



City of Costa Mesa Council Agenda

TUESDAY, JULY 3, 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 Organizations: Costa Mesa City Employee Association (CMCEA) and 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 Mayor Allan Mansoor

**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

Employee of the Month – Ron Johnson, Code Enforcement Officer

8th Annual Sister City Education Exchange Program

Update on Measure C – Coast Community College District

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

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. Regular Meeting of June 5, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2167, funding City operating expenses for \$2,565, 417.87.

Recommendation: Approve

4. Warrant Resolution 2168, funding Payroll No. 712 for \$2,407,536.04 and Payroll No. 711A for \$639.75, and City operating expenses for \$2,077,854.16 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Award RFP No. 1106, for the purchase of document imaging software, licensing, and document imaging services, to Matrix Imaging, 3151 Airway Avenue, Suite H-1, Costa Mesa, for a three-year contract ending May 31, 2010, in the amount not to exceed \\$200,000 \(for the first year ending June 30, 2008\).](#)

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

6. [Professional Services Agreement for Third Party Liability Claims Administration Services, for a three-year term beginning July 1, 2007 through June 30, 2010, to Carl Warren & Company, in an amount not to exceed \\$75,000.](#)

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

7. [Construction on State Highway Route 405 at Fairview Road Overcrossing \(Project "A"\) and at Harbor Boulevard \(Project "B"\), City Project No. 07-15.](#)

- (a) Reject all bids.

Recommendation: Approve

- (b) Authorize the re-advertisement of the project.

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

8. [Adopt plans, specifications, and working details for the Construction on the State Highway in Orange County in Costa Mesa on the Route 405 offramp between Fairview Road and Harbor Boulevard \(Susan Street offramp\), City Project No. 07-16, and award construction contract to Powell Constructors, 8555 Banana Avenue, Fontana, in the amount of \\$1,519,683.](#)

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

- (a) Budget Adjustment No. 08-002 in the amount of \$234,226.

Recommendation: Approve

9. [Release of cash deposit for bid bond, in the amount of \\$9,991.70, to T.W. Contracting, Inc., 1111 E. Commonwealth Avenue, No. E, Fullerton, in connection with Picnic Shelter Demolition and Replacement at Wakeham Park, 3400 Smalley Road, City Project No. 06-24.](#)

Recommendation: Approve

10. [Refund of cash deposit in the amount of \\$144,788.25, to South Coast Home Furnishing Center, LLC \(Developer\), 18201 Von Karman Avenue, Suite 1170, Irvine, in connection with Encroachment Permit No. PS06-00166 for street improvements located at 3333 Hyland Avenue, Costa Mesa.](#)

Recommendation: Approve

11. [Continued from the meeting June 19, 2007, of 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

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

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

1. PUBLIC HEARING: Appeal of the Planning Commission's approval of Planning Application PA-07-01 and Zoning Application ZA-07-23 for Total Real Estate Development, authorized agent for C.J. Segerstrom and Sons, for a conditional use permit to demolish approximately 158,000 square feet of building (former Wickes Furniture) and construct an approximately 20,470 square foot automotive dealership (Carmax Auto Superstore) in conjunction with a variance from maximum building height (30 feet allowed; 41 feet proposed), an administrative adjustment for landscape setback (15 feet required; 10 feet proposed) and a Planned Signing Program, located at 3200 Harbor Boulevard in a C1 zone. Environmental determination: Mitigated Negative Declaration.

[Part II of the document]

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

2. PUBLIC HEARING: Rezone R-07-02, Planning Application PA-07-02, and Tentative Tract Map T-16990 for Bryan Coggins, agent for 372 Victoria Street, LLC, for: (1) Rezone from R2-HD/R3 (Multiple-Family Residential) to PDR-HD (Planned Development Residential – High Density); (2) Master Plan for a 30-unit single-family, detached common-interest development; and (3) Tract Map to facilitate the project located at 372, 378, and 382 Victoria Street. Environmental Determination: exempt.

- (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING THREE PARCELS TOTALLING 1.68 ACRES FROM R2-HD AND R3 (MULTIPLE-FAMILY RESIDENTIAL) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH DENSITY (PDR-HD) FOR PROPERTY LOCATED AT 372, 278, AND 382 VICTORIA STREET.

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

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-07-02 AND TENTATIVE TRACT MAP T-16990 AT 372, 378, AND VICTORIA STREET.

Recommendation: Adopt resolution

PUBLIC HEARING—continued

3. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY AT 540-544 VICTORIA STREET.](#)

Recommendation: Adopt resolution

VIII OLD BUSINESS

There is no Old Business scheduled.

IX NEW BUSINESS

1. [Request for “Resident Only” parking restriction on Parkhill Drive, between Whittier Avenue and Parkview Circle, and on Parkcrest Drive between Parkhill Drive and West 19th Street.](#)

Recommendation: Approve; authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON PARKHILL DRIVE AND PARKCREST DRIVE.

Recommendation: Adopt resolution

2. [City-owned property located at 523 Hamilton Street.](#)

Recommendation: Provide direction

3. [Ballot Initiative for Elected Mayor.](#)

Recommendation: Determine whether to direct preparation of a ballot initiative for a directly elected Mayor, including the term, any applicable term limits, and any enumerated powers of the Mayor; and if an initiative is to be placed on the ballot, determine on which election to place the item before the voters and direct staff to take steps to draft the measure and call the election.

NEW BUSINESS—continued

4. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 3 OF THE COSTA MESA MUNICIPAL CODE RELATING TO ANIMAL REGULATIONS AND SECTION 12-42 RELATING TO DOGS.](#)

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

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to July 10, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting July 17, 2007.