



City of Costa Mesa Council Agenda

Tuesday, June 21, 2005

Allan Mansoor
Mayor

Gary Monahan
Mayor Pro Tem

Linda Dixon
Council Member

Katrina Foley
Council Member

Eric Bever
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Director of Public Services
William Morris

Deputy City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
5:00 p.m. – Closed Session and 6:30 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 Deputy 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 Deputy 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 6:30 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: None scheduled.

RECESS TO STUDY SESSION:

*The Council will recess to/convene 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 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 6:30 p.m. meeting.

RECONVENE REGULAR MEETING
REGULAR CITY COUNCIL AGENDA
6:30 p.m.

PLEDGE OF ALLEGIANCE Council Member Bever

MOMENT OF SOLEMN EXPRESSION The Reverend Barbara Steward, St. John the Divine Episcopal Church
[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 None.

PRESENTATION Presentation of the WROC Orange County 2005 APA Planning Award to City Council

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE YELLOW FORM LOCATED AT THE PODIUM AND PRESENT IT TO THE DEPUTY CITY CLERK.

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 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

CONSENT CALENDAR—continued

Minutes

2. Regular meeting of May 3, 2005.
Recommendation: Approve

Warrants

3. Warrant Resolution 2061, funding Payroll No. 511 for \$2,036,786.87, Payroll No. 510A for \$1,920.96, and City operating expenses for \$1,726,172.16, including payroll deductions.
Recommendation: Approve
4. Warrant Resolution 2062, funding City operating expenses for \$449,512.04.
Recommendation: Approve

Administrative Actions

5. [Award contract for Roof Replacement at the Neighborhood Community Center, \(1845 Park Avenue\); Police Substation \(567 West 18th Street\); Lions Park Restroom \(570 West 18th Street\); and Heller Park Restroom \(257 East 16th Street\), Project No. 05-10, to Best Roofing and Waterproofing, Inc., d.b.a., Best Contracting Services, Inc., 19027 South Hamilton Avenue, Gardena, for \\$190,930.00.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign
6. [Award Bid Item No. 1083, Three-year Pesticide Application and Rodent Control, to RPW Services Incorporated, P.O. Box 2342, Fullerton, for the performance of pest application and rodent control over a three-year period, in an amount not to exceed \\$52,000.00 annually.](#)
Recommendation: Approve
7. [Award Bid Item No. 1084, Rental of Two Copiers, to Cell Business Equipment \(CBE\), 4A Mason Street, Irvine, for rental of two Sharp copiers for a two-year period, for \\$17,482.50 annually.](#)
Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

8. [Agreement with Ware Disposal Company, Inc., 1018 North Lincoln Street, Santa Ana, for refuse removal services, green waste diversion, and a recycling program, for \\$98,853.30 annually.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign; authorize Public Services Director to extend the agreement July 1 each fiscal year up to a maximum of six years if the increase is equal to or less than the annual Consumer Price Index (CPI)

9. [Completion of Asbestos Abatement at Costa Mesa Police Facility Basement, Project No. 04-27, by Unlimited Environmental, Inc., 1390 32nd Street, Signal Hill.](#)
Recommendation: Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate the Labor and Material Bond 7 months thereafter; exonerate Performance Bond 6 months thereafter

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY AT 628 WEST 19TH STREET, setting a public hearing on Tuesday, July 19, 2005, at 6:30 p.m.](#)
Recommendation: Adopt resolution

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT-OF-WAY AT 197 MAGNOLIA STREET \(ORANGE AVENUE SIDE\), setting a public hearing on Tuesday, July 19, 2005, at 6:30 p.m.](#)
Recommendation: Adopt resolution

12. [Measure “M” Eligibility:](#)
 - (a) Maintenance of Effort.
Recommendation: Approve

 - (b) Seven-year Capital Improvement Program.
Recommendation: Approve

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

VI PUBLIC HEARINGS

1. PUBLIC HEARING: City Budget for fiscal year 2005-2006:
 - (a) [Resolution determining and adopting an appropriations limit of \\$140,623,635.00 for fiscal year 2005-2006, in accordance with Article XIII-B of Proposition 4 of the Constitution of the State of California, as amended by Proposition 111 and Senate Bill 88.](#)
Recommendation: Adopt resolution
 - (b) [Resolution adopting a budget for fiscal year 2005-2006.](#)
Recommendation: Adopt resolution; consider removal of appropriation for dues to Orange County Regional Airport Authority (OCRAA) for \$12,000.00, included in the FY 2005-06 Proposed Budget
 - (c) [Resolution determining and adopting the General Fund operating reserve for the 2005-2006 fiscal year in accordance with Title 2, Chapter V, Article 6, of Costa Mesa Municipal Code.](#)
Recommendation: Adopt resolution
 - (d) [Resolution approving the Investment Policy for Fiscal Year 2005-2006 and delegating the investment activities to the City Treasurer.](#)
Recommendation: Adopt resolution
2. [PUBLIC HEARING: An ordinance amending Title 13 of the Costa Mesa Municipal Code to prohibit the establishment of medical marijuana dispensaries in the City of Costa Mesa. Environmental Determination: Exempt.](#)
Recommendation: The Planning Commission recommends that City Council:
 - (1) Direct staff to prepare an ordinance to place a moratorium on the establishment of medical marijuana dispensaries until such time an ordinance is prepared and adopted that allows a medical marijuana dispensary to be established with the approval of a conditional use permit; and
 - (2) Direct staff to prepare an ordinance that allows a medical marijuana dispensary to be established with approval of a conditional use permit, subject to location and operational standards, and return to the Planning Commission for their review and recommendation on the draft ordinance.

VII OLD BUSINESS

1. [From the meeting of June 7, 2005, second reading and adoption of Ordinance 05-10, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER 12 OF TITLE 11 OF THE COSTA MESA MUNICIPAL CODE RELATING TO REGULATIONS APPLICABLE TO LANDLORDS RENTING PROPERTY UPON WHICH SPECIFIED ILLEGAL DRUG OR GANG ACTIVITIES ARE OCCURRING.](#)
Recommendation: Adopt Ordinance 05-10, to be read by title only and waive further reading

VIII NEW BUSINESS

1. [Appoint two members to the Board of Directors of the Costa Mesa Senior Corporation.](#)
2. [Amendment to Council Policy 800-4, Acceptance and Recognition of Donation to City Parks and Public Facilities.](#)
Recommendation: Parks and Recreation Commission recommend approval of the following proposed amendments:
 - (1) Change title of the Policy to include Circle of Service Recognition.
 - (2) Provide direction on how payments/cash donations can be received.
 - (3) Delete the City Council and Mayor acknowledgement of donation.
 - (4) Add standard for minimum 15-gallon size for tree donations.
 - (5) Add reference to disallow plaques memorializing pets in City parks.
 - (6) Add standard for the shape, material and size of the memorial and donation plaques.
 - (7) Clarify party responsible for acquisition and installation of donated items and plaques.
 - (8) Clarify installation of the plaques to be flush with the ground.
 - (9) Clarify that park furniture will be at locations that are Americans with Disabilities Act (ADA) accessible.
 - (10) Delete reference to application forms for tree and park furniture donations.
 - (11) Clarify procedure to nominate Circle of Service Honorees.

IX REPORTS

City Attorney

City Manager

X 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

XI ADJOURNMENT