



# City of Costa Mesa Council Agenda

## TUESDAY, DECEMBER 4, 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

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. Public Employee Performance Evaluation for City Attorney and City Manager, pursuant to California Code Section 54957.
2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Morton v. City of Costa Mesa; Orange County Superior Court Case Number 06CC09363, pursuant to Government Code Section 54956.9(a).

**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**      Mayor Allan Mansoor

**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**                      Southern California Edison - State of the System

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

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 20.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

CONSENT CALENDAR—continued

Minutes

2. Adjourned Regular Meeting/Study Session of November 13, 2007; Regular Meeting of November 20, 2007.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2189, funding Payroll No. 723 for \$2,418,455.91 and Payroll No. 722A for negative \$1,047.03, and City operating expenses for \$2,532,134.51 including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2190, funding City operating expenses for \$396,040.06.

**Recommendation: Approve**

Administrative Actions

5. [Agreement for right-of-way acquisition for the Harbor Boulevard/I-405 Freeway Improvement Project.](#)

- (a) Purchase Agreement and escrow instructions with 3330 Harbor Boulevard Associates, LLC, for a portion of property located at 3330 Harbor Boulevard.

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

- (b) Purchase Agreement and escrow instructions with Exchange of the Automobile Club for a portion of property located at 3350 Harbor Boulevard.

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

CONSENT CALENDAR—continued

Administrative Actions

6. [Professional Services Contract with KFM Engineering, Inc., 26672 Towne Center Drive, Suite 300, Foothill Ranch, for conceptual design and public outreach services for the proposed multipurpose trail at Paularino and Santa Ana Delhi Flood Control Channels, in an amount not to exceed \\$92,277.](#)

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

- (a) Budget Adjustment No. 08-011 for \$29,500.

**Recommendation: Approve; authorize the Mayor to sign**

7. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of East 19<sup>th</sup> Street, from Santa Ana Avenue to Irvine Avenue, Federal Project No. STPL-5312 \(050\), City Project No. 07-03, and award construction contract to All American Asphalt, P.O. Box 2229, Corona, in the amount of \\$555,555.](#)

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

8. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Baker Street from 750 feet east of Fairview Road to Bear Street, Federal Project No. STPL-5312 \(054\), City Project No. 07-04, and award construction contract to All American Asphalt, P.O. Box 2229, Corona, in the amount of \\$751,649 \(base bid plus additive bid item\).](#)

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

9. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Harbor Boulevard from Wilson Street to Newport Boulevard, Federal Project No. STPL-5312 \(051\), City Project No. 07-05, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$1,430,213.98 \(base bid plus additive bid item\).](#)

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

CONSENT CALENDAR—continued

Administrative Actions

10. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Sunflower Avenue from Harbor Boulevard to 250 feet west of Hyland Avenue, Federal Project No. STPL-5312 \(063\), City Project No. 07-07, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$1,092,387.38 \(base bid plus additive bid item\).](#)

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

11. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Hyland Avenue from South Coast Drive to Macarthur Boulevard, Federal Project No. STPL-5312 \(057\), City Project No. 07-08, and award construction contract to All American Asphalt, P.O. Box 2229, Corona, in the amount of \\$859,000.](#)

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

12. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of South Coast Drive from 500 feet west of Harbor Boulevard to Hyland Avenue, Federal Project No. STPL-5312 \(062\), City Project No. 07-09, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$475,363.10.](#)

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

13. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of South Coast Drive from Carmel Drive to San Leandro Lane, Federal Project No. STPL-5312 \(061\), City Project No. 07-10, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$842,030.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

14. [Adopt plans and specifications, and working details for the Construction of Parkway Concrete Repair and New Sidewalk Project, City Project No. 07-27, and award construction contract to S. Parker Engineering, Inc., 2783 Tern Circle, Costa Mesa, in the amount of \\$374,800.](#)

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

15. [Completion of Bristol Street/I-405 Landscaping Project, City Project No. 06-14, by Diversified Landscape Management, Inc., 12112 Severn Way, Riverside.](#)

**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 six (6) months thereafter**

16. [Completion of Installation of Sports Lighting System at the Farm Sports Complex, 2750 Fairview Road, City Project No. 07-17, by MacKenzie Electric, Inc., 7933 Palm Avenue, Highland.](#)

**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**

17. [Accept the California Beverage Container Recycling and Litter Reduction Grant for Fiscal Year 2007-2008.](#)

**Recommendation: Approve**

- (a) Budget Adjustment No. 08-024 for \$30,067.

**Recommendation: Approve; authorize the Mayor to sign**

CONSENT CALENDAR—continued

Administrative Actions

18. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING THAT THE CITY OF COSTA MESA HAS THE RESOURCES TO FUND THE PROJECTS SUBMITTED FOR INCLUSION IN THE FY 2008/2009 – 2011/2012 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMING ITS COMMITMENT TO IMPLEMENT ALL OF THE PROJECTS SUBMITTED IN THE PROGRAM.](#)

**Recommendation: Adopt resolution**

19. [Appointment to the Board of the Orange County Vector Control District.](#)

**Recommendation: Appoint Council Member Wendy Leece as the City's representative for the next two years**

20. [Redevelopment Agency's 2007 Annual Report.](#)

**Recommendation: Receive and file**

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

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

No Public Hearings scheduled.

VIII OLD BUSINESS

1. [From the meeting of November 20, 2007, second reading and adoption of Ordinance 07-19, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 8-87 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SOLID WASTE FRANCHISE FEES, to redefine the classes of waste hauler franchises and to set penalties for delinquent or non-payment of franchise fees.](#)

**Recommendation: Adopt Ordinance No. 07-19, to be read by title only and waive further reading**

OLD BUSINESS—continued

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A SOLID WAIST HAULING FRANCHISE FEE AND RELATING COMPUTATION AND COLLECTION PROCEDURES.

**Recommendation: Adopt resolution**

- 2. [From the meeting of November 20, 2007, second reading and adoption of Ordinance 07-20, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER I OF TITLE 19 OF THE COSTA MESA MUNICIPAL CODE RELATING TO STATE-ISSUED FRANCHISES AND THE PUBLIC, EDUCATIONAL AND GOVERNMENTAL CHANNEL ACCESS FACILITY FEE.](#)

**Recommendation: Adopt Ordinance No. 07-20, to be read by title only and waive further reading**

IX NEW BUSINESS

- 1. [General Plan Screening Requests:](#)

- (a) GPS-07-04 for 1957 Newport Boulevard.

**Recommendation: Deny for processing of the proposed screening request**

- (b) GPS-07-05 for 440 Fair Drive.

**Recommendation: Deny for processing of the proposed screening request**

- (c) GPS-07-06 for 320 East 18<sup>th</sup> Street.

**Recommendation: Approve for processing of the proposed screening request**

NEW BUSINESS—continued

2. Request to support the ~~Orange Coast River Park Vision Plan Proposal.~~

**Recommendation: Withdrawn**

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to December 11, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting January 2, 2008.