City of Costa Mesa
Council Agenda

TUESDAY, MAY 15, 2007

Allan Mansoor
Mayor

Linda Dixon
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Wendy Leece
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Public Services Director
William Morris

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 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. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).

2. PUBLIC EMPLOYMENT – Title: Firefighter pursuant to Government Code Section 54956.95.

<u>Recommendation:</u> Approve

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. 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 ten (10) 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 Mayor Pro Tem Eric Bever

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

PRESENTATIONS City Council Recognition of Employee Service – Employees with 25, 30, and 35 Years of Service with the City of Costa Mesa

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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 12

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Special Joint Study Session with the City Council and the Parks and Recreation Commission of March 27, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2160, funding Payroll No. 708 for $2,339,066.04 and Payroll No. 707A for negative $1,745.65, and City operating expenses for $477,610.98 including payroll deductions.

   Recommendation: Approve

4. Warrant Resolution 2161, funding City operating expenses for $1,440,229.07.

   Recommendation: Approve

Administrative Actions

5. Agreements and Grant of Easements for Traffic Signal Improvements and a Bike Trail located at 2888 Harbor Boulevard (PA 05-36).

   Recommendation: Approve; authorize the Mayor and City Clerk to sign; and direct City Clerk to record deeds

6. Termination of Agreement and Waiver between the City of Costa Mesa and C.J. Segerstrom & Sons for Special Assessment District 79-01 (South Coast Drive).

   Recommendation: Approve; authorize the Mayor and City Clerk to sign; and direct City Clerk to record the Termination of Agreement and Waiver

7. Adopt plans and specifications, and working details for the Installation of Sports Lighting System at the Farm Sports Complex, 2750 Fairview Road, City Project No. 07-17, and award a Construction Contract to MacKenzie Electric, Inc., 7933 Palm Avenue, Highland, in the amount of $648,000 (Base Bid plus Bid Item AB-3, minus Bid Items AB-1 and AB-2).

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

CONSENT CALENDAR—continued

8. Completion of Roadway Rehabilitation of Placentia Avenue from Wilson Street to Southerly City Limits, 19th Street from Park Avenue to Placentia Avenue, and Anaheim Avenue from 19th Street to Plumer Street – Federal Project Nos. STPL-5312 (035), (040), (037), and (039), City Project No. 04-06, by All American Asphalt, P.O. Box 2229, Corona.

   Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

9. Release of cash deposit in the amount of $31,431.41 for 10 Percent Bid Bond to TV Magic, Inc., P.O. Box 546, San Clemente, for RFP No. 1109, the Audio Visual Systems for the Police Facility Expansion and Renovation Project.

   Recommendation: Authorized release of deposit

10. Completion of street improvements located at 2307 and 2325 Orange Avenue by Joseph Cefalia, 1312 Dover Drive, Newport Drive, in connection with Encroachment Permit No. PS05-00365.

    Recommendation: Accept work; and exonerate bonds

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

    Recommendation: Adopt resolution

12. Amendment and Update of Liability Claims Settlement and Rejection Authority.

    Recommendation: Direct staff to draft an ordinance amending Municipal Code Section 2-189 and Council Policy 000-3; authorize the City Manager to settle liability claims against the City for up to $50,000 and to reject liability claims against the City for any amount (either stated or unstated); authorize the City Manager to delegate this authority to settle or rejects claims to the City's Insurance Committee, Human Resources/Risk Manager, and/or other qualified staff via an Administrative Regulation

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

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

1. PUBLIC HEARING: Continued from the meeting of May 1, 2007, appeal of the Planning Commission's denial of Planning Application PA-07-04, for The Saywitz Company, to allow a common interest development conversion of four apartment units to condominiums with a variance from private open space requirements for two second-floor balconies (10 ft. minimum dimension required; 5 ft.-10 in. and 8 ft.-6 in. minimum dimensions proposed), located at 679 W. 18th Street, in an R3 (Multiple Family Residential) zone. Environmental determination: exempt.

   (Continuation Letter from applicant)

   Recommendation: Adopt resolution to uphold, reverse or modify Planning Commission's decision

2. PUBLIC HEARING: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, EXTENDING A MORATORIUM ON THE APPROVAL OF ANY SUBDIVISIONS, USE PERMITS, VARIANCES, OR ANY OTHER APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING MULTI-FAMILY APARTMENT UNITS TO BE SUBDIVIDED OR CONVERTED INTO RESIDENTIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.

   Recommendation: Adopt urgency Ordinance, to be read by title only, and waive further reading

VIII OLD BUSINESS

1. From the meeting of May 1, 2007, second reading and adoption of Ordinance No. 07-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 11 (OFFENSES -- MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI IMPLEMENTS AND PENALTIES

   Recommendation: Adopt Ordinance No. 07-10, read by title only, and waive further reading

2. From the meeting of November 21, 2006, Review of Neighborhood Traffic Calming Program.

   Recommendation: Provide direction

IX NEW BUSINESS

1. Business Improvement Area (BIA) Reauthorization:

   (a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2007-2008

   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 2007-2008 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

   Recommendation: Adopt resolution reauthorizing the BIA Assessment District Boundaries; approval of the BIA Budget; and setting the date of Public Hearing for June 19, 2007, at 7:00 p.m.

2. GPS-07-01 General Plan Screening request for 351 West Bay Street.

   Recommendation: Accept proposed General Plan amendment screening request contingent upon the processing of a development project for home ownership

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting June 5, 2007.