



# City of Costa Mesa Council Agenda

**Allan Mansoor**  
Mayor

**Gary Monahan**  
Mayor Pro Tem

**Linda Dixon**  
Council Member

City Manager  
Allan Roeder

**Eric Bever**  
Council Member

**Katrina Foley**  
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.

## **TUESDAY, JANUARY 18, 2005**

- |     |                             |  |
|-----|-----------------------------|--|
| I   | PLEDGE OF ALLEGIANCE        | Council Member Linda Dixon   |
| II  | MOMENT OF SOLEMN EXPRESSION | Pastor Martin Benzoni, St. John the Baptist Catholic 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 January 3, 2005   |
|     | MOTION                      | To read all ordinances and resolutions by title only   |
|     | PRESENTATION                | Sister City Proclamation, Joel Anderson and Rhiannon Gudde   |

- 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 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 2039, funding Payroll No. 427 for \$2,165,447.14, Payroll No. 426A for \$4,664.26, and City operating expenses for \$629,089.38, including payroll deductions.  
**Recommendation: Approve**
3. Warrant Resolution 2040, funding City operating expenses for \$898,912.35.  
**Recommendation: Approve**

Claims

4. Claim from Mark and Kristen Howerton (alleged improper maintenance of SR-55 offramp).  
**Recommendation: Reject**

CONSENT CALENDAR—continued

Claims

5. Claim from Craig Slamka (alleged improper action by Police Department).  
**Recommendation: Reject**
  
6. Claim from George Hanold (alleged wrongful arrest).  
**Recommendation: Reject**
  
7. Claim from Wendy Mansfield, Cody Holst and William Holst (alleged excessive use of force against claimants and claimant's dog).  
**Recommendation: Reject**
  
8. Claim from City of Huntington Beach (alleged contributing to hazardous materials at Huntington Beach gun range).  
**Recommendation: Reject**

Administrative Actions

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF THIRTY-TWO \(32\) IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM, for Fiscal Years 2005-06 to 2009-10.](#)  
**Recommendation: Adopt resolution**
  
10. [2003 Development Phasing and Performance Monitoring Program \(DPPMP\) Report.](#)  
**Recommendation: Receive and file**
  
11. [Budget Adjustment No. 05-048, for \\$310,381.00, to transfer the Roberti-Z'Berg-Harris \(RZH\) block grant funds to the Costa Mesa Skate Park Project, and to transfer Capital Outlay Funds from the Skate Park Project to the TeWinkle Athletic Field Project.](#)  
**Recommendation: Approve**

CONSENT CALENDAR—continued

Administrative Actions

12. [Budget No. 05-045, for \\$10,750.00, to appropriate funds from the General Fund undesignated balance for SB 90 State Mandated claims administration costs.](#)  
**Recommendation: Approve**
  
13. [Award of \\$500.00 to two private citizens who reported gang-related graffiti.](#)  
**Recommendation: Approve pursuant to Costa Mesa Municipal Code Section 11-147**
  
14. [Purchase of four 2004 BMW motorcycles for the Costa Mesa Police Department from A & S BMW Motorcycles, 1125 Orlando Avenue, Roseville, for \\$79,707.08, and a fee of \\$881.45 \(1.21 percent\) to the State of California for use of the California Multiple Award Schedule, for a total cost of \\$80,588.83.](#)  
**Recommendation: Approve**

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

VII PUBLIC HEARINGS

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2004-2005 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.](#)  
**Recommendation: Adopt resolution**
  
2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN EMERGENCY MEDICAL SERVICES SUBSCRIPTION PROGRAM AND RESTRUCTURING EMERGENCY MEDICAL SERVICES RESPONSE FEES, amending Title 7 of the Costa Mesa Municipal Code.](#)  
**Recommendation: Give ordinance first reading**

PUBLIC HEARINGS—continued

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES.](#)  
**Recommendation:** Give ordinance first reading; direct staff to prepare a Council Policy regarding the review and adoption, or amendment, of any park master plan which indicates that park master plans will be considered at joint study sessions and joint public hearings with the Planning Commission and Parks and Recreation Commission
  
4. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 13 AND 20 OF THE COSTA MESA MUNICIPAL CODE TO CLARIFY EXISTING ZONING DEFINITIONS AND STANDARDS AND TO ADD REGULATIONS REGARDING SEASONAL EVENTS AND LANDSCAPING REQUIREMENTS IN THE R1 ZONE \(Single-Family Residential\).](#)  
**Recommendation:** Give ordinance first reading; provide direction to staff regarding amendments to the City’s definitions of “mobilehome”, “mobilehome park”, “mobilehome lot”, and “mobilehome park conversion”

VIII OLD BUSINESS

1. [From the meeting of January 3, 2005, second reading and adoption of ordinance 05-1, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-68\(d\) AND \(e\) OF THE COSTA MESA MUNICIPAL CODE REGARDING COUNCIL MEMBERS CONFLICT OF INTEREST AND CITY ATTORNEY OPINIONS REGARDING CONFLICT OF INTEREST, as it relates to the conduct of a Council Member with a conflict and conflict opinions issues by the City Attorney.](#)  
**Recommendation:** Adopt Ordinance 05-1

IX NEW BUSINESS

1. [Request for Alcoholic Beverage Control License from Havanita’s Cigar Lounge, 750 West 17<sup>th</sup> Street, Unit A, for an original Type 57 Alcoholic Beverage Control License \(on-sale general, club\).](#)  
**Recommendation:** Make a finding of public convenience or necessity

NEW BUSINESS—continued

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, SECTION 2-22, OF THE COSTA MESA MUNICIPAL CODE REGARDING THE TERM OF MAYOR AND MAYOR PRO TEMPORE.](#)

**Recommendation: Give ordinance first reading**

3. [City Council consideration of an emergency, interim appointment to the Planning Commission or alternative methods of providing for prompt review of matters pending before the Planning Commission pending permanent appointments, and possible adoption of one of the following actions:](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING AN EMERGENCY AND MAKING AN INTERIM APPOINTMENT TO THE COSTA MESA PLANNING COMMISSION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54974(b).

- (b) AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TEMPORARILY SUSPENDING THE AUTHORITY OF THE PLANNING COMMISSION ESTABLISHED BY COSTA MESA MUNICIPAL CODE SECTION 13-10.

- (c) AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 1, 12, AND 13, OF THE COSTA MESA MUNICIPAL CODE REGARDING CITY COUNCIL APPOINTMENT OF COMMISSIONS, BOARDS, AND COMMITTEES.

X REPORTS

City Attorney

City Manager

XI COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

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

XII ADJOURNMENT