



City of Costa Mesa Council Agenda

TUESDAY, JUNE 19, 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: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c).
2. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).
3. 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 Firefighters Association (CMFA) 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 Katrina Foley

**MOMENT OF SOLEMN
EXPRESSION**

Reverend Barbara Steward, St. John's Episcopal Church
[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

Mayors Award – ABLE Pilot Jeff Van Es, Retired ABLE Pilot John Susman, Patrol Officer Frank Christian, Gang Officer Scott Stafford, Gang Officer Robert Hanson, Park Ranger Matt Pallo

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

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 14

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of May 15, 2007; and Special Meeting and Adjourned Regular Meeting/Study Session of June 12, 2007.

Recommendation: Approve

Warrants

3. Warrant Resolution 2165, funding City operating expenses for \$415,187.02.

Recommendation: Approve

CONSENT CALENDAR—continued

4. Warrant Resolution 2166, funding Payroll No. 711 for \$2,358,101.27 and Payroll No. 710A for \$4,029.18, and City operating expenses for \$1,774,606.76 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. Award RFP No. 1110, for animal shelter services, to the City of Irvine, P.O. Box 19575, Irvine, for one year with an additional four (4) one-year extensions, in the amount not to exceed \$150,000 per year.

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

6. [Maintenance Agreement with South Coast Plaza \(Developer A\) and Maguire Properties-Pacific Arts Plaza LLC \(Developer B\), for public right-of-way improvements within the Theater and Arts District \(TAD\) areas.](#)

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

7. [Amendment to License Agreement with Oracle State & Local Government: California, 1910 Oracle Way, Reston, Virginia, for additional license fees pursuant to the terms of the original License Agreement, in the amount of \\$109,800 including tax currently due.](#)

Recommendation: Approve; authorize the City Manager to sign the Purchase Requisitions

8. [Agreement with the County of Orange, for the services of one Gang Prevention and Suppression Officer \(Deputy Probation Officer\), in an amount not to exceed \\$126,927.](#)

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

9. [Contract with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, for the annual renewal of shopping cart retrieval services.](#)

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

Administrative Actions

10. [Adopt plans, specifications, and working details for the Installation of a Lighting System at Bark Park and Arlington Drive parking lot, City Project No. 07-18, and award construction contract to D & J Foothill Electrical Contractors, Inc., 2451 First Street, La Verne, in the amount of \\$180,370.](#)

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

- (a) Release the cash deposit for 10 percent bid bond, to Noor Electrical, 1618 Ohms Way, Costa Mesa, in the amount of \$23,750.

Recommendation: Approve

11. [Completion of Fire Station No. 6, Roof Restoration Project, City Project No. 06-21, by Commercial Roofing Systems, Inc., 11735 Goldring Road, Arcadia.](#)

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. [Measure “M” Eligibility](#)

- (a) City’s Maintenance of Effort for Fiscal Year 2007-2008.

Recommendation: Approve

- (b) City’s Seven-Year Capital Improvement Program for Fiscal Years 2007-2008 to 2013-2014.

Recommendation: Approve

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

Recommendation: Adopt resolution

Administrative Actions

14. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT, setting a public hearing for July 17, 2007, at 7:00 p.m.](#)

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 May 15, 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: Reauthorization of the Business Improvement Area \(BIA\) Assessment of two percent \(2%\) for certain Costa Mesa hotels and motels for Fiscal Year 2007-2008.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING YEAR 2006-2007 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

Recommendation: Adopt resolution

3. PUBLIC HEARING: City Budget for Fiscal Year 2007-2008.

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2007-2008, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.](#)

Recommendation: Adopt resolution

- (b) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2007-2008.](#)

Recommendation: Adopt resolution

- (c) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2007-2008, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.](#)

Recommendation: Adopt resolution

- (d) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2007-2008 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2007-2008 STATEMENT OF INVESTMENT POLICY.](#)

Recommendation: Adopt resolution

1. [From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-12, 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: Adopt Ordinance No. 07-12, to be read by title only, and waive further reading

2. [From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-13, 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: Adopt Ordinance No. 07-13, to be read by title only, and waive further reading

3. [From the meeting of June 5, 2007, second reading and adoption of Ordinance 07-14, 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: Adopt Ordinance No. 07-14, to be read by title only, and waive further reading; and adopt Council Policy

IX NEW BUSINESS

1. [Urban Master Plan Screening UMP-07-03 request for 845 Baker Street within the SoBECA Urban Plan area.](#)

Recommendation: Provide feedback regarding Council's expectations of the conceptual live/work and residential loft project

NEW BUSINESS—continued

2. [Request for letter on Federal Immigration Reform.](#)

Recommendation: Determine whether to approve sending a letter to the President outlining the City's position on federal immigration reform

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting July 3, 2007.