



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 6, 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 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].

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 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: Morton v. Costa Mesa and Patel, OCSC Case No. 05CC08007, 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 Council Member Linda Dixon

**MOMENT OF SOLEMN
EXPRESSION**

[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 Title 1 Academic Achievement Award – Back Bay High School
and Victoria Elementary School

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. 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 17.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of April 12, May 17, June 14, November 1, December 13, 2004; April 26, and October 4, 2005; and October 16, 2007, and Adjourned/Study Session and Special Meeting of October 9, 2007.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2184, funding City operating expenses for \$1,544,895.46.

Recommendation: Approve; authorize Mayor and City Clerk to sign

4. Warrant Resolution 2185, funding Payroll No. 721 for \$2,395,614.73 and City operating expenses for \$1,317,372.97.

Recommendation: Approve; authorize Mayor and City Clerk to sign

5. Warrant Resolution 2186, funding City operating expenses for \$370,612.91

Recommendation: Approve; authorize Mayor and City Clerk to sign

Administrative Actions

6. [Authorize reward payment to a citizen of Costa Mesa, in the amount of \\$250, pursuant to Costa Mesa Municipal Code, Chapter VII ½ Graffiti, Section 11-147.](#)

Recommendation: Approve

7. [Purchase Agreement with L3 Communications, Mobile-Vision, Inc., 90 Fanny Road, Bontoon, NJ, 07005, for the acquisition of 49 in-car digital video recording systems for the Police Department, in the amount of \\$440,356.04.](#)

Attachment 1: [MVS Survey Form](#)

Attachment 2: [Price Comparison](#)

Attachment 3: [Purchase Agreement](#)

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

Administrative Actions

8. [Adopt plans and specifications, and working details for the Community Development Block Grant \(CDBG\) Projects: Bus Turnout Improvements on Wilson Street between Fairview Road and Harbor Boulevard, City Project No. 07-20, and award construction contract to Roadway Engineering and Contracting, Inc., 8861-A Jurupa Road, Riverside, in the amount of \\$204,504.60 \(base bid plus additive bid items\).](#)

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

9. [Adopt plans and specifications, and working details for Energy Efficient Roof Coating at Fire Station No. 5, 2450 Vanguard Way, City Project No. 07-26.](#)

Recommendation: Approve

- (a) Reject bid submitted by Total Contract Maintenance, Inc., 26589 Ironwood Avenue, Moreno Valley, and release of cash deposit for bid bond in the amount of \$2,120.

Recommendation: Approve; authorize release of deposit

- (b) Award construction contract to Lavey Roofing Services, Inc., 1217 East Wakeham Avenue, Santa Ana, in the amount of \$24,600.

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

10. [Completion of Community Development Block Grant \(CDBG\) Projects: Cassia Avenue \(Project "A"\) and Valencia Street \(Project "B"\), City Project No. 07-01, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

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

Administrative Actions

11. [Authorize refund of cash deposit, in the amount of \\$4,416.40, to Total Contract Maintenance, Inc., 26589 Ironwood Avenue, Moreno Valley, in connection with Energy Efficient Roof Coating at Mesa Verde Library, 2969 Mesa Verde Drive East, Costa Mesa, City Project No. 07-25.](#)

Recommendation: Approve

12. [Authorize refund of cash deposit in the amount of \\$9,264 to Home Plate Development \(Developer\), 711 West 17th Street, Suite B12, Costa Mesa, in connection with Encroachment Permit No. PS07-00530 for street improvements located at 401 Esther Street, Costa Mesa.](#)

Recommendation: Approve

13. [Release of Performance and Labor and Materials Bond to California General Partnership \(Developer\), 260 East Baker Street, Suite 100, Costa Mesa, in connection with Encroachment Permit No. PS06-00010 in the completion of street improvements and corner monumentation for Tract No. 16801 located at 250 East Baker Street, Costa Mesa.](#)

Recommendation: Accept work; exonerate bonds

14. [Agreement and Grant of Easements for right-turn lane improvements and a bike trail at 88 Fair Drive \(Orange County Fairgrounds/32nd District Agricultural Association\).](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign and direct City Clerk to record agreement and deeds

15. [Susan Street Off-Ramp Right-of-Way Easement Deeds.](#)

- (a) Easement Deed with C.J. Segerstrom & Sons, Henry T. Segerstrom Properties, LLC.

Recommendation: Approve; authorized the Mayor and City Clerk to sign and direct City Clerk to record deed

Administrative Actions

- (b) Easement Deed with IKEA Property, Inc.

Recommendation: Approve; authorized the Mayor and City Clerk to sign and direct City Clerk to record deed

- 16. [Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant \(JAG\) funds for fiscal year 2007-2008.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 08-013 for \$31,714.

Recommendation: Approve; authorize the Mayor to sign

- 17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING ORAL COMMUNICATIONS AND COUNCIL MEETING ORDER OF BUSINESS AMENDING RESOLUTION NO. 05-08, extending the times for public comments at City Council Study Sessions.](#)

Recommendation: Adopt resolution

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

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

- 1. [PUBLIC HEARING: Appeal of Planning Commission’s denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp, D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six \(6\) apartment units to a one \(1\)-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway Street, in an R2-HD zone \(Multiple-Family Residential District, High Density\). Environmental Determination: exempt.](#)

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

VIII OLD BUSINESS

1. [From the meeting of August 21, 2007, Request by the Orange County Model Engineers to place a temporary building at the Fairview Park Model Train Station.](#)

Recommendation: Provide direction

2. [From the meeting of August 21, 2007, Professional Services Agreement with RJM Design Group, Inc., 31591 Camino Capistrano, San Juan Capistrano, for "Phase I" planning and conceptual design services of a permanent skate park at Lions Park, in an amount not to exceed \\$69,325.](#)

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

3. [From the meeting of August 21, 2007, Analysis of possible closure of Park Avenue, north of 18th Street.](#)

Recommendation: Receive and file

IX NEW BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IN SUPPORT OF ACQUIRING REAL PROPERTY AT 2651 NEWPORT BOULEVARD, COSTA MESA, CALIFORNIA, ALSO KNOWN AS THE CALIFORNIA AIR NATIONAL GUARD \(ANG\) PROPERTY.](#)

Recommendation: Adopt resolution; direct staff to take necessary steps to communicate the City's interest in the property and advocate for its acquisition for park and open space purposes

2. [Proposal to amend the Fairview Park Master Plan for the consideration of a skate park on the east and west side of the park, and a dog exercise area on the east side of the park.](#)

Recommendation: Provide direction

3. [Prioritization of current City projects.](#)

Recommendation: Provide direction

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to November 13, 2007, 4:30 p.m., for a Study Session. Next Regular City Council Meeting November 20, 2007.