



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 18, 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 6:00 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 6:00 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:

1. Continued from the meeting of October 4, 2005, request for closed session pursuant to California Government Code Section 54957, Public Employment: Housing Rehabilitation Coordinator; Public Employee Discipline/Dismissal/Release
2. Request for closed session pursuant to California Government Code Section 54956.9(a), conference with legal counsel – existing litigation, Mascaro v. City of Costa Mesa, Case Number 04CC10146.
3. Request for closed session pursuant to California Government Code Section 54956.9(b)(1), conference with legal counsel – anticipated litigation.

RECESS TO STUDY SESSION:

The Council will recess to/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 10 minutes will be permitted for public comment. Note that no action may be taken by the Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

**REGULAR CITY COUNCIL AGENDA
6:00 p.m.**

PLEDGE OF ALLEGIANCE Mayor Pro Tem Monahan

**MOMENT OF SOLEMN
EXPRESSION**

Reverend Dennis Short, Harbor Christian 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

PRESENTATION None

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 COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

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

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, city in which they reside, and item number.

Written Communications

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

Minutes

2. Regular meeting of September 20, 2005.

Warrants

3. Warrant Resolution 2078, funding City operating expenses for \$808,126.42.
Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

4. Warrant Resolution 2079 funding Payroll No. 520 for \$2,227,345.54 and Payroll No. 519A for \$6,153.83, and City operating expenses for \$893,906.59, including payroll deductions.
Recommendation: Approve

Claims

5. Claim from Teri Kennady (alleges intersection design caused fatal traffic accident).
Recommendation: Reject
6. Claim from Feitler, et al (alleges intersection design caused traffic accident).
Recommendation: Reject
7. Claim from Kim Haina (alleges she fell in the street due to road construction).
Recommendation: Reject
8. Claim from Steve Stafford (alleges damaged eyes due to red light camera lighting).
Recommendation: Reject

Administrative Actions

9. [Completion of Survey Monumentation at 1325 Sunflower Avenue, by Standard Pacific Corporation, 13526 Alton Parkway, Costa Mesa, in connection with Master Plan PA-02-41/Tract Map 16416.](#)
Recommendation: Accept work; exonerate Performance Bond
10. [Completion of street improvements at 650 Town Center Drive, by Sully Miller Contracting, 100 East Orangethorpe Avenue, Suite 200, Anaheim, in connection with Encroachment Permit No. PS04-00563.](#)
Recommendation: Accept work; refund \$32,780.55 cash deposit

CONSENT CALENDAR—continued

Administrative Actions

11. [Award Contract for El Camino Drive Rehabilitation, Project No. 05-22, to All American Asphalt, Post Office Box 2229, Corona, for \\$256,256.00 \(base bid\).](#)
Recommendation: Approve; authorize Mayor and Clerk to sign

12. [Parkway Concrete Repair and New Sidewalk, Project No. 05-21](#)
 - (a) Reject the non-responsive bid from FS Construction.
Recommendation: Approve

 - (b) Award contract to S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley, for \$177,920.50.
Recommendation: Approve; authorize Mayor and Clerk to sign

13. [Completion of Concrete Replacement at Various Park Sites, Project No. 05-06, by S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley.](#)
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 12 months thereafter

14. [Completion of Replacement Irrigation Control Wiring at Tanager Park, Project No. 05-13, by Belaire West Landscape, Inc., 7371 Walnut Avenue, Buena Park.](#)
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 12 months thereafter

15. [DA-05-04 Annual Review of Development Agreement for C.J. Segerstrom and Sons, for the Segerstrom Home Ranch Development Agreement \(DA-00-01\), located at 1201 South Coast Drive. Environment determination: exempt.](#)
Recommendation: Determine and find that C.J. Segerstrom & Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01

CONSENT CALENDAR—continued

Administrative Actions

16. [Salary adjustments for executive classifications and the unrepresented confidential employees unit.](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE TO REFLECT CHANGES IN THE ESTABLISHED LABOR MARKET PLACE, and includes the new classification of City Clerk.
Recommendation: Adopt resolution
 - (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS WITHIN THE CONFIDENTIAL EMPLOYEES UNIT.
Recommendation: Adopt resolution
 - (c) Budget Adjustment No. 06-016 for \$410,225.00 to appropriate funds to the various City departments for the above-listed salary adjustments.
Recommendation: Approve

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

VII PUBLIC HEARINGS – 7:00 P.M. (Resolution 05-55)

1. [PUBLIC HEARING: Continued from the meeting of October 4, 2005, appeal from Lee Jamieson, Owner, Bristol Street Mini Storage, LLC, of the Planning Commission’s denial of the six-month extension of time for Conditional Use Permit PA-05-30 for the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility \(originally approved under PA-94-24 and PA-04-12\) from September 1, 2005, to March 1, 2006, located at 1100 Bristol Street in a C1 \(Local Business District\) zone. Environmental determination: exempt.](#)
Recommendation: Adopt resolution to uphold, reverse or modify Planning Commission’s decision

PUBLIC HEARINGS—continued

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE USE OF CHAIN LINK FENCING ON VACANT PROPERTIES.](#)
Recommendation: Give ordinance first reading, to be read by title only and waive further reading

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE MASTER PLAN REVIEW PROCESS IN PLANNED DEVELOPMENT ZONES. Environmental determination: exempt.](#)
Recommendation: Give ordinance first reading, to be read by title only and waive further reading

4. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING INCIDENTAL RETAIL SALES IN INDUSTRIAL ZONES. Environmental determination: exempt.](#)
Recommendation: Give ordinance first reading, to be read by title only and waive further reading

5. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING CHURCHES/PLACES OF RELIGIOUS ASSEMBLY IN COMMERCIAL ZONES. Environmental determination: exempt.](#)
Recommendation: Give ordinance first reading, to be read by title only and waive further reading

6. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING GP-05-05 THAT AMENDS THE MASTER PLAN OF HIGHWAYS, CONTAINED IN THE CITY OF COSTA MESA 2000 GENERAL PLAN TO DOWNGRADE ARLINGTON DRIVE, FROM A PRIMARY ARTERIAL TO A COLLECTOR STREET, AND TO DOWNGRADE RED HILL AVENUE, FROM A MAJOR ARTERIAL TO PRIMARY ARTERIAL. ENVIRONMENTAL DETERMINATION: FINAL ENVIRONMENTAL IMPACT REPORT #1049 FOR THE COSTA MESA 2000 GENERAL PLAN.](#)
Recommendation: Adopt resolution; receive and file the revised list of General Plan circulation improvements

VIII OLD BUSINESS

IX NEW BUSINESS

1. [Usage of Paularino Park for “active” recreational purposes.](#)
Recommendation: Give direction to staff

2. [Appointments and reappointments to various Council-appointed standing committees:](#)
 - (a) Child Care and Youth Services Committee
Recommendation: Appoint 2 members and 1 alternate to committee

 - (b) Cultural Arts Committee
Recommendation: Appoint 3 members to committee

 - (c) Fairview Friend/Fundraising Committee
Recommendation: Appoint 1 usergroup member to committee

 - (d) Historical Preservation Committee
Recommendation: Appoint 1 member to committee

 - (e) Investment Oversight Committee
Recommendation: Appoint 1 member to committee

3. [Review of frequency of Parks and Recreation Commission meetings.](#)
Recommendation: Give direction to staff; if a reduction in frequency, adopt resolution

4. Appointment of Mayor Pro Tem.

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to Tuesday, November 1, 2005