City of Costa Mesa
Council Agenda

TUESDAY, JANUARY 15, 2008

Eric Bever
Mayor

Linda Dixon
Council Member

Allan Mansoor
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.

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 LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: the Costa Mesa Police Management Association (CMPMA), Costa Mesa Police Association (CMPA) Confidential Employees Unit, Executives, & Part-Time Employees.

2. 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).

3. Public Employee Performance Evaluation for City Attorney, pursuant to California Code Section 54957.

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 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 Sister City Education Exchange 2008 – Wyndham Delegation

Costa Mesa Police Explorer Post 198

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

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 15.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of January 2, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2195, funding Payroll No. 726 for $2,761,417.63 and Payroll No. 725A for $79.43, and City operating expenses for $754,183.96 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2196, funding City operating expenses for $315,349.03.

Recommendation: Approve

Administrative Actions

5. Professional Services Agreement with Kabbara Engineering, 121 North Harwood Street, Orange, for the engineering design of Walnut Street Drainage Improvements, in an amount not to exceed $77,000.

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

6. Amended Professional Services Agreement with TRC Solutions, Inc., 21 Technology Drive, Irvine, for Newport Boulevard Improvement Project design services, by; extending the contract to November 30, 2008.

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

7. Amended Professional Services Agreement with Telvent Farradyne, Inc., 444 South Flower Street, Suite 3700, Los Angeles, for development of the Signal Management System Integration Project, by; extending the contract to November 30, 2008.

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

CONSENT CALENDAR—continued

Administrative Actions

8. Memorandum of Understanding with the City of Anaheim, relating to "Avoid the 28 – Driving Under the Influence" Campaign Project for Orange County.

Recommendation: Approve and authorize the Chief of Police to sign; authorize the Police Department to accept reimbursement funds in an amount not to exceed $7,100

(a) Budget Adjustment No. 08-034 for $7,100.

Recommendation: Approve; authorize the Mayor to sign

9. Completion of street improvement at 114 Albert Place by James Cefalia, 221 Cabrillo Street, Unit B, Costa Mesa, in connection with Encroachment Permit No. PS07-00513.

Recommendation: Approve work and authorize refund of cash deposit

10. Completion of street improvement and setting corner monuments for PM-2006-141 located at 232 Ogle Street by Alan Adams, Ltd. (Developer), 1230 Somerset Lane, Newport Beach, in connection with Encroachment Permit No. PS06-00771.

Recommendation: Approve work and authorize refund of cash deposit

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2007 URBAN AREAS SECURITY INITIATIVE GRANT (UASI), and accept the reimbursement funds in an amount not to exceed $56,651.

Recommendation: Adopt Resolution; approve reimbursement funds

(a) Budget Adjustment No. 08-030 for $56,651.

Recommendation: Approve; authorize the Mayor to sign

CONSENT CALENDAR—continued

Administrative Actions

12. Memorandum of Understanding (MOU) and salary adjustments for classifications represented by the Costa Mesa Police Association (CMPA).

    (a) Memorandum of Understanding (MOU) with the Costa Mesa Police Association (CMPA) for the period covering September 1, 2007 through August 31, 2010.

    Recommendation: Approve

    (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2010 MOU.

    Recommendation: Adopt resolution

    (c) Budget Adjustment No. 08-033 for $1,105,715.

    Recommendation: Approve; authorize the Mayor to sign

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE COUNTY OF ORANGE INTEGRATED WASTE MANAGEMENT DEPARTMENT FOR GRANT FUNDS FROM THE AB 939 REGIONAL RECYCLING AND WASTE DIVERSION GRANT PROGRAM.

    Recommendation: Adopt resolution

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE, of a portion of excess right-of-way located at 595 Anton Boulevard and setting a Public Hearing on February 19, 2008.

    Recommendation: Adopt resolution

CONSENT CALENDAR—continued

Administrative Actions

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET, and setting a Public Hearing on February 19, 2008.

    Recommendation: Adopt resolution

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

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

1. PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp/D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six apartment units to a one-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway, in an R2-HD zone. Environmental determination: exempt.

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

VIII OLD BUSINESS

1. From the decision at the meeting of November 20, 2007, request for rehearing by Lori McDonald of the Citywide Alley Improvements – Priority List.

    Recommendation: Provide direction

2. From the meeting of December 4, 2007, General Plan Screening Requests for GPS-07-05 for 440 Fair Drive.

    Recommendation: Deny for processing of the proposed screening request

OLD BUSINESS – continued

3. From the meeting of December 4, 2007, rehearing request by Council Member Foley concerning the determination on proposed multipurpose trail at Paularino and Santa Ana Delhi Flood Control Channels.

   Recommendation: Provide direction

4. Review of locations for possible "Pocket" Skate Parks at various City Parks.

   Recommendation: Provide direction

5. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-1, 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: Adopt Ordinance No. 08-1, to be read by title only, and waive further reading

6. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-2, 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: Adopt Ordinance No. 08-2, to be read by title only, and waive further reading

7. From the meeting of January 2, 2008, second reading and adoption of Ordinance 08-3, 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: Adopt Ordinance No. 08-3, to be read by title only, and waive further reading

IX NEW BUSINESS

1. Sister City Committee Formation

Recommendation: Consider formation

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting will be held on February 5, 2008.