City of Costa Mesa
Council Agenda

TUESDAY, AUGUST 15, 2006

Allan Mansoor
Mayor

Gary Monahan
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Linda Dixon
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Public Services Director
William Morris

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 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; pursuant to Government Code Section 54956.9(a).

   (a) Mansfield v. City of Costa Mesa, Case Number SACV 05-133 CJC (RNBx).

   (b) Acosta v. City of Costa Mesa, Case Number SACV 06-233 DOC (MLGx).

2. Bristol Street Mini-Storage:

   (a) Conference with Real Property Negotiators: Property at 1100 Bristol Street, Costa Mesa. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone), pursuant to Government Code Section 54956.8.

(b) Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one case, Bristol Street Mini-Storage, pursuant to Government Code Section 54956.9(b).

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. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on Study Session agenda items. A maximum overall time of ten (10) 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 Allan Mansoor

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 Costa Mesa American and National Little League Mayor's Cup Teams

Costa Mesa Community Foundation and Newport-Harbor Lion's Club, 2007 Fish Fry Parade

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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Eric Bever
2. Council Member Gary Monahan
3. Mayor 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 19.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of July 18, 2006.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2121, funding City operating expenses for $586,819.72.

   Recommendation: Approve

4. Warrant Resolution 2122, funding Payroll No. 615 for $2,309,667.55 and Payroll No. 614A for $722.15, and City operating expenses for $955,249.28 including payroll deductions.

   Recommendation: Approve

Administrative Actions

5. Completion of Costa Mesa Police Facility Basement Renovation, Project No. 04-26, by Pardess Air, Inc., 1769 Kelton Avenue, Los Angeles.

   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

6. Completion of State Avenue Storm Drain Emergency Construction and Repairs, Project No. 05-01, by Mike Kilbride, Ltd.

   Recommendation: Accept work

7. Completion of Albert Place Storm Drain Emergency Construction and Repairs, Project No. 05-02, by S. Parker Engineering, Inc.

   Recommendation: Accept work

8. 2005-2006 CDBG Projects: Wallace Avenue (Project "A"), Buoy Street (Project "B"), Kenwood Place (Project "C"), and Congress Street (Project "D"), Project No. 06-05.

   (a) Budget Adjustment No. 07-006 for $35,000.

   Recommendation: Approve; authorize the Mayor to sign

Administrative Actions

(b) Award Construction Contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, in the amount of $497,329.20.

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

9. 2005-2006 CDBG Project: Alley No. 123, Project No. 06-09.

(a) Budget Adjustment No. 07-007 for $25,000.

Recommendation: Approve; authorize the Mayor to sign

(b) Award Construction Contract to Kalban, Inc., 9075 Glenoaks Boulevard, Sun Valley, in the amount of $187,145,64.

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

10. Award Construction Contract for the Costa Mesa Police Facility, Renovation of the Sewer Lift Station, Project No. 06-11, to Jamison Engineering Contractors, Inc., 17197 Newhope Street, Suite J, Fountain Valley, in the amount of $43,800.

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

(a) Budget Adjustment No. 07-005 for $50,000.

Recommendation: Approve; authorize the Mayor to sign

11. Award Construction Contract for the Costa Mesa Police Facility Hazardous Materials Abatement, Project No. 06-12, to TEG/LVI Environmental Services, Inc., 13320 Cambridge Street, Santa Fe Springs, in the amount of $72,000.

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

(a) Budget Adjustment No. 07-002 for $72,000.

Recommendation: Approve; authorize the Mayor to sign

CONSENT CALENDAR—continued

Administrative Actions

12. Award Construction Contract for the Fair Drive Storm Drain Improvements, Project No. 06-16, to Lonerock, Inc., 26 Vista Firenze, Laguna Hills, in the amount of $497,759.50.

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

(a) Budget Adjustment No. 07-008 for $540,000.

Recommendation: Approve; authorize the Mayor to sign

13. Reauthorize Residential Remodeling Incentive Program effective from September 5, 2006 to December 15, 2006.

Recommendation: Approve

14. Amend Streetscape and Median Development Standards

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS, to enhance the planting palette for the medians on Mesa Verde Drive East and West.

Recommendation: Adopt resolution

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS. Authorizes the Parks and Recreation Commission to approve future amendments to the Streetscape and Median Development Standards without City Council action.

Recommendation: Adopt resolution

15. Updated Professional Services Agreement to recognize Telvent Farradyne, Inc., as contract successor to PB Farradyne, for development of the Signal Management System Integration Project.

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

CONSENT CALENDAR—continued

Administrative Actions

16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF EL CAMINO DRIVE, MENDOZA DRIVE, AND CORONADO DRIVE ADJACENT TO 1011-1045 EL CAMINO DRIVE AND AT 2805 AND 2829 SAN JUAN LANE. (Setting a public hearing for September 19, 2006, 7:00 p.m.)

    Recommendation: Adopt resolution and set a public hearing for September 19, 2006, at 7:00 p.m.

17. Purchase Order for the rehabilitation of two City-owned street sweepers to GCS Western Power & Equipment, 8271 Commonwealth Avenue, Buena Park, in the amount of $210,920.62.

    Recommendation: Approve

18. Purchase of eight 2007 Police Interceptor black and white Ford Crown Victoria vehicles with the police package from Clippinger Ford, 2000 E. Garvey South, West Covina, in the amount of $197,916.24.

    Recommendation: Approve

    (a) Budget Adjustment No. 07-010 for $24,730.00 to appropriate available balance in the Equipment Replacement Fund for replacement of one police unit that was involved in a traffic collision.

    Recommendation: Approve; authorize the Mayor to sign

19. Release Performance Bond and Performance in the amount of $2,000 and Labor and Material Bonds in the amount of $25,562.28 to Encore Builders, LLC, P.O. Box 1183, Los Alamitos, in connection with Tract Map 16476 for Survey Monumentation and Encroachment Permit No. PS05-00169.

    Recommendation: Approve; exonerate bonds

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

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

1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-06-04 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE DEFINITION, REVIEW PROCEDURE, AND REGULATION OF "ASSEMBLY USE". (Continued from July 18, 2006).

   Recommendation: Give ordinance first reading, to be read by title only, and waive further reading

2. PUBLIC HEARING: Master Plan of Drainage Plan Update: To consider adoption of an ordinance amending Title 15, Chapter III, of the Costa Mesa Municipal Code to update the City's Master Plan of Drainage and drainage requirements and to adopt a resolution setting new Drainage Impact Fees.

   (a) Adopt the Updated City Master Drainage Plan.

   Recommendation: Approve

   (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER III OF TITLE 15 OF THE COSTA MESA MUNICIPAL CODE RELATING TO DRAINAGE.

   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, ADOPTING A REVISED DRAINAGE FEE FOR THE CITY OF COSTA MESA.

   Recommendation: Adopt resolution

3. PUBLIC HEARING: Appeal of Planning Application PA-06-29, a residential common interest conversion of an existing 12-unit apartment project to condominiums on property located at 2379 through 2381 Elden Avenue (odd numbers), in an R2-MD zone; Peter Zehnder, authorized agent for Evans Trust, applicant. Environmental Determination: Categorically Exempt.

   Recommendation: Continue public hearing to September 5, 2006, at 7:00 p.m.

4. PUBLIC HEARING: Review of Planning Commission's denial of ZA-06-18, a minor conditional use permit to allow an outdoor television behind the Beach Pit Barbeque Restaurant located at 1676 Tustin Avenue in a C1 zone; Tim DeCinces, authorized agent for Mike Simonian, applicant. Environmental Determination: Categorically Exempt.

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

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.

   Recommendation: Adopt resolution

VIII OLD BUSINESS

1. From the meeting of August 1, 2006, second reading and adoption of ORDINANCE 06-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING PETITION R-06-02 CHANGING THE ZONING OF 1450 ADAMS AVENUE FROM CL (COMMERICIAL LIMITED) AND I & R (INSTITUTIONAL & RECREATIONAL) TO P (OFF-STREET PARKING).

   Recommendation: Adopt Ordinance No. 06-16, to be read by title only and waive further reading

2. From the meeting of August 1, 2006, second reading and adoption of ORDINANCE 06-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER I OF TITLE 11 OF THE COSTA MESA MUNICIPAL CODE RELATING TO FALSE REPORTS.

   Recommendation: Adopt Ordinance No. 06-17, to be read by title only and waive further reading

3. Application for rehearing on DR-06-01, to legalize the installation of a mobile home on a lot with an existing home located at 2333 Eldon Avenue. (Public hearing held August 1, 2006)

   Recommendation: Grant or deny request for rehearing

IX NEW BUSINESS

1. Urban Master Plan Screening requests for the following:

   (a) UMP-06-07 for 801 Baker Street in the SoBeca Urban Plan.

   Recommendation: Provide feedback regarding Council's expectations of the conceptual project and any other concern

   (b) UMP-06-08 for 1945 Placentia Avenue in the 19 West Urban Plan.

   Recommendation: Provide feedback regarding Council's expectations of the conceptual project and any other concern

2. GP-06-04 General Plan Screening request for 352-382 Victoria Street

   Recommendation: Accept request, contingent upon the concurrent processing of the General Plan amendment, rezone, development project, and tentative tract map

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular Meeting to be held September 5, 2006.