City of Costa Mesa
Council Agenda

TUESDAY, MARCH 6, 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
Teleconference Location, 1163 Salvador Street, Costa Mesa, 92626
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.

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

2. Conference with Legal Counsel pursuant to Government Code Section 54956.9(a) – Existing Litigation, Matsufuji vs. City of Costa Mesa, Case Number 04CC08215.

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 Pro Tem Eric Bever

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

Mothers Against Drunk Driving (MADD) Orange County DUI Enforcement Awards presented to Officers George Escanuelas (51 arrests), Jeff Horn (41 arrests), Shawn Leffingwell (34 arrests), John Elliott (29 arrests), William "Billy" Fair (25 arrests)

Employee of the Month – Firefighter John Heunemann, Firefighter Paramedic Thomas Gardner, and Fire Engineer Steve Savage

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. Council Member Katrina Foley
2. Council Member Linda Dixon
3. Mayor Pro Tem Eric Bever
4. Council Member Wendy Leece
5. Mayor Allan Mansoor

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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of February 6, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2150, funding Payroll No. 703 for $2,366,715.96, and City operating expenses for $1,143,073.57 including payroll deductions.

   Recommendation: Approve

4. Warrant Resolution 2151, funding City operating expenses for $704,192.03.

   Recommendation: Approve

Administrative Actions

5. Authorize reward payment to Jeffrey LeBaron of Costa Mesa, in the amount of $500, pursuant to Costa Mesa Municipal Code, Chapter VII ½ Graffiti, Section 11-147, Detection Code.

   Recommendation: Approve

6. Amendment No. 1 to Cooperative Agreement No. C-5-2592, with the Orange County Transportation Authority (OCTA) and the Cities of Costa Mesa and Santa Ana, for landscape improvements at Bristol Street/I-405, Avenue of the Arts off-ramp, and MacArthur Boulevard/SR-55 interchange.

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

7. Award Professional Services Agreement, for the Housing Element Update, to Veronica Tam and Associates, 107 S. Fair Oaks Avenue, Suite 213, Pasadena, in the amount of $59,650.

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

8. Hold Harmless Agreement with the Orange County Sanitation District (OCSD), for Sewer Rehabilitation located at Gisler Avenue and College Avenue.

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

CONSENT CALENDAR—continued

Administrative Actions

9. Renewal of the Oracle/PeopleSoft Support Agreement with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, effective March 19, 2007 through March 18, 2008, in the amount of $139,528.08.

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

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR GRANT FUNDS FROM THE RUBBERIZED ASPHALT CONCRETE USE GRANT PROGRAM FOR FISCAL YEAR 2006-2007.

    Recommendation: Adopt resolution

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT (CCHE) FUNDS PURSUANT TO THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 TO BE USED FOR THE DIEGO SEPULVEDA ADOBE RESTORATION AND REPAIR PROJECT.

    Recommendation: Adopt resolution

12. 2005 Development Phasing and Performance Monitoring Program.

    Recommendation: Receive and file report

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

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

1. PUBLIC HEARING: Continued from the meeting of February 20, 2007, appeal of the Planning Commission's denial of the six-month extension of time for Planning Application PA-05-30, for Lee Jamieson, Owner, and the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreation vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12), located at 1100 Bristol Street, in a C1 zone (Local Business District). Environmental determination: exempt.

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

2. PUBLIC HEARING: Rezone Application R-06-05, for Peter Zehnder, authorized agent for Danny, John, and Stephen Foley, to rezone property from R2-HD to R3 to accommodate a future 18-unit residential project, located at 811 Paularino Avenue, in an R2-HD zone. Environmental determination: exempt.

   (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 811 PAULARINO AVENUE FROM R2-HD (MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY) TO R3 (MULTIPLE-FAMILY RESIDENTIAL) BY ADOPTION OF REZONE PETITION R-06-05.

   Recommendation: Introduce ordinance, read by title only, and waived further reading

3. PUBLIC HEARING: Planning Application PA-06-57, for Pat Merwin, authorized agent for IKEA Property, Inc., to amend Planning Application PA-99-34, to remove condition of approval for a child care program, located at 1475 South Coast Drive, in a PDC zone. Environmental determination: exempt.

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

4. PUBLIC HEARING: Request by John Morehart to place the Huscroft House on the City's Local Historic Register located at 546 Bernard Street, in a R2-HD (Multiple-Family Residential District – High Density) zone. Environmental determination: exempt.

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

VIII OLD BUSINESS

1. From the meeting of February 20, 2007, second reading and adoption of Ordinance No. 07-3, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 0.91 ACRE PROPERTY FROM C1 (LOCAL BUSINESS DISTRICT) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH DENSITY (PDR-HD) FOR PROPERTY LOCATED AT 2460-2472 NEWPORT BOULEVARD. The rezone also includes a variance from minimum one-acre lot size requirement (0.91 Acre Proposed).

   Recommendation: Adopt Ordinance No. 07-3, to be read by title only and waive further reading

2. Educational Civics Programs for Youth.

   Recommendation: Provide direction

IX NEW BUSINESS

No New Business scheduled this date.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to March 13, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting March 20, 2007.