



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 16, 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

4:30 p.m. – Special 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 of 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].

SPECIAL CLOSED SESSION

4:30 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 LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: Costa Mesa City Employee Association (CMCEA), and the Costa Mesa Police Association (CMPA).
2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Acosta v. City of Costa Mesa, et al, Case Number SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).

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

Presentation of Colors: Costa Mesa Fire Department Honor Guard

MOMENT OF SOLEMN EXPRESSION

Pastor Nathan Abbate, Costa Mesa Calvary Chapel

[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

Orange Coast College 60th Anniversary

Mayor's Award – Cindy Brenneman

Donation of Animal Oxygen Masks by Jerome and Judy Blackman

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 (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members. Questions and comments made by public speakers may be addressed by Council during Council Comments.

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 14.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of July 17 and October 2, 2007; Special Joint Study Session with the Planning Commission of July 10, 2007; Special Meeting of September 24, 2007.

Recommendation: Approve

Warrants

3. Warrant Resolution 2182, funding Payroll No. 720 for \$2,455,554.80 and City operating expenses for \$1,117,936.19, including payroll deductions.

Recommendation: Approve; authorize Mayor and City Clerk to sign

4. Warrant Resolution 2183, funding City operating expenses for \$666,971.56.

Recommendation: Approve; authorize Mayor and City Clerk to sign

Administrative Actions

5. [Sole source purchase order for the rehabilitation of two \(2\) City-owned street sweepers, from GCS Western Power & Equipment, 8271 Commonwealth Avenue, Buena Park, in the amount of \\$219,810.](#)

Recommendation: Approve

6. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Gisler Avenue from Harbor Boulevard to 100 feet west of Nebraska Place, Federal Project No. STPL-5312 \(056\), City Project No. 07-02, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$1,585,525.60.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

7. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of Fair Drive from Fairview Road to Harbor Boulevard, Federal Project No. STPL-5312 \(055\), City Project No. 07-06, and award construction contract to All American Asphalt, P.O. Box 2229, Corona, in the amount of \\$804,101 \(base bid plus additive bid item\).](#)

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

8. [Completion of Picnic Shelter Demolition and Replacement at Wakeham Park, 3400 Smalley Road, City Project No. 06-24, by Hondo Company, Inc., 2121 South Lyon Street, Santa Ana.](#)

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. [Authorize refund of cash deposit in the amount of \\$12,617, to Farhad Khosravi, P.O. Box 30255, Santa Ana, in connection with Encroachment Permit No. PS07-00049 for street improvements located at 258 Santa Isabel Avenue, Costa Mesa.](#)

Recommendation: Approve

10. [Accept Urban Area Security Initiative \(UASI\) funds, for tools and equipment for the Fire Department's heavy rescue fire apparatus, in the amount of \\$52,589.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 08-010 for \$52,589.

Recommendation: Approve; authorize the Mayor to sign

11. [Accept Urban Area Security Initiative \(UASI\) funds, from the Fiscal Year 2006 Governor's Office of Homeland Security Grant Program, for the purchase of two \(2\) projectors for the Costa Mesa's Emergency Operations Center \(EOC\), in an amount not to exceed \\$2,154.89.](#)

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT \(TE\) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS FOR SEVERAL PROJECTS IN THE CITY OF COSTA MESA, for Fiscal Years 2008-2010.](#)

Recommendation: Adopt resolution

13. [Final Map for Tract No. 16945 located at 2453 Orange Avenue, Costa Mesa, consisting of nine \(9\) residential numbered lots and one \(1\) lettered lot for a common interest residential development.](#)

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

14. [Final Map for Tract No. 17044 located at 1940 Maple Avenue, Costa Mesa, consisting of a one \(1\) lot subdivision to convert an existing two-story, 16-unit apartment complex into a common interest development \(condominiums\).](#)

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

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

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

1. [PUBLIC HEARING: Withdrawal of an urgency ordinance to extend Ordinance No. 07-9, placing a moratorium on the conversion of existing industrially zoned property into industrial condominiums.](#)

Recommendation: Withdraw

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF PUBLIC ALLEY NO. 128.](#)

Recommendation: Adopt resolution and authorize the Mayor and City Clerk to sign; authorize City Clerk to record the Quitclaim Deed

PUBLIC HEARINGS—continued

3. PUBLIC HEARING: Second reading and adoption of Ordinance 07-18, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-2, 5-3, 5-12, AND 5-95 OF TITLE 5, AND SECTIONS 7-14 THROUGH 7-21 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2007 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO; the codes include the California Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Electrical Code and the Model Codes related to International Property Maintenance Code, Uniform Code for Abatement of Dangerous Buildings and the Orange County Grading Code.

Recommendation: Adopt Ordinance No. 07-18, to be read by title only and waive further reading

4. Annual review of the Citywide Traffic Impact Fee Program:
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the following staff and Traffic Impact Fee Ad Hoc Committee recommendations to continue Citywide Traffic Impact Fee of \$181.00 per Average Daily trip (ADT); continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; to approve the annual accounting of the Citywide Traffic Impact Fee Program; and to approve the exemption of pre-schools and child-care facilities from the Citywide Traffic Impact Fee Program.

Recommendation: Adopt resolution

VIII OLD BUSINESS

There is no Old Business.

IX NEW BUSINESS

1. [Appointments and reappointments to various Council-appointed committees.](#)

[\(Supplemental Report \)](#)

- a. Child Care and Youth Services Committee

Recommendation: Appoint member(s)

- b. Cultural Arts Committee

Recommendation: Appoint member(s)

- c. Fairview Park Friend/Fundraising Committee

Recommendation: Appoint member(s)

- d. Historical Preservation Committee

Recommendation: Appoint member(s)

- e. Investment Oversight Committee

Recommendation: Appoint member(s)

- f. Redevelopment & Residential Rehabilitation (3R) Committee

Recommendation: Appoint member(s)

- e. Costa Mesa Senior Corporation Board

Recommendation: Appoint member(s)

2. [Request for "Resident Only" parking restriction on Drake Avenue, between St. Clair Street and Sonora Road, and on St. Clair Street, between Bear Street and Velasco Lane.](#)

Recommendation: Approve; authorize the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet in radius from the above streets based on Council's guideline requirements

NEW BUSINESS—continued

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON DRAKE AVENUE AND ST. CLAIR STREET.

Recommendation: Adopt resolution

- 3. [Request for “Resident Only” parking restriction on Capital Street, east of Pomona Avenue.](#)

Recommendation: Approve; authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet in radius of Capital Street as needed, with a qualifying petition.

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON CAPITAL STREET.

Recommendation: Adopt resolution

- 4. [Urban Master Plan Screening Request UMP-07-05 for 1036/1042 West 18th Street within the Mesa West Bluffs Urban Plan.](#)

Recommendation: Provide feedback

- 5. [Memorandum of Understanding with CCN USA LLC, for confirmation of the City’s interest in exploring the possible installation of a Community Communications System.](#)

Recommendation: Provide direction

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting November 5, 2007.