City of Costa Mesa
Council Agenda

TUESDAY, MAY 20, 2008

Eric R. Bever
Mayor

Linda W. Dixon
Council Member

Allan R. 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

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 LEGAL COUNSEL – Existing Litigation: Acosta v. City of Costa Mesa, District Court for the Central District of California Case Number SACV06-233 DOC (MLGx), 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 AND NATIONAL ANTHEM — All American Boys Chorus – Music Director Wesley Martin

MOMENT OF SOLEMN EXPRESSION — Reverend Doctor Barbara Stewart, St. John's Episcopal Church

[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

Vanguard University Women's Basketball Team – 2008 NAIA National Champions

Killybrooke Elementary School Proclamation for Academic Achievement

Sonora Elementary School Proclamation for Academic Achievement

City Council Recognition of Employee Service – Employees with 25 and 30 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 (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 Pro Tem Allan Mansoor
3. Council Member Katrina Foley
4. Council Member Linda Dixon
5. Mayor 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—continued

CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.

Written Communications

1. Reading Folder.

   Recommendation: Receive and process

Minutes

2. Regular Meeting of May 6, 2008.

   Recommendation: Approve

Warrants

3. Warrant Resolution 2213, funding Payroll No. 809 for $2,524,229.71, and Payroll No. 808A for $429.61 and City operating expenses for $1,417,235.39 including payroll deductions.

   Recommendation: Approve

4. Warrant Resolution 2214, funding City operating expenses for $861,553.72.

   Recommendation: Approve

Administrative Actions

5. Maintenance Agreement with South Coast Plaza (Developer A), 3315 Fairview Road, Costa Mesa, and Maguire Properties-Pacific Arts Plaza, LLC (Developer B), 3200 Park Center Drive, #1150, Costa Mesa, for landscape and other improvement maintenance within the Theater and Arts District (TAD) public right-of-way.

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

CONSENT CALENDAR—continued

Administrative Actions

6. Adopt plans and specifications, and working details for the Roadway Rehabilitation of Sakioka Drive from Anton Boulevard to Sunflower Avenue, Federal Project No. STPL-5312 (060), City Project No. 07-11, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of $431,044.60.

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

   (a) Budget Adjustment No. 08-052 for $452,732.

   Recommendation: Approve; authorize the Mayor to sign

7. Adopt plans and specifications, and working details for the installation of netting along the sides adjacent to the Costa Mesa Golf Course for Fairview Developmental Center Sports Complex.

   Recommendation: Approve

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

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

1. PUBLIC HEARING: General Plan Amendment GP-08-01, Rezone R-08-01, and Planning Application PA-08-06, for Phil Schwartze, authorized agent for Newport Investment Strategies, for: General Plan Amendment to change the land use designation from Public/Institutional to Medium Density Residential; Rezone from I&R (Institutional and Recreational District.) to R2-MD (Multiple-Family Residential District, Medium Density), Design Review for a 2-unit, 2-story detached residential common interest development including variance from rear yard lot coverage, an administrative adjustment for second floor rear yard setback, and a minor modification to allow an 8-foot perimeter wall, located at 320 E. 18th Street, in an I&R (Institutional and Recreational) zone. Environmental determination: exempt.

PUBLIC HEARING—continued

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-08-01 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.

Recommendation: Adopt resolution

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.2 ACRE PARCEL FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL – MEDIUM DENSITY) FOR PROPERTY LOCATED AT 320 E. 18TH 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 PLANNING APPLICATION PA-08-06 FOR THE RESIDENTIAL DEVELOPMENT AT 320 E. 18TH STREET.

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. Amendment to Subdivision Agreement for Final Tract Map No. 16917 located at 1101-1045 El Camino Drive for a one-year time extension for the completion of off-site improvements.

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

IX NEW BUSINESS

1. Resolution of Intent to approve an amendment to the contract with the Board of Administration of the California Public Employees' Retirement System (CalPERS) to implement the 2.5%@55 retirement formula for eligible Miscellaneous employees.

   http://www.ci.costa-mesa.ca.us/council/agenda/2008-05-20/052008 - Council Agenda Report - CalPERS Contract Amendment.pdf

   Recommendation: Adopt; approve and authorize the Mayor and City Clerk to sign; authorize the City Clerk to execute the Certification of Governing Body's Action and the Certification of Compliance with Government Code Section 7507

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting June 3, 2008.