City of Costa Mesa
Council Agenda

TUESDAY, OCTOBER 7, 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: People v. Acosta, Orange County Superior Court Case No. 06-HN-04320, pursuant to Government Code Section 54956.9(a).~~

Withdrawn

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 Associate Pastor Mel Cornwell, Newport-Mesa 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 Employee of the Month – Mel Lee, Senior Planner

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 16.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of September 2, 2008 and September 16, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2232, funding City operating expenses for $1,661,178.56.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

4. Warrant Resolution 2233, funding Payroll No. 819 for $2,681,201.67, and Payroll No. 818A for $660.81 and City operating expenses for $801,381.38 including payroll deductions.

   Recommendation: Approve

5. Warrant Resolution 2234, funding City operating expenses for $356,605.64.

   Recommendation: Approve

Administrative Actions

6. Lease Agreement with the Newport Mesa Unified School District for the continued use of the Balearic Community Center, located at 1975 Balearic Drive, for the initial term of five (5) years, expiring June 30, 2013, with the extension of three (3) additional consecutive terms of five (5) years each.

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

7. Professional Services Agreement with Civil Source Engineering, 500 Wald Street, Irvine, for design services of Tustin Avenue and Alley No. 109 Rehabilitation Project, in an amount not to exceed $70,000.

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

8. Completion of Roadway Rehabilitation of South Coast Drive from Carmel Drive to San Leandro Lane, Federal Project No. STPL-5312 (061), City Project No. 07-10, by R.J. Noble Company, 15505 Lincoln Avenue, Orange.

   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 seven (7) months thereafter

CONSENT CALENDAR—continued

Administrative Actions

9. Completion of Roadway Rehabilitation of Sakioka Drive from Anton Boulevard to Sunflower Avenue, Federal Project No. STPL-5312 (060), City Project No. 07-11, by R.J. Noble Company, 15505 Lincoln Avenue, Orange.

   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 seven (7) months thereafter

10. Completion of Roadway Rehabilitation of West 19th Street from Placentia Avenue to Parkcrest Avenue, Federal Project No. STPL-5312 (052), City Project No. 07-13, by R.J. Noble Company, 15505 Lincoln Avenue, Orange.

    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 seven (7) months thereafter

11. Completion of Construction of Tot Lot, Restroom, and Picnic Shelters at Tewinkle Park, 885 Junipero Drive, City Project No. 07-28, by Micon Construction, Inc., 1616 Sierra Madre Circle, Placentia.

    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

12. Completion of abatement of Asbestos, Lead-base paint, Mold, and Demolition of Structures located at 261 Monte Vista Avenue, City Project No. 08-02, by U.S. Demolition, Inc., 4510 Eisenhower Circle, Anaheim.

    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

CONSENT CALENDAR—continued

Administrative Actions

13. Completion of Abatement of Lead-base paint Located at Costa Mesa Police Facility, City Project No. 08-03, by Unlimited Environmental, Inc., 1390 32nd Street, Signal Hill.

    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

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84), for Fairview Park Wetlands and Riparian Project.

    Recommendation: Adopt resolution

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "DUI ENFORCEMENT AND AWARENESS PROGRAM".

    Recommendation: Adopt resolution

    (a) Budget Adjustment No. 09-007 for $300,882.

    Recommendation: Approve; authorize the Mayor to sign

16. Amendment to Professional Services Agreement with the City of Irvine for continuation of animal shelter services through May 31, 2009, and includes a four percent increase in service charges.

    Recommendation: Approve; authorize the City Manager to sign

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

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

1. PUBLIC HEARING: Continued from the meeting of September 16, 2008: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLES 13 AND TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING AND FRONT YARD COVERAGE REQUIREMENTS IN RESIDENTIAL ZONES.

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

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ISSUANCE AND SALE OF THE CITY OF WHITTIER VARIABLE RATE DEMAND REVENUE AND REFUNDING BONDS (WHITTIER COLLEGE), SERIES 2008 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $60,000,000 FOR THE PURPOSE OF REFINANCING THE CITY OF WHITTIER VARIABLE RATE DEMAND REVENUE AND REFUNDING BONDS (WHITTIER COLLEGE), SERIES 2004, AND FINANCING THE PLANNING, CONSTRUCTION, RENOVATION, REMODELING, AND/OR IMPROVING OF NEW FACILITIES, CLASSROOMS AND MISCELLANEOUS CAPITAL PROJECTS AT THE COSTA MESA CAMPUS OF WHITTIER COLLEGE TO SUPPORT PROGRAMS OF WHITTIER COLLEGE.

   Recommendation: Adopt resolution approving the issuance of the Variable Rate Demand Revenue and Revenue Refunding Bonds by the City of Whittier on behalf of Whittier College, a California nonprofit public benefit corporation, the Borrower for the Project, to satisfy Section 147(f) of the Internal Revenue Code, and authorizing and directing the appropriate officers of the City to jointly and severally do any and all things necessary to execute any and all documents which they deem advisable in order to carry out, give effect to, and comply with the terms and intent of the resolution

3. PUBLIC HEARING: Planning Application PA-08-10, for Ronald Talmo, authorized agent for Maurice Lavoie, to modify condition of approval number one requiring removal of the roof of the parking structure, to allow the roof to remain, located at 947 West 18th Street, in an MG zone. Environmental determination: exempt.

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

VIII OLD BUSINESS

1. SR-55 Access Study – Initial Screening Report

Recommendation: Accept the recommendation of the SR-55 Access Study – Initial Screening Report on the alternatives for further study; request Orange County Transportation Authority (OCTA) Board to fund and initiate the next phase of study; and direct staff to convey comments to OCTA

IX NEW BUSINESS

1. Appointments to various Council-appointed committees.

a. Child Care and Youth Services Committee

Recommendation: Appoint member(s)

b. Cultural Arts Committee

Recommendation: Appoint member(s)

c. Historical Preservation Committee

Recommendation: Appoint member(s)

d. Investment Oversight Committee

Recommendation: Appoint member(s)

e. Redevelopment & Residential Rehabilitation (3R) Committee

Recommendation: Appoint member(s)

2. Request for Library Services Master Plan

Recommendation: Provide direction

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to October 14, 2008, 4:30 p.m., for a Study Session. Next Regular City Council Meeting October 21, 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.