



City of Costa Mesa Council Agenda

Tuesday, July 5, 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 Foley

**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 None.

PRESENTATION Parks and Recreation Month Proclamation
Employees of the Month, Ed Roberts and Mitt Seely
2005 Orange County Fair, July 8 – July 31, 2005

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE SPEAKER FORM(S) AND PRESENT TO THE DEPUTY CITY CLERK PRIOR TO THE ITEM.

PLEASE NOTE:

- **THE YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **THE 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 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.

CONSENT CALENDAR—continued

Written Communications

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

Minutes

2. Regular meeting of April 19, 2005.
Recommendation: Approve

Warrants

3. Warrant Resolution 2063, funding Payroll No. 512 for \$2,039,858.57, and City operating expenses for \$908,098.03, including payroll deductions.
Recommendation: Approve
4. Warrant Resolution 2064, funding City operating expenses for \$1,597,560.61.
Recommendation: Approve

Administrative Actions

5. [Agreement with Scott Fazekas & Associates, 9 Corporate Park, Irvine, as a sole source vendor, to provide a Hazardous Materials Specialist to administer the Hazardous Materials Disclosure Program, for an amount not to exceed \\$80,000.00 for a period of one year with two additional extensions of one year each, upon satisfactory performance.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign
6. [First amendment to the agreement with the County of Orange, Health Care Agency, Environmental Health, regarding implementation of unified program elements for hazardous material, providing for the California Accidental Release Prevention Plan Program to be administered by the County.](#)
Recommendation: Approve; authorize City Manager and Clerk to sign
7. [Grant from the Federal Emergency Management Agency \(FEMA\), in the amount of \\$6,701.00, for the Community Emergency Response Team \(CERT\) Program and Citizen Corps expenditures.](#)
Recommendation: Accept grant
 - (a) Budget Adjustment No. 05-085 for \$6,701.00
Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

8. [Change Order No. 6 to the contract with California Landscape and Design, Inc., d.b.a. California Skateparks, 273 N. Benson Avenue, Upland, for TeWinkle Park Skate Park, Project No. 04-19, for \\$120,000.00, to construct a perforated steel plaza cover and supporting structures not included in the original contract due to budgetary limitations at that time.](#)
Recommendation: Approve
 - (a) Reduce retention to five percent of the contract price.
Recommendation: Approve
9. [Award contract for Parkway Concrete Repair, Project No. 05-12, to S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley, for \\$584,500.00 \(base bid\).](#)
Recommendation: Approve; authorize Mayor and Clerk to sign
10. [Letter of support for Fiscal Year 2006 Federal Appropriations Request.](#)
Recommendation: Authorize Mayor to forward a letter of support to various community organizations, institutions, businesses, and elected officials

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

VI PUBLIC HEARINGS

1. [PUBLIC HEARING: Resolution approving the SR 55/Newport Boulevard Improvements Project between 17th and 19th Streets.](#)
Recommendation: Adopt resolution adopting the Mitigated Negative Declaration; authorize staff to proceed with final design and right-of-way phases

VII OLD BUSINESS

1. [From the meeting of June 21, 2005, second reading and adoption of Ordinance 05-11, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF COSTA MESA.](#)
Recommendation: Adopt Ordinance 05-11, read by title only and waive further reading

VIII NEW BUSINESS

1. [Request from the Parks and Recreation Commission for the Public Services Department staff to research the feasibility of constructing a bike trail along the Fairview Flood Control Channel, owned and maintained by the Orange County Flood Control district \(OCFCD\), at Fairview Park .](#)
Recommendation: Give directions to staff; if determined feasible, the Commission requests that staff be given the direction to begin the funding and construction process for the trail

2. [Reimbursement to Friends of the Costa Mesa Libraries of the Minor Conditional Use Permit Planning Fee of \\$805.00, and a request from Friends of the Costa Mesa Libraries for a donation of \\$7,500.00 for the moving and set-up expense for a future bookstore building.](#)
Recommendation: Consider whether to (1) reimburse the \$805.00 Minor Conditional Use Permit Planning Fee; and (2) donate the \$7,500.00 to Friends of the Costa Mesa Libraries

3. [Resolution in support of Air Fair, an organization with the mission of halting the expansion of John Wayne Airport.](#)
Recommendation: Decide whether to adopt resolution

4. [Resolution requesting that the League of California Cities work to resolve the inconsistencies in State and Federal law pertaining to medical marijuana dispensaries.](#)
Recommendation: Adopt resolution

5. [Letter from Council Member Dixon alleging Brown Act violations at the meeting of May 17, 2005.](#)
Recommendation: Consider the violation complaint and determine whether a violation occurred and/or whether curative action should be taken; direct staff to notify Member Dixon in writing of any curative action taken
 - (a) Recommendations for use of \$200,000.00 in funds from the Segerstrom Home Ranch Development Agreement originally designated for the relocation and renovation of the Huscroft House.
Recommendation: Reconsider and take new action for reallocation of these funds

 - (b) Allocation of IKEA Public Project Contribution.
Recommendation: Reconsider and take new action for reallocation of these funds

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

COSTA MESA CITY COUNCIL
REQUEST TO SPEAK TO THE COUNCIL
PUBLIC COMMENT – NON AGENDA ITEMS
(Please Print)

Name: _____

Address (Street Address Optional*): _____

City/State/Zip: _____

Public Comments/Non-Agenda Matter (please specify):

The Costa Mesa City Council welcomes your comments. Public comment is limited to three (3) minutes per speaker. When speaking please state your name and the city in which you reside and address your comments to the Council as a whole. Comments to individual supervisors or staff are not permitted.

This form is not mandatory in order to address the City Council however priority will be given to those speakers that have filled out the form and turned it into the Deputy City Clerk prior to the Mayor allowing for public comment on those items not listed on the agenda.

*This form provides necessary information for preparation of the permanent record of the meeting. If follow-up is requested an address is necessary for the purpose of receiving communication from staff.

NOTE: This form is subject to public disclosure.

Please deposit this form in the holder located directly behind the Deputy City Clerk prior to public comments.

*Thank you for your participation.
The City Council is interested in your opinion.*

COSTA MESA CITY COUNCIL
REQUEST TO SPEAK TO THE COUNCIL
AGENDA ITEMS
(Please Print)

Name: _____

Address (Street Address Optional*): _____

City/State/Zip: _____

Please specify Agenda Item:

Consent Calendar -

List Agenda Item No.: _____

Public Hearing (Please Check One) –

Support

Opposition

Other

List Public Hearing Item No.: _____

Old Business:

List Agenda Item No.: _____

New Business:

List Agenda Item No.: _____

The Costa Mesa City Council welcomes your comments. Public comment is limited to three (3) minutes per speaker. When speaking please state your name and the city in which you reside and address your comments to the Council as a whole. Comments to individual supervisors or staff are not permitted.

This form is not mandatory in order to address the City Council however priority will be given to those speakers that have filled out the form and turned it into the Deputy City Clerk prior to the Mayor allowing for public to address those items listed on the agenda.

*This form provides necessary information for preparation of the permanent record of the meeting. If follow-up is requested an address is necessary for the purpose of receiving communication from staff.

NOTE: This form is subject to public disclosure.

Please deposit this form in the holder located directly behind the Deputy City Clerk prior to the agenda item being addressed by Council.

Thank you for your participation.