



City of Costa Mesa Council Agenda

Gary Monahan
Mayor

Allan Mansoor
Mayor Pro Tem

Chris Steel
Council Member

City Manager
Allan Roeder

Libby Cowan
Council Member

Mike Scheafer
Council Member

Acting City Attorney
Tom Wood

Development Services Director
Donald Lamm

Director of Public Services
William Morris

Deputy City Clerk
Julie Folcik

COUNCIL MEETS 1ST & 3RD MONDAYS - 6:30 PM - 77 Fair Drive

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE YELLOW CARDS AT THE PODIUM.

COUNCIL POLICY 000-4 - TIME LIMIT FOR COUNCIL MEETINGS - Except for extenuating circumstances, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to a future council meeting.

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) 754-5223. 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]. The Council meets for 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. No action may be taken by the Council prior to the 6:30 p.m. meeting.

MAY 17, 2004

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| I | PLEDGE OF ALLEGIANCE | Council Member Steel |
| II | MOMENT OF SOLEMN EXPRESSION | [Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. Interested presenters please contact City Clerk's Office.] |
| III | ROLL CALL | |
| IV | MINUTES | Adjourned meeting of April 12, and regular meetings of April 19, and May 3, 2004 |
| | MOTION | To read all ordinances and resolutions by title only |
| | PROCLAMATIONS | Mental Health Month—Orange County Mental Health Board
National Women's Health Week, May 9 through May 15, 2004
Department of Health and Human Services
Small Business Week, May 16 through May 22, 2004—U.S.
Small Business Association |

- V 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.
- 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, address, and item number.

Written Communications

1. Reading Folder.
Recommendation: Receive and process

Warrants

2. Warrant Resolution 2004, funding City operating expenses for \$1,190,554.19.
Recommendation: Approve
3. Warrant Resolution 2005, funding Payroll No. 410 for \$1,915,455.43, and City operating expenses for \$328,408.86, including payroll deductions.
Recommendation: Approve

Claims

4. Claim from Robert Shaw Blattenberger, and the Estate of Robert Gregg Blattenberger (alleged wrongful death).
Recommendation: Reject
5. Claim from Gina Anderson (alleged street design defect).
Recommendation: Reject

CONSENT CALENDAR—continued

Administrative Actions

6. [Resolution authorizing records destruction for the Finance Department of the City of Costa Mesa, pursuant to Ordinance No. 75-60.](#)
Recommendation: Adopt resolution

7. [Award contract to Conrad and Associates, L.L.P., 2301 Dupont Drive, Suite 200, Irvine, in the amount of \\$152,833.00 for annual independent audit services for fiscal years 2004, 2005, and 2006, with an option to extend the contract in one-year periods, for a minimum of two fiscal years.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign

8. [Extend deadline for dismissal of lawsuit entitled Rutter Development Corporation v. City of Costa Mesa, No. 03CC09792, Orange County Superior Court, from May 17, 2004 to July 19, 2004, regarding the 1901 Newport Boulevard project.](#)
Recommendation: Approve

9. [Award contingency fee contract to Utility Cost Management L.L.C., 726 Barstow, Suite 108, Fresno, for a “utility bill” audit for the purpose of finding unclaimed utility refunds and credits owed to the City.](#)
Recommendation: Approve; authorize Mayor and Clerk to sign

10. [Completion of Marina View Park Security Lighting, 1035 West 19th Street, City Project No. 03-27, by RMF Contracting, Inc., d.b.a. R&M Electrical Contracting, 22541 Aspan Street, Suite C, Lake Forest.](#)
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 the Performance Bond 12 months thereafter

11. [Amendment No. 1 to the Waste Disposal Agreement with the County of Orange.](#)
Recommendation: Approve; authorize Mayor to sign

12. [Request for a ninety day Leave of Absence without pay for Police Department Corporal David Makiyama.](#)
Recommendation: Approve pursuant to Personnel Rules and Regulations, Rule 12, Section 4(B)

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

VII PUBLIC HEARINGS

1. [PUBLIC HEARING: Planning Application GP-04-01/R-04-01 for Richard Dick of Richard Dick and Associates for a General Plan amendment and rezone of the properties located at 330/340 West Bay Street, for a change in the General Plan land use designation \(Existing: General Commercial; Proposed: Medium Density Residential\) and for a rezone \(Existing: General Business District, C2; Proposed: Multi-Family Residential, Medium Density, R2-MD\). Environmental determination: Mitigated Negative Declaration.](#)
Recommendation: Adopt resolution adopting the Mitigated Negative Declaration, Mitigated Monitoring Program, and GP-04-01; give first reading to ordinance adopting rezone petition R-04-01

VIII OLD BUSINESS

1. [Second reading of Ordinance No. 04-5 and proposed amendments to City Council Policy 400-2 pertaining to the sale and discharge of fireworks.](#)
Recommendation: Adopt Ordinance 04-5; consider amendments to City Council Policy 400-2 as proposed by Council Member Scheafer

IX NEW BUSINESS

1. [Induction of Nora Gonzalez Maher and Timothy Richey into the "Circle of Service", located in Lions Park, adjacent to the Neighborhood Community Center, on Friday, July 23, 2004.](#)
Recommendation: Approve
2. [Consideration of parkway improvement in conjunction with the Fairview Road Rehabilitation Project.](#)
Recommendation: Provide direction to staff
3. [East 17th Street Landscape Improvements between Orange Avenue and 500 feet East of Santa Ana Avenue:](#)
 - (a) Proposed plant palette for parkways and medians on East 17th Street between Orange Avenue and 500 feet east of Santa Ana Avenue.
Recommendation: Approve
 - (b) Modifications to the Streetscape and Median Development Standards for East 17th Street extending from Newport Boulevard to Irvine Avenue to reflect the new plant palette.
Recommendation: Approve

NEW BUSINESS—continued

4. [Ordinance amending Special Event Permit Regulations.](#)
Recommendation: Give ordinance first reading
 - (a) Resolution incorporating the City's special event fees with the City's annual fee resolution.
Recommendation: Adopt resolution
 - (b) Resolution establishing pre-designated event routes for special events requiring street closures.
Recommendation: Adopt resolution
5. [Six-Month Status Report on Shopping Cart Retrieval Program.](#)
Recommendation: Receive and file and provide direction to staff
6. Pursuant to Section 54957.6 of the California Government Code a closed session has been scheduled for the City Council to confer with the City's Representative Steve Hayman, Director of Administrative Services, regarding labor negotiations with the following representatives: Costa Mesa City Employees Association, Costa Mesa Firefighters Association, Costa Mesa Police Association, and the Costa Mesa Police Management Association.

X REPORTS

City Attorney

City Manager

XI COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Scheafer
2. Council Member Steel
3. Council Member Cowan
4. Mayor Pro Tem Mansoor
5. Mayor Monahan

XII ADJOURNMENT