City of Costa Mesa
Council Agenda

TUESDAY, JULY 15, 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:

No Closed Session scheduled.

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 Chaplain Lloyd Sellers, Hoag Memorial Hospital Presbyterian

[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 Mayor's Choice Award – Terry Kim

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 Pro Tem Allan Mansoor
2. Council Member Katrina Foley
3. Council Member Linda Dixon
4. Mayor 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 11.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of July 1, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2221, funding Payroll No. 813 for $2,571,245.64, and Payroll No. 812A for $2,674.22 and City operating expenses for $1,908,491.48 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2222, funding City operating expenses for $1,080,734.39.

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

5. Professional Services Agreement with CNC Engineering, 8 Corporate Park, Suite 100, Irvine, for engineering services for the design of the first five alleys on the Citywide Alley Improvement Priority List, in an amount not to exceed $88,310.

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

6. Cooperative Agreement with the Orange County Flood Control District (OCFCD) for the Fairview Park Wetlands and Riparian Habitat Project.

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

7. Adopt plans, and specifications, and working details for the Roadway Rehabilitation of Grace Lane, New Hampshire Drive, and Randolph Avenue, City Project No. 08-05, and award construction contract to All American Asphalt, P.O. Box 2229, Corona, in the amount of $384,757.

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

8. Completion of Roadway Rehabilitation of Alley No. 72, Project No. 08-01, by International Pavement Solutions, Inc., P.O. Box 10458, San Bernardino.

   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 Performance and Labor and Material Bonds (Certificate No. SU5012802), in the amount of $492,923.51 for street improvements, and (Certificate No. SU5012791), in the amount of $15,000 for setting corner monuments, to Shea Homes Limited Partnership (Developer), 603 Valencia Avenue, Brea, in connection with Encroachment Permit No. PS05-00118 for Tract 16600 located at 190 East 23rd Street, Costa Mesa.

   Recommendation: Exonerate Bonds

Administrative Actions

10. Release of Performance and Labor and Material Bonds (Certificate No. 104624964), in the amount of $49,500 for street improvements, and (Certificate No. 104624984), in the amount of $6,400 for setting corner monuments, to Richmond American Homes of California Inc. (Developer), 5171 California Avenue, Suite 120, Irvine, in connection with Encroachment Permit No. PS06-00029 for Tract 16694 located at 330 West Bay Street, Costa Mesa.

    Recommendation: Exonerate Bonds

11. Release of Performance and Labor and Material Bonds (Certificate No. 8848255), in the amount of $115,572.86 for street improvements, and (Certificate No. 8848256), in the amount of $6,600 for setting corner monuments, to Richmond American Homes of California Inc. (Developer), 5171 California Avenue, Suite 120, Irvine, in connection with Encroachment Permit No. PS06-00298 for Tract 16937 located at 2501 Harbor Boulevard, Costa Mesa.

    Recommendation: Exonerate Bonds

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

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

1. PUBLIC HEARING: Review of the Planning Commission's determination regarding Zoning Application ZA-08-17, for Cynthia J. Nelson, authorized agent for Nexus Development Corporation, amendment to Final Master Plan PA-07-20, for the Westside Lofts Mixed-Use Project. The proposed request is to modify conditions of approval that would allow the 151 residential condominium units to be initially offered as rental units as opposed to "for-sale" units. No density or design changes are proposed. The project is located at 1640 Monrovia Avenue, in an MG zone (General Industrial) and Mesa West Bluffs Urban Plan area. Environmental determination: exempt.

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

PUBLIC HEARINGS—continued

Additional Documents for Public Hearing Item No. VII-1 (pursuant to Government Code 54957.5):

Received July 14, 2008

1. E-mail correspondence from Mike Harrison of Trico Realty, Inc.
2. E-mail correspondence from various residents

Received July 15, 2008

3. E-mail correspondence from Cory Alder of Nexus Companies
4. Letter presented to the Planning Commission from Mike Harrison of Trico Realty, Inc., dated June 13, 2008
5. E-mail correspondence from resident John Linnert
6. E-mail correspondence from various residents
7. E-mail correspondence from various residents

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. General Plan Screening request for GPS-08-02 for property located at 3370 Harbor Boulevard.

Recommendation: Deny processing of the proposed screening request

Additional Document for New Business Item No. IX-1 (pursuant to Government Code 54957.5):

Received July 14, 2008

1. E-mail correspondence from Ray Mietkiewicz of The O'Donnell Group, Inc.

2. House of Representatives Bill (H.R.) 3121, Flood Insurance Reform and Modernization Act of 2007.

Recommendation: Take a formal position in opposition to HR Bill 3121

NEW BUSINESS—continued

Additional Document for New Business Item No. IX-2 (pursuant to Government Code 54957.5):

Received July 15, 2008

1. Excerpt from Legislative Bulletin, County of Orange, July 15, 2008

3. Consideration of the placement of revenue measures on the ballot for the November General Elections:
   - Transient Occupancy Tax
   - Business License Tax

Recommendation: Consider ballot measures; if approved, take the following actions:

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE TRANSIENT OCCUPANCY TAX (TOT) AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, AS CALLED BY RESOLUTION NO. 08-39.

Recommendation: Adopt resolution

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A CERTAIN MEASURE RELATING TO THE BUSINESS LICENSE TAX AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008, AS CALLED BY RESOLUTION NO. 08-39.

Recommendation: Adopt resolution

(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING (A) WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

Recommendation: Adopt resolution

(d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

Recommendation: Adopt resolution

(e) Budget Adjustment in the amount of $15,298 for the cost of the above measures, if needed.

Recommendation: Approve; authorize the Mayor to sign

Additional Documents for New Business Item No. IX-3 (pursuant to Government Code 54957.5):

Received July 14, 2008
1. Various e-mail correspondence

Received July 14, 2008
2. Transient Occupancy Tax Rates, California Cities

4. City Council review of existing Economic Development Strategy.

Recommendation: Review and comment

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting August 5, 2008.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted, whenever possible, and as part of the agenda, on the City's website at www.ci.costa-mesa.ca.us.