



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 7, 2010

Allan R. Mansoor
Mayor

Wendy Leece
Mayor Pro Tem

Katrina Foley
Council Member

Eric Bever
Council Member

Gary Monahan
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Acting Development Services
Director
Kimberly Brandt

Public Services Director
Peter Naghavi

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 of 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. Pursuant to Government Code Section 54957.6, conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).

2. Conference with Real Property Negotiators – Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California and Facilities Management West, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

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. 07-80, each member of the public will be given an opportunity to speak for two (2) minutes on Study Session agenda items. A maximum overall time of (15) 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 Fred Arnold

MOMENT OF SOLEMN EXPRESSION Chaplain Lloyd Sellers, Hoag Memorial Hospital

[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 1st Battalion, 5th Marine Regiment, United States Marine Corps Update – Fred Arnold

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 (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members. Questions and comments made by public speakers may be addressed by Council during Council Comments.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 11.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR – continued

Minutes

- 2 Special City Council Meeting of June 22, 2010 and regular meeting of July 6, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2332, funding City operating expenses for \$553,543.32.

Recommendation: Approve

4. Warrant Resolution 2333, funding Payroll No. 10-17 for \$2,249,851.08 and Payroll No. 10-16A for \$2,704.25 and City operating expenses for \$199,563.03 including payroll deductions.

Recommendation: Approve

5. Warrant Resolution 2334, funding City operating expenses for \$490,644.05

Recommendation: Approve

Administrative Actions

6. [Agreement with Costa Mesa Sanitary District, 628 West 19th Street, Costa Mesa, for the City to perform fleet maintenance and repair services on District vehicles.](#)

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

7. [Agreement with City of Huntington Beach, 2000 Main Street, Huntington Beach, for detention at Huntington Beach Police Department of detainees held in custody by the City of Costa Mesa Police Department.](#)

Recommendation: Approve; authorize the Police Chief and City Clerk to sign

8. [Accept sidewalk easement for Sunflower Avenue at Greenville Banning Channel from the Orange County Flood Control District, for the purposes of a public sidewalk easement pursuant to Americans with Disabilities Act \(ADA\).](#)

Recommendation: Accept; authorize Mayor and City Clerk to sign and record deed

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER THE SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE NEWPORT BOULEVARD LANDSCAPE IMPROVEMENT PROJECT, and authorize the Director of Public Services to act as the City's representative.](#)

Recommendation: Adopt resolution; and authorize the Director of Public Services to act as the City's representative

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR BRENTWOOD PARK DEVELOPMENT PROJECT, and authorize the Director of Public Services to act as the City's representative.](#)

Recommendation: Adopt resolution: and authorize the Director of Public Services to act as the City's representative

11. Agreement with Latham and Watkins for legal services.

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

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

NEW –

- [Staff report](#)
- [Amended Agreement](#)

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

RECESS THE CITY COUNCIL MEETING. CONVENE THE SPECIAL JOINT MEETING OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY AND THE CITY COUNCIL

I ROLL CALL

II CLERK'S STATEMENT The Costa Mesa City Council and Orange County Fairgrounds Authority Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, on Thursday, September 2, 2010 at 1:00 p.m.

III MEETING MINUTES

IV PUBLIC COMMENT

V OLD BUSINESS

1. [California Environmental Quality Act Determination for the Orange County Fair and Event Center Lease Agreement.](#)

a. A RESOLUTION OF THE BOARD OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY, A JOINT POWERS AUTHORITY, FINDING THE PROPOSED LEASE AGREEMENT FOR THE ORANGE COUNTY FAIR AND EVENT CENTER TO BE CATAGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Recommendation: Adopt resolution

2. Lease agreement between the Orange County Fairgrounds Joint Powers Authority (JPA) and the OC Fair and Event Center, L.P., for the 150-acre property located at 88 Fair Drive, Costa Mesa.

Recommendation: Approve and authorize Authority Chair and Secretary to sign.

a. A RESOLUTION OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY APPROVING THE PROPOSED LEASE AGREEMENT FOR THE ORANGE COUNTY FAIR AND EVENT CENTER BETWEEN THE AUTHORITY AND OC FAIR AND EVENT CENTER, L.P.

Recommendation: Adopt resolution subject to completion of exhibits and minor revisions approved by the Authority Attorney and Executive Director.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

- [Draft Lease \(9-3-2010\)](#)
- [Draft Lease \(9-3-2010\) – redlined.](#)

NEW

- [Ground Lease Agreement staff report with revised Lease and Resolution](#)
- [REVISED ATTACHMENT #3 \(RESOLUTION\)](#)

VI NEW BUSINESS

VII BOARD MEMBER/COUNCIL MEMBER COMMENTS

ADJOURNMENT OF THE SPECIAL JOINT MEETING OF ORANGE COUNTY FAIRGROUNDS AUTHORITY AND THE CITY COUNCIL

RECONVENE THE REGULAR CITY COUNCIL MEETING

VII PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)

1. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Applications ZA-89-25 and ZA-92-10, for Review, modification, and/or revocation of Minor Conditional Use Permits for a recycling center with a maximum of two containers in a commercial shopping center, located at 739 W 19th Street, in a C1 (Local Business District) zone. Environmental determination: Exempt.

(Please allow for extended loading time due to the sizes of documents)

[PART ONE](#)

[PART TWO](#)

[PART THREE](#)

[PART FOUR](#)

[PART FIVE](#)

[PART SIX](#)

Recommendation: Continue the public hearing to October 5, 2010 at 7:00 p.m.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

- [Communication from Applicants Attorney](#)
- [Attachment 1 to communication](#)
- [Attachment 2 to communication](#)
- [Attachment 3 to communication](#)

2. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Planning Application PA-10-15, Conditional use permit for the following: \(1\) Potential off-site parking pursuant to a reciprocal access/parking agreement; and \(2\) Intermediate after school classes/programs for the Discovery School of Arts and Sciences \(Center for Spiritual Living.\), for property located at 3183 Red Hill Avenue, in a MP \(Industrial Park\) zone. Environmental determination: Exempt.](#)

Recommendation: Adopt resolution to uphold, or reverse Planning Commission's decision to approve the project

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- [Communication requesting continuance](#)
- [Continuation request](#)

PUBLIC HEARING – continued

3. [PUBLIC HEARING: Request for Review by Mayor Pro Tem Leece of the Planning Commission's approval of Zoning Application ZA-10-39, for an amendment to an existing planned signing program for Triangle Square \(ZA-00-28\) to allow two \(2\) signs with electronic Light Emitting Diode \(LED\) screens on the northeast \(former Niketown dome\) and southwest \(Sutra Lounge\) sides of the building, approximately 10-ft. high by 96-ft. long, and 20-ft. high by 150-ft. long, respectively, at the property located at 1870 Harbor Blvd. and 1875 Newport Blvd, in a PDC \(Planned Development Commercial\) zone. Environmental determination: exempt.](#)

[Memo recommending Continuance](#)

Recommendation: Continue the public hearing to October 5, 2010 at 7:00 p.m.

4. [PUBLIC HEARING: Recommended allocation of funds for the 2010-2011 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Fund \(COPS/SLESF\).](#)

Recommendation: Approve

5. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-1.3, 5-3, AND 5-95 OF TITLE 5 AND SECTIONS 7-14 AND 7-15 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO.](#)

Recommendation: Introduce Ordinance for first reading, read by title only, and waive further reading

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. ~~AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING ZONING CODE SECTIONS 13-6 (DEFINITIONS) AND 13-16 (ENFORCEMENT) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING MEDICAL MARIJUANA DISPENSARIES.~~

Recommendation: Withdrawn

2. Business Improvement Area (BIA) Reauthorization
 - (a) Revised annual report for the Business Improvement Area (BIA) for Fiscal Year 2010-2011.

Recommendation: Approve

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011 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 consider an increase in the assessment from two percent (2%) to three percent (3%).

Recommendation: Adopt resolution reauthorizing the BIA Assessment District boundaries; approval of the revised BIA Budget; and setting the Public Hearing date for October 19, 2010, at 7:00 p.m.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

[- Staff report](#)

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to September 14, 2010 at 4:30 p.m. for a Study Session.
Next Regular City Council Meeting: September 21, 2010.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted, whenever possible, and as part of the agenda, on the City's website at www.ci.costa-mesa.ca.us.