City of Costa Mesa
Council Agenda

TUESDAY, JANUARY 02, 2007

Allan Mansoor
Mayor

Wendy Leece
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 Real Property Negotiators: Property at 261 Monte Vista Avenue, Costa Mesa. Agency Negotiator: Thomas Hatch. Negotiating Party: Ken Thurman, pursuant to Government Code Section 54956.8.

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 Council Member Linda Dixon

MOMENT OF SOLEMN EXPRESSION Pastor Bill Gartner, Harbor Christian Fellowship

[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

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 Allan Mansoor
2. Council Member Katrina Foley
3. Council Member Linda Dixon
4. Mayor Pro Tem 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 19.

Written Communications

1. Reading Folder.

   Recommendation: Receive and process

Minutes

2. Regular Meeting of November 21, 2006.

   Recommendation: Approve

Warrants

3. Warrant Resolution 2139, funding City operating expenses for $683,449.76.

   Recommendation: Approve

4. Warrant Resolution 2140, funding Payroll No. 624 for $2,450,894.55 and Payroll No. 623A for $838.64, and City operating expenses for $814,857.66 including payroll deductions.

   Recommendation: Approve

5. Warrant Resolution 2141, funding City operating expenses for $1,404,958.02.

   Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

6. Warrant Resolution 2142, funding Payroll No. 625 for $2,346,719.02 and Payroll No. 624A for $5,630.46, and City operating expenses for $973,175.90 including payroll deductions.

   Recommendation: Approve

Claims

7. Claim of Linda Fischer and Karin Borecki (allege intersection design/defects caused them to be struck by a vehicle).

   Recommendation: Reject

8. Claim of Giovanni Mencini (alleges Civil Rights violation during arrest).

   Recommendation: Reject

9. Claim of Lynn R. Mullis (alleges sidewalk defect caused trip and fall).

   Recommendation: Reject

10. Claim of Mary Williams (alleges sidewalk defect caused trip and fall).

    Recommendation: Reject

Administrative Actions

11. Retirement of Police Service Dog Duco and commend him for nine years of outstanding service to the community.

    Recommendation: Approve

    (a) Purchase Agreement for Sale of Police Dog Duco to Senior Officer Mike Cohen.

    Recommendation: Approve; authorize the Chief of Police to sign

CONSENT CALENDAR—continued

Administrative Actions (continued)

12. Release of Performance Bond (Certificate No. 024-022-938) in the amount of $1,000 to Hyland Partners, LLC, c/o Voit Development Manager, Inc., 21700 Oxnard Street, #350, Woodland Hills, in connection with Parcel Map No. 2005-148 to subdivide an existing industrial building for condominium purposes.

    Recommendation: Exonerate Bonds

13. Award Request for Proposal No. 1105, for Gang Intervention Services, to Newport Mesa Unified School District, in the amount of $65,000 for the first year, with the option of renewing the contract for two additional one-year periods.

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

14. Adopt plans, specifications, and working details for the East 17th Street/Raymond Avenue Flashing Crosswalk Project, Project No. 06-02:

    Recommendation: Approve

    (a) Budget Adjustment No. 07-009 in the amount of $133,028.

    Recommendation: Approve; authorize the Mayor to sign

    (b) Accept bid withdrawal submitted by Inspection Engineering, Inc.

    Recommendation: Approve

    (c) Award a Construction Contract to OAK Engineering, Inc., 1305 W. Second Street, Pomona, in the amount of $133,028.

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

15. Adopt plans, specifications, and working details for the Roadway Rehabilitation of East 17th Street from Orange Avenue to 200 feet east of Santa Ana Avenue, Federal Project No. STPL-5312(066), Project No. 06-03, and award a Construction Contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, in the amount of $857,852.00 (base bid only).

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

CONSENT CALENDAR—continued

Administrative Actions (continued)

16. Adopt plans, specifications, and working details for the East 17th Street Improvement Project, Project No. 06-15, and award a Construction Contract to Sequel Contractors, Inc., 13546 Imperial Hwy., Santa Fe Springs, in the amount of $1,943,864.75 (base bid plus Additive Bid Item "B" only).

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

    (a) Budget Adjustment No. 07-045 in the amount of $741,754.

    Recommendation: Approve; authorize the Mayor to sign

17. Contribution Agreement No. 12-553 with the California Department of Transportation (Caltrans), for roadway repairs to Newport Boulevard, for State grant funds in the amount of $330,000.

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

18. Revised Master Agreement Administering Agency-State Agreement for Federal Aid Projects.

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

    (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE REVISED MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS AND AUTHORIZING THE CITY MANAGER AND DIRECTOR OF PUBLIC SERVICES TO SIGN FUTURE MODIFICATIONS AND PROGRAM SUPPLEMENT AGREEMENTS TO THE ADMINISTERING AGENCY-STATE AGREEMENT.

    Recommendation: Adopt resolution

19. Annual Review of Development Agreement DA-06-03 for C.J. Segerstrom & Sons, for the Segerstrom Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive.

    Recommendation: Determine and find that C.J. Segerstrom & Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01

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

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

1. PUBLIC HEARING: Continued from the meeting of November 21, 2006, Consideration of an ordinance, review and approval of the permitting regulations and permitting system, for the flying of model aircraft at Fairview Park.

   (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER II OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO FLYING OF MODEL AIRCRAFT AT FAIRVIEW PARK.

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

   (b) Amended Agreement with the Harbor Soaring Society (HSS), Post Office Box 1673, Costa Mesa, for the use of a portion of Fairview Park for flying radio-controlled model aircraft.

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

2. PUBLIC HEARING: Appeal of the Planning Commission's denial of Zoning Application ZA-06-51, for Mark Mitchell, authorized agent for Dalessio Investments, for a minor conditional use permit to allow three storage containers (640 sq. ft. total) and for outdoor seating area within the front landscaped setback, located at 440 Fair Drive, in a C1 zone (Local Business District). Environmental Determination: Exempt.

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

3. PUBLIC HEARING: Appeal of the Planning Commission's denial of Planning Application PA-06-58, for David Stern/Mesa West LLC, for a residential common interest development conversion of an existing 40-unit apartment project to condominiums, with a variance from private open space requirements for the units located at 780 and 790 Hamilton Street, in an R3 zone (Mulitiple-Family Residentail District). Environmental Determination: Exempt.

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

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. Appointments to various Council-appointed committees.

   a. Costa Mesa Conference and Visitor Bureau (CMCVB)

      Recommendation: Appoint regular member and an alternate

   b. Costa Mesa Senior Center Corporation

      Recommendation: Appoint regular member and an alternate

   c. Orange County Vector Control District

      Recommendation: Appoint regular member and an alternate

   d. Transportation Corridor Agency (TCA)

      Recommendation: Appoint regular member and an alternate

2. Urban Master Plan Screening UMP-06-12 request for 1640 Monrovia Avenue within the Mesa West Bluffs Urban Plan area.

   Recommendation: Provide comments

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to January 8, 2007, 4:30p.m., for a Study Session.