



City of Costa Mesa Council Agenda

WEDNESDAY, JULY 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. Request for closed session pursuant to California Government Code Section 54956.9(a), conference with legal counsel – existing litigation, Mansfield v. City of Costa Mesa, Case Number SACV 05-133 CJC RNBx.
2. Request for closed session pursuant to California Government Code Section 54957, Public Employment: Police Chief and Fire Chief.
3. Bristol Street Mini-Storage:
 - (a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone).
 - (b) Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of California Government Code Section 54956.9, one case, Bristol Street Mini-Storage.

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 Eric Bever

**MOMENT OF SOLEMN
EXPRESSION** Pastor Dave Peckham, Costa Mesa Seventh Day Adventist
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

PRESENTATIONS Mayors Award – Adelina Hernandez

Employee of the Month – Recreation Leader IV:
Jovita Guthrie

Appreciation Day Proclamation to Art Tree Trimming Club of
America, Orange County Branch

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

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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meetings of September 6, 2005, and June 6, 2006, Adjourned Regular Meeting/Study Session of June 13, 2006; and Special Joint Meeting of the Redevelopment Agency and City Council of June 20, 2006.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2115, funding Payroll No. 612 for \$2,189,621.75, and City operating expenses for \$643,463.02 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2116, funding City operating expenses for \$1,175,966.11.

Recommendation: Approve

Claims

5. Claim from Mary E. Harringer (trip and fall on the tripod of a road construction sign).

Recommendation: Reject

6. Claim from Salvador Jimenez (alleges violation of civil rights, false arrest, and failure to provide proper medical care).

Recommendation: Reject

7. Claim from Wayne Paul Miller (alleges wrongful denial of leave of absence, wrongful termination, retaliation, harassment and whistle blowing).

Recommendation: Reject

8. Claim from Gregory J. Rager (alleges he was used as test subject by Police Department and that excessive force was used).

Recommendation: Reject

9. Claim from Topping, Inc. (alleges improper conduct by City Building Inspectors).

Recommendation: Reject

CONSENT CALENDAR—continued

Administrative Actions

10. [Amended Agreement and Purchase Request with A.C.T. GIS, Inc., 19000 Grovewood Drive, Corona, for Continuation of Support Services for the City's Geographic Information System \(GIS\), in the amount of \\$76,133.](#)

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

11. [Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 9 Corporate Park, Suite 200, Irvine, 92602; Bureau Veritas, 2001 East First Street, Santa Ana, 92705; Harris & Associates 34 Executive Park, Suite 150, Irvine, 92614; and CSG Consultants, Inc., 151 Kalmus Drive, Suite C-200, Costa Mesa, for Building Plan Review and Inspection Services for an aggregate amount of \\$500,000.](#)

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

12. [Completion of street improvements within South Coast Drive and Susan Street, by Mercer Construction Co., 42690 Rio Nedo Way, Suite D, Temecula, connection with Encroachment Permit No. PS02-00609.](#)

Recommendation: Accept work; exonerate bonds

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

VII PUBLIC HEARINGS

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ALLEY 84 ADJACENT TO 164 MAGNOLIA STREET.](#)

Recommendation: Adopt resolution; authorize the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deed 3597

2. [PUBLIC HEARING: Planning Application PA-05-56, for The Irvine Company Apartment Communities, Inc., authorized agent for MARJACK, LLC, for a master plan to construct an 890-unit, three story, multiple family rental apartment complex \(The Enclave\), with a variance from perimeter open space requirements and a request for a park fee credit, for property located at 450 Anton Boulevard \(south side of Sunflower Avenue between Sakioka Drive and Anton Boulevard\) in a Planned Development Residential – North Costa Mesa Specific Plan \(PDR-NCM\) zone. Environmental determination: Mitigated Negative Declaration.](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-05-56 FOR 450 ANTON BOULEVARD, and adopting the Mitigated Negative Declaration.

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. [From the meeting of June 20, 2006, second reading and adoption of Ordinance 06-14, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE OFFICIAL MINUTES OF THE CITY COUNCIL.](#)

Recommendation: Adopt Ordinance No. 06-14, to be read by title only and waive further reading.

IX NEW BUSINESS

1. [General Plan Amendment Screening GPS-06-02 request to consider addition of residential uses on a portion of Triangle Square, located at 1870 Harbor Boulevard/1875 Newport Boulevard.](#)

Recommendation: Accept or reject

2. [Urban Master Plan Screening requests within the Westside Urban Plan area for the following:](#)

- (a) UMP-06-01 for a 5-unit residential condominium development proposed at 1974 Meyer Place.

Recommendation: Provide comments

- (b) UMP-06-05 for a 6-unit live/work development proposed at 1716/1720 Whittier Avenue.

Recommendation: Provide comments

- (c) UMP-06-06 for a 28-unit residential condominium development proposed at 2013-3029 Anaheim Avenue.

Recommendation: Provide comments

3. [Urban Master Plan Screening requests within the SoBECA Urban Plan area for the following:](#)

- (a) UMP-06-02 for Mixed-use development proposed at 709 Randolph Avenue.

Recommendation: Provide comments

- (b) UMP-06-03 for artist studios and live/work lofts development proposed at 765 Saint Clair Street.

Recommendation: Provide comments

- (c) UMP-06-04 for Mixed-use development proposed at 763-769 Baker Street, 2972 Century Place, 2991 Randolph Avenue.

Recommendation: Provide comments

X REPORTS

City Attorney:

City Manager: Fireworks Enforcement efforts for 2006.

XI ADJOURNMENT – Adjourn to July 11, 2006, 4:30p.m., for a Study Session.