



City of Costa Mesa Council Agenda

TUESDAY, MAY 1, 2007

Allan Mansoor
Mayor

Linda Dixon
Council Member

Eric Bever
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
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 pursuant to Government Code Section 54956.9(a) – Existing Litigation, Jimenez v. City of Costa Mesa, Case No. CV 02-2482-RGK (U.S. District Court).
2. CONFERENCE WITH LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, and Employee organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA), and Costa Mesa Police Management Association (CMPMA), Confidential Employees.
3. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b)(1).

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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. Special Joint Study Session with the City Council and the Parks and Recreation Commission of March 27, 2007, Regular Meeting of April 3, 2007; and Regularly Adjourned Meeting/Study Session of April 10, 2007.

Recommendation: Approve

Warrants

3. Warrant Resolution 2158, funding Payroll No. 707 for \$2,377,556.77, and City operating expenses for \$1,355,316.09 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2159, funding City operating expenses for \$618, 010.75.

Recommendation: Approve

Administrative Actions

5. [Final Map For Tract No. 16917 located at 1011 to 1045 El Camino Drive, Costa Mesa, for the sub-division of 24 residential numbered lots and one lettered lot into a common interest residential development.](#)

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

6. [Final Map For Tract No. 16896 located at 1202 Bristol Street, Costa Mesa, for a one \(1\) lot sub-division for commercial condominium purposes.](#)

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

7. [California Office of Traffic Safety \(OTS\) grant funds, awarded by the California Office of Traffic for vehicle seat belt enforcement, in the amount of \\$39,929.](#)

Recommendation: Accept grant

- (a) Budget Adjustment No. 07-072 for \$39,929 to appropriate grant funds to the Police Department's operating budget.

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

8. [Completion of Costa Mesa Senior Center Heating, Ventilation, Air Conditioning \(HVAC\) and Controls Replacement Project, Project No. 06-18, by F.M. Thomas Air Conditioning, Inc., 231 Gemini Avenue, Brea.](#)

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. [2006-2007 CDBG Projects: Cassia Avenue \(Project "A"\) and Valencia Street \(Project "B"\), City Project No. 07-01.](#)

Recommendation: Accept grant

- (a) Budget Adjustment No. 07-070 for \$30,000.

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

- (b) Award Construction Contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, in the amount of \$387.109.

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

10. [A report on Interim Ordinance No. 07-8, placing a moratorium on the approval of conversions of apartments to residential condominiums \(common interest developments\).](#)

Recommendation: Receive and file

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS DIVISION OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Continued from the meeting of April 17, 2007, appeal of the Planning Commission's denial of Planning Application PA-07-04, for The Saywitz Company, to allow a common interest development conversion of four apartment units to condominiums with a variance from private open space requirements for two second-floor balconies \(10 ft. minimum dimension required; 5 ft.-10 in. and 8 ft.-6 in. minimum dimensions proposed\), located at 679 W. 18th Street, in an R3 \(Multiple Family Residential\) zone. Environmental determination: exempt.](#)

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

2. [PUBLIC HEARING: AN URGENCY ORDINANCE TO EXTEND INTERIM ORDINANCE 07-6 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA PLACING A MORATORIUM ON THE APPROVAL OF ANY SUBDIVISIONS, USE PERMITS, VARIANCES, OR ANY OTHER APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING INDUSTRIALLY ZONED PARCELS TO BE SUBDIVIDED INTO INDUSTRIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.](#)

Recommendation: Adopt urgency Ordinance, to be read by title only, and waive further reading

3. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-07-01 THAT AMENDS THE CIRCULATION ELEMENT TO REDESIGNATE GISLER AVENUE AND THE FUTURE GISLER BRIDGE CROSSING OVER THE SANTA ANA RIVER ON THE MASTER PLAN OF HIGHWAYS TO "RIGHT-OF-WAY RESERVE." ENVIRONMENTAL DETERMINATION: FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 1049 FOR THE 2000 COSTA MESA GENERAL PLAN.](#)

Recommendation: Adopt resolution

4. [PUBLIC HEARING: 2007-2008 Community Development Block Grant Public Service Grant Allocations.](#)

Recommendation: Approve

5. PUBLIC HEARING: Fiscal Year 2007-2008 funding priorities and reprogramming of funds for Community Development Block Grant (CDGB) and Home Investment Partnership Program (HOME):

- (a) Recommended allocation for the Fiscal Year 2007-2008 Community Development Block Grant (CDBG) Application.

Recommendation: Approve

- (b) Recommended allocation for the Fiscal Year 2007-2008 HOME Investment Partnership Grant.

Recommendation: Approve

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2007-2008 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; authorizing the City Manager to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Manager to act in connection with the submission of the Annual Action Plan, and to provide such additional information as may be required.

Recommendation: Adopt resolution

- (d) Consider replacing the Fall Mobile Home “Neighbors for Neighbors” Project with the proposed Mission-Mendoza Clean-up Project.

Recommendation: Provide direction to staff

VIII OLD BUSINESS

1. Implementation of the Mills Act and Historic Resource Preservation Agreement for the Huscroft House, located at 546 Bernard Street.

OLD BUSINESS – continued

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE IMPLEMENTATION OF THE MILLS ACT IN THE CITY OF COSTA MESA.

Recommendation: Adopt resolution

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE DRAFT HISTORIC PRESERVATION AGREEMENT TO ALLOW IMPLEMENTATION OF THE MILLS ACT FOR 546 BERNARD STREET IN THE CITY OF COSTA MESA.

Recommendation: Adopt resolution

- 2. From the meeting of April 3, 2007: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 11 (OFFENSES - MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI IMPLEMENTS AND PENALTIES

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

IX NEW BUSINESS

No New Business items scheduled this date.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to May 8, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting May 17, 2007.