



# City of Costa Mesa Council Agenda

**Tuesday, May 3, 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:

1. 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.*

**CONVENE REGULAR MEETING**  
**REGULAR CITY COUNCIL AGENDA**  
**6:30 p.m.**

**PLEDGE OF ALLEGIANCE**      Mayor Mansoor

**MOMENT OF SOLEMN  
EXPRESSION**

Lloyd Sellers, Hoag Memorial Hospital Presbyterian  
*[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**                      Orange County Human Relations Committee Update

**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. None.

Warrants

3. Warrant Resolution 2054, funding City operating expenses for \$1,014,421.17.  
**Recommendation: Approve**
4. Warrant Resolution 2055, funding Payroll No. 508 for \$2,053,100.10, Payroll No. 507A for \$243.05, and City operating expenses for \$436,788.00, including payroll deductions.  
**Recommendation: Approve**

Administrative Actions

5. [Right-of-Way Acquisition and Utility Easements for the Harbor Boulevard/Gisler Avenue Intersection Improvement Project, for roadway improvements to mitigate traffic congestion and improve public safety:](#)
  - (a) Purchase agreement and escrow instructions for a portion of property owned by the Fainbarg Trust, 129 West Wilson Street, Suite 100, Costa Mesa, and the Feuerstein Community Property Trust, 508 West 30<sup>th</sup> Street, Newport Beach.  
**Recommendation: Approve; authorize Mayor and Clerk to sign**
  - (b) Purchase agreement and escrow instructions for a portion of property owned by C. J. Segerstrom & Sons, a California General Partnership, 3315 Fairview Road, Costa Mesa.  
**Recommendation: Approve; authorize Mayor and Clerk to sign**
  - (c) Joint use agreement with Southern California Edison, 14799 Chestnut Street, Westminster, for utility relocations and easement rights.  
**Recommendation: Approve; authorize Mayor and Clerk to sign**

CONSENT CALENDAR—continued

Administrative Actions

6. [Completion of Bristol Street/Newport Boulevard Signal Improvement, Project No. 04-08, by KDC Inc., d.b.a. Dynalectric, 4462 Corporate Center Drive, Los Alamitos.](#)  
**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
  
7. [Completion of Parkway Concrete Repair and New Sidewalk Construction, Project No. 04-16, 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 6 months thereafter
  
8. [Completion of off-site improvements at 2463 Santa Ana Avenue, by Joe Cefalia, 1312 Dover Drive, Newport Beach, in connection with Encroachment Permit No. PS04-00744.](#)  
**Recommendation:** Accept work; refund cash deposit of \$6,827.00
  
9. [Agreement with Hewlett Packard, 1421 South Manhattan Avenue, Fullerton, for \\$153,728.00, to continue supporting Public Safety and City business computer systems.](#)  
**Recommendation:** Approve; authorize Mayor and Clerk to sign
  
10. [Federal Emergency Management Agency \(FEMA\) grant for \\$69,416.00 and Costa Mesa Community Foundation grant for \\$2,999.00, to purchase Self-contained Breathing Apparatus for the Costa Mesa Fire Department.](#)  
**Recommendation:** Accept grants
  - (a) Budget Adjustment No. 05-096 for \$72,415.00.  
**Recommendation:** Approve

CONSENT CALENDAR—continued

Administrative Actions

11. [Agreement No. SA-75-05IE with the 32<sup>nd</sup> District Agricultural Association, 88 Fair Drive, Costa Mesa, for an amount not to exceed \\$50,000.00, for the City to provide and coordinate traffic management services during designated interim events at the Orange County Fair and Exposition Center from April 1, through December 31, 2005.](#)  
**Recommendation: Approve; authorize Police Chief to sign**
  
12. [Agreement No. SA-76-05F with the 32<sup>nd</sup> District Agricultural Association, 88 Fair Drive, Costa Mesa, for an amount not to exceed \\$150,000.00, for the City to provide traffic management services at the Orange County Fair and Exposition Center for the 2004 Orange County Fair from July 8, through July 31, 2004.](#)  
**Recommendation: Approve; authorize Police Chief to sign**
  
13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING AMENDMENTS TO THE PLANNING COMMISSION BYLAWS RELATED TO ARTICLE III \(MEETINGS AND PROCEDURES\) AND AMENDING THE COMMISSIONS/COMMITTEES/BOARDS HANDBOOK](#)  
**Recommendation: Adopt resolution to be read by title only and waive further reading**

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

VI PUBLIC HEARINGS

1. [PUBLIC HEARING: Withdrawal of the appeal from Jack Sakzlyan of the Planning Commission's decision to deny Conditional Use Permit PA-04-21 for Daniel C. Carlton, Attorney, authorized agent for Carl Reinhart/El Camino Partners, to modify an existing conditional use permit for a former gasoline service station to discontinue sales of gasoline to become solely an auto repair facility, located at 1045 El Camino Drive in a R2-MD zone \(Multi-Family Residential District, Medium Density\). Environmental determination: exempt.](#)  
**Recommendation: Receive and file**

PUBLIC HEARINGS—continued

2. PUBLIC HEARING: [Appeal from Council Member Linda Dixon of the Planning Commission's approval of Conditional Use Permit PA-04-49 for Michael D. Faulkner, to allow a general contractor business with outdoor storage, located at 814 West 19<sup>th</sup> Street, in a C1 zone \(Local Business District\). Environmental determination: Exempt.](#)  
**Recommendation:** Adopt resolution to uphold, reverse or modify the Planning Commission's decision, to be read by title only and waive further reading
  
3. PUBLIC HEARING: [Appeal from James Sutherland of the Planning Commission's denial of Planning Application PA-04-48 for a conditional use permit to allow a maximum 16-bed residential care facility for the elderly, located at 191 23<sup>rd</sup> Street, in an R2-MD zone \(Multiple-family Residential District, Medium Density\). Environmental determination: Exempt.](#)  
**Recommendation:** Adopt resolution to uphold, reverse or modify the Planning Commission's decision, to be read by title only and waive further reading
  
4. PUBLIC HEARING: [General Plan Amendment GP-05-01 and Rezone Petition R-05-01, for a 5-acre portion of the Fairview Developmental Center, located at 2501 Harbor Boulevard; a general plan amendment to change the land use designation from High Density Residential \(20 units per acre\) to Medium Density Residential \(12 units per acre\), and a rezone from PDR-HD \(Planned Development Residential, High Density\) to PDR-MD \(Planned Development Residential, Medium Density\). Environmental Determination: Negative declaration.](#)

[\(Supplemental Report\)](#)

**Recommendation:** Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-01, WHICH AMENDS THE LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR A PORTION OF 2501 HARBOR BOULEVARD, to be read by title only and waive further reading; and give first reading to AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 5 ACRES FROM PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY TO PLANNED DEVELOPMENT RESIDENTIAL-MEDIUM DENSITY BY ADOPTION OF REZONE PETITION R-05-01 FOR A PORTION OF 2501 HARBOR BOULEVARD, to be read by title only and waive further reading

PUBLIC HEARINGS—continued

5. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS.](#)  
**Recommendation:** Adopt resolution, to be read by title only and waive further reading; and authorize Mayor and Deputy City Clerk to sign Quitclaim Deed No. 3530

VII OLD BUSINESS

1. [From the meeting of April 19, 2005, allocation of IKEA Public Project Contribution.](#)  
**Recommendation:** Specify how the IKEA \$350,000.00 contribution is to be allocated, subject to the consent of the contributor
2. [From the meeting of April 19, 2005, 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:** Provide direction on the use of \$200,000 in funds from the Segerstrom Home Ranch Development Agreement originally allocated for the relocation and renovation of the Huscroft House
3. [From the meeting of April 19, 2005, Council-appointed standing committees.](#)
  - (a) Appointments and reappointments to the Child Care and Youth Services Committee; Cultural Arts Committee, Fairview Friend/Fundraising Committee; and Historical Preservation Committee.
  - (b) Consider changing the status of the Fairview Park Friends Committee from standing to ad hoc, with the four established events to be part of recreational programming, and the seasonal tours to be handled by the Fairview Park Plan Administrator.
  - (c) Consider changes to the membership of the Cultural Arts Committee and/or the status of the Committee.
4. [From the meeting of April 19, 2005, review of two City Recreation Division Programs: "Mobile Recreation" and "Mobile Skate Park".](#)  
**Recommendation:** Determine the continuance of the Mobile Recreation and Mobile Skate Park programs and provide direction regarding the maintenance of funding

OLD BUSINESS - Continued



5. [Request for rehearing from Mayor Pro Tem Monahan of the decision of the City Council at its regular meeting held April 19, 2005, to oppose the establishment of the Emergency Medical Services Subscription \(EMS\) Fees.](#)  
**Recommendation: Approve or deny rehearing request**
  
6. [From the special meeting of April 26, 2005 second reading and adoption of Ordinance No. 05-8, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 10, CHAPTER XIX OF THE COSTA MESA MUNICIPAL CODE REGARDING SOLICITATION OF EMPLOYMENT, BUSINESS OR CONTRIBUTIONS FROM STREETS AND CERTAIN COMMERCIAL PARKING LOTS.](#)  
**Recommendation: Adopt Ordinance**

VIII NEW BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON 16<sup>TH</sup> STREET BETWEEN ALISO AVENUE AND IRVINE AVENUE.](#)  
**Recommendation: Adopt resolution, approving the “resident only” parking restriction initially between Aliso Avenue and Irvine Avenue, to be read by title only and waive further reading; and authorize the Transportation Services Manager to extend the “resident only” parking restriction on 16<sup>th</sup> Street, westerly of Aliso Avenue as needed if the initial phase is unsuccessful and a qualifying petition is received from the affected residents**
  
2. [Business Improvement Area \(BIA\) Annual Report for Fiscal Year 2005-2006 and Reauthorization of Assessment District boundaries.](#)  
**Recommendation: Receive and file annual report; adopt Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2005-2006 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL; to be read by title only and waive further reading; and set a date to conduct a public hearing for June 7, 2005**

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

4/27/05