City of Costa Mesa
Council Agenda

WEDNESDAY, JANUARY 2, 2008

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

Acting 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.

REVISED 12/27/2007 4:00:19 PM

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. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Grazulis & Braga v. Wiater and City of Costa Mesa; Orange County Superior Court Case Number 04CC10146, 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 Council Member Wendy Leece

MOMENT OF SOLEMN EXPRESSION Pastor Bill Dogterom, Vanguard University

[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 Employee of the Month – Martha Ford, Plan Check Engineer

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

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 10.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of December 4, 2007; Adjourned Regular Meeting/Study Session of December 11, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2191, funding Payroll No. 724 for $2,479,281.05 and Payroll No. 723A for negative $444.69, and City operating expenses for $1,680,333.17 including payroll deductions.

   Recommendation: Approve

4. Warrant Resolution 2192, funding City operating expenses for $712,106.48.

   Recommendation: Approve

5. Warrant Resolution 2193, funding Payroll No. 725 for $2,741,465.68 and Payroll No. 724A for $3,262.15, and City operating expenses for $1,741,448.75 including payroll deductions.

   Recommendation: Approve

6. Warrant Resolution 2194, funding City operating expenses for $1,485,379.97.

   Recommendation: Approve

Administrative Actions

7. Retirement of Police Service Dog Robbie and commend him for four years of outstanding service to the community.

   Recommendation: Approve

   (a) Purchase Agreement for the sale of Police Service Dog Robbie to Officer Jerry Hildeman.

   Recommendation: Approve; authorize the Chief of Police to sign

Administrative Actions

8. Final Map for Tract No. 17132 located at 309 Monte Vista Avenue, Costa Mesa, for the subdivision to convert an existing eight (8) units, two story, unoccupied apartment complex into a residential common interest (condominiums) development.

   Recommendation: Approve; authorize City Engineer and City Clerk to sign

9. Adopt plans and specifications, and working details for the Fairview Road/I-405 Interchange Widening Project, City Project No. 07-23, and award construction contract to Griffith Company, 2020 South Yale Street, Santa Ana, in the amount of $5,549,940.60.

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

   (a) Budget Adjustment No. 08-031 for $4,253,070.

   Recommendation: Approve; authorize the Mayor to sign

10. Completion of Sunflower Avenue/Hyland Avenue Traffic Signal Project, City Project No. 06-23, by Pouk and Steinle, Inc., 2520 Rubidoux Boulevard, 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 twelve (12) months thereafter

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

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

1. PUBLIC HEARING: General Plan Amendment (GP-07-03) / Rezone R-07-06 / Planning Application PA-07-19 / Tentative Tract Map T-17176 for Waterpointe Development located at 351 West Bay Street. Environmental Determination: exempt.

   (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-07-03 FOR 351 WEST BAY STREET.

   Recommendation: Adopt resolution

   (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING ONE PARCEL TOTALING 0.77 ACRE FROM C2 (GENERAL COMMERCIAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) FOR PROPERTY LOCATED AT 351 WEST BAY STREET.

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

   (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FOLLOWING: (1) PLANNING APPLICATION PA-07-19; AND (2) TENTATIVE TRACT MAP T-17176 AT 351 WEST BAY STREET.

   Recommendation: Adopt resolution

2. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 1.4-ACRE PROPERTY FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO I&R (INSTITUTIONAL AND RECREATIONAL) AT 265 MONTE VISTA AVENUE.

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

PUBLIC HEARING—continued

3. PUBLIC HEARING: 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, adding language in Section 8-87(c)(1), to clarify the service areas for Class "A" franchisees to allow them to provide temporary dumpster service to the single-family residential sector.

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

VIII OLD BUSINESS

1. From the meeting of November 20, 2007, request for rehearing by Lori McDonald of the Citywide Alley Improvements – Priority List concerning Alleys No. 107 and 108.

   Recommendation: Provide direction

IX NEW BUSINESS

1. Selection of Council Officers

   (a) Appoint Mayor for the balance of existing term.

   (b) Appoint Mayor Pro Tem for the balance of existing term, if necessary.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to January 8, 2008, 4:30 p.m., for a Study Session. Next Regular City Council Meeting will be held on January 15, 2008.