



City of Costa Mesa Council Agenda

TUESDAY, JUNE 5, 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 – Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).
2. Conference with Allan Roeder, City Manager, and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee Organization: Costa Mesa City Employee Association (CMCEA) and Other Unrepresented Employees pursuant to Government Code Section 54957.6.

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 Tim McCalmont, Presbyterian Church of the Covenant
[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 – Officer Charles Oliver, Police
Department Field Operations

Parks and Recreation Month Proclamation

Orange County American Planning Association Awards

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 15

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of April 17, 2007 and May 1, 2007; and Special Meeting and Adjourned Regular Meeting/Study Session of May 8, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2162, funding Payroll No. 709 for \$2,333,929.30 and Payroll No. 708A for \$1,023.81, and City operating expenses for \$1,649,729.33 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2163, funding City operating expenses for \$932,885.29.

Recommendation: Approve

5. Warrant Resolution 2164, funding Payroll No. 710 for \$2,343,612.69 and Payroll No. 709A for \$1,743.07, and City operating expenses for \$902,313.62 including payroll deductions.

Recommendation: Approve

Administrative Actions

6. [Orange County Transportation Authority \(OCTA\) Senior Mobility Program Agreement C-2-0503 Amendment No. 1, for the extension of funding through June 30, 2011.](#)

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

7. [Professional Services Agreement for Construction Management, Inspection and Survey Support Services for the Susan Street Exit Ramp Project, to Lim and Nascimento \(LAN\) Engineering Corporation, 12 L. Mauchly, Irvine, in the amount not to exceed \\$111,902.](#)

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

8. [Agreement with the 32nd District Agricultural Association, for Traffic Management Services for the Orange County Fair, beginning July 13, 2007 through August 5, 2007, in an amount not to exceed \\$246,000.](#)

Recommendation: Approve; authorize the City Manager, or his designee, to sign

CONSENT CALENDAR—continued

9. [Third Amendment to Professional Services Agreement, to provide additional tree maintenance services, to West Coast Arborist, Inc., 2200 E. Via Burton Street, Anaheim, in the amount of \\$133,000.](#)

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

10. [Completion of Parkway Concrete Repair and New Sidewalk Project, City Project No. 06-10, by Belaire-West Landscape, Inc., P.O. Box 6270, Buena Park.](#)

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

11. [Completion of Raleigh Avenue Parkway Improvements, City Project No. 06-13, by Belaire-West Landscape, Inc., P.O. Box 6270, Buena Park.](#)

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 Upgrade of Electrical Panels at City Hall, First Floor – City Project No. 05-15, by Noor Electrical, 1618 Ohms Way, Costa Mesa.](#)

Recommendation: Approve work and refund \$30,000 cash deposit

13. [Refunds of unexpended funds for the environmental consulting contracts with the Irvine Company/Camp Dresser & McKee and the five North Costa Mesa high-rise residential developers/Culbertson Adams & Associates \(Developers' Trust Account No. 215520.701\).](#)

Recommendation: Approve refunds in the amount of \$5,749.65 to Irvine Company and \$6,815 to each of the five North Costa Mesa high-rise residential developers

CONSENT CALENDAR—continued

14. Purchase of a 2007 BMW motorcycle, from Long Beach BMW Motorcycles, 2998 Cherry Avenue, Signal Hill, in the amount of \$22,880.17.

Recommendation: Approve

- (a) Budget Adjustment No. 07-075 in the amount of \$22,880.17.

Recommendation: Approve; and authorize the City Manager to sign

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF EXCESS RIGHT OF WAY AT 540-544 VICTORIA STREET, setting a Public Hearing on July 3, 2007.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Appeal of the Planning Commission's denial of Planning Application PA-06-79 and Tentative Tract Map T-17132, for Ed Santa Cruz, authorized agent for 309 Monte Vista Avenue LLC, for a residential common interest development conversion of a two story, 8-unit apartment complex with a tentative tract map to facilitate the conversion, located at 309 Monte Vista Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

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

2. [Request for Waiver of Traffic Impact Fee for a temporary preschool use for St. Andrew's Presbyterian Church located at 265 McCormick Avenue.](#)

Recommendation: Provide direction

PUBLIC HEARING—continued

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 1.2-ACRE PROPERTY FROM R1 \(SINGLE-FAMILY RESIDENTIAL\) TO I&R \(INSTITUTIONAL AND RECREATIONAL\) AT 261 MONTE VISTA AVENUE.](#)

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

4. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONFORMING TO HEALTH AND SAFETY CODE SECTION 33342.7, CONTAINING A DESCRIPTION OF THE COSTA MESA REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN IN THE COSTA MESA DOWNTOWN REDEVELOPMENT PROJECT AREA.](#)

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

VIII OLD BUSINESS

1. [From the meeting of May 15, 2007, Review of Neighborhood Traffic Calming Program.](#)

Recommendation: Provide direction

2. [From the meeting of May 15, 2007: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 2, CHAPTER V, ARTICLE 3 OF THE COSTA MESA MUNICIPAL CODE REGARDING SETTLEMENT AND REJECTION AUTHORITY OF LIABILITY CLAIMS.](#)

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

IX NEW BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING ANY CHANGE IN THE LAND USE OF THE NEWPORT BEACH GOLF COURSE AND SUPPORTING THE DEVELOPMENT OF 1100 BRISTOL STREET SITE FOR ACTIVE RECREATIONAL PURPOSES.](#)

Recommendation: Adopt resolution

2. [An application by the 32nd Agricultural District for a special event to close certain segments of certain streets to traffic within the City of Costa Mesa for the purpose of a limited and controlled Cattle Drive from Fairview Park to the Orange County Fairgrounds on Friday July 27, 2007, between the hours of 10 AM to 12 Noon.](#)

Recommendation: Consider temporary street closures for portions of Placentia Avenue, Victoria Street, Harbor Boulevard, and Fair Drive on July 27, 2007

3. [Proposed Flood Control Channel Multipurpose Trail.](#)

Recommendation: Direct staff to commence preliminary design concepts plans, and conduct a public outreach program regarding a multipurpose pedestrian and bicycle trail along the Paularino Channel and Santa Ana/Delhi Flood Control Channels; and Direct staff to return to Council at the conclusion of project preliminary design/public outreach stage for further consideration.

- (a) Budget Adjustment No. 07-078 in the amount of \$75,000, appropriating funds from the AB 2766 Air Quality Improvement Fund to the capital improvement project account for the Flood Control Channel Multipurpose Trail.

Recommendation: Approve; and authorize the City Manager to sign

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to June 12, 2007, 4:30p.m., for a Study Session. Next Regular City Council Meeting June 19, 2007.