM, authorizing the Transportation Services Manager to receive \\$86,130.00 in program funds](#)  
**Recommendation: Adopt resolution**
  
12. [Amended VantageCare Retirement Health Savings Program to establish a defined contribution plan to augment the retiree medical benefits to be provided to current and future employees of the City \(the employee and the City each make a 1% of base salary contribution to the plan on a cost-sharing basis\), retroactive to January 1, 2004.](#)  
**Recommendation: Approve; authorize the Mayor and Director of Finance (as Plan Trustee) to sign**
  - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN AMENDMENT TO THE VANTAGECARE RETIREMENT HEALTH SAVINGS PROGRAM ADOPTION AGREEMENT AND AUTHORIZING THE CITY'S FINANCE DIRECTOR TO SERVE AS PLAN ADMINISTRATOR AND TO IMPLEMENT THE AMENDED PLAN  
**Recommendation: Adopt resolution**

Administrative Actions

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING AN ADDITIONAL DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT, for selected local miscellaneous members of the California Public Employees Retirement System (CalPERS).

**Recommendation: Adopt resolution**

14. Agreement with Amtech Elevator Services, 1550 Sunkist Street, Suite A, Anaheim, for an initial five-year term, for an amount not to exceed \$9,300.00 per year, and authorize the City Manager to execute up to three additional one-year periods (not to exceed a maximum of eight years total), for an amount not to exceed \$9,300.00 per year, contingent upon funds being budgeted in the subsequent years.

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

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

VIII PUBLIC HEARINGS

IX OLD BUSINESS

1. From the meeting of November 15, 2004, second reading and adoption of Ordinance 04-14, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REGARDING CONSOLIDATION OF ACCESS APPEALS BOARD AND BUILDING, FIRE, AND HOUSING BOARD OF APPEALS.

**Recommendation: Adopt Ordinance 04-14**

2. From the meeting of November 15, 2004, second reading and adoption of Ordinance 04-15, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, INCREASING SALARIES OF CITY COUNCIL MEMBERS, from \$828.00 per month to \$952.00.

**Recommendation: Adopt Ordinance 04-15**

OLD BUSINESS--continued

3. [Amendments to Council Policy 000-6, City Newsletters, to reflect the new combined brochure Costa Mesa Community News and Recreation Review, and Council Policy 100-7, pertaining to use of City Facilities and Waiver of User Fees.](#)  
**Recommendation: Approve**

X NEW BUSINESS

1. [Consideration of staff time to conduct an acceptability study to identify possible recreational uses for certain properties within the City previously presented to Council at the meeting of July 7, 2004, as non-City owned government properties.](#)  
**Recommendation: The Parks and Recreation Commission recommends staff be directed to conduct an acceptability study; and City Council consider allocating funds in fiscal year 2005-2006 to develop concept plans for those parcels deemed acceptable for active recreational uses**
  
2. [Request from the Cultural Arts Committee to use Signs of Support funds:](#)
  - (a) Commit up to \$3,530.00 from the previously allocated Signs of Support funds to participate in the KOCE Butterfly Project.  
**Recommendation: Approve**
  - (b) Add the Butterfly Project to the 2004-05 Cultural Arts Committee Goals and Objectives.  
**Recommendation: Approve**
  - (c) Temporarily install one or two decorated butterflies outside the City Hall Council Chambers for six to eight weeks.  
**Recommendation: Approve**
  - (d) Sell the butterflies at the end of the installation with proceeds to be directed to the Cultural Arts Committee and, if they choose to participate, the Community Foundation, in proportionate ratio of funds invested.  
**Recommendation: Approve**
  - (e) Agreement with KOCE-TV Foundation approving participation in the project.  
**Recommendation: Approve; authorize City Manager to sign**

NEW BUSINESS—continued

3. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 2-15 TO THE COSTA MESA MUNICIPAL CODE PERTAINING TO RESTRICTIONS FOR USE OF THE CITY SEAL AND PENALTIES FOR MISUSE THEREOF.](#)

**Recommendation: Give ordinance first reading**

- (a) Amend City Council Policy 000-10, pertaining to restrictions on use of the City Seal.

**Recommendation: Approve**

4. [General Plan Screening Request GPS-04-02 for 2218 Canyon Drive to change the land use designation from Medium Density Residential \( R2-MD\) to High Density Residential \(R2-HD\).](#)

**Recommendation: Reject based on inconsistency with the acceptance criteria specified in City Council Policy 500-2**

5. [General Plan Screening Request GPS-04-03 for 675 Anton Boulevard to allow construction of a residential condominium project within Two Town Center.](#)

**Recommendation: Accept for processing**

6. [Request from Mayor Monahan for cancellation of the regularly scheduled meetings in December, 2004, for the City Council and the Planning Commission.](#)

7. [Request from Mayor Monahan for review of Council Policy 000-2.5 pertaining to Planning Commission and Parks and Recreation Commission appointments.](#)

XI REPORTS

City Attorney

City Manager

XII COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Foley
2. Council Member Dixon
3. Council Member Bever
4. Mayor Pro Tem Mansoor
5. Mayor Monahan

XIII ADJOURNMENT