



City of Costa Mesa Council Agenda

TUESDAY, FEBRUARY 05, 2008

Eric Bever
Mayor

Linda Dixon
Council Member

Allan Mansoor
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

Acting Public Services Director
Peter Naghavi

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: the Costa Mesa Police Management Association (CMPMA), Confidential Employees Unit, Executives, and Part-Time Employees.
2. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Grazulis & Braga v. Wiater and City of Costa Mesa; Orange County Superior Court Case Number 04CC10146, pursuant to Government Code Section 54956.9(a).

3. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Benito Acosta v. City of Costa Mesa; District Court for the Central District of California Case Number SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).
4. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c)

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. 07-80, each member of the public will be given an opportunity to speak for two (2) minutes on Study Session agenda items. A maximum overall time of (15) 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 Father Hildebrand Garceau of St. John, the Baptist Roman Catholic 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 Employee of the Month – Tammy Sack, Communications Officer

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 Eric Bever
3. Council Member Wendy Leece
4. Mayor Pro Tem 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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Adjourned Regular Meeting/Study Session of January 8, 2008; and Regular Meeting of January 15, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2197, funding Payroll No. 801 for \$2,449,680.02 and Payroll No. 726A for \$575.86, and City operating expenses for \$817,471.66 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2198, funding City operating expenses for \$2,399,127.97.

Recommendation: Approve

5. Warrant Resolution 2199, funding Payroll No. 802 for \$2,440,254.44 and Payroll No. 801A for \$737.52, and City operating expenses for \$1,419,930.48 including payroll deductions.

Recommendation: Approve

Administrative Actions

6. [Agreement with the County of Orange for participation in the Proposition 42 City Aid Program funding in Fiscal Year 2008-2009 for city roadway maintenance projects, in the amount of \\$381,898.](#)

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

CONSENT CALENDAR — continued

Administrative Actions

7. [Sole Source Purchase of fifty-eight \(58\) broadband modems for the Police Department's public safety vehicles from Wireless Mobile Data, P.O. Box 1088, El Granada, in the amount of \\$62,045.14.](#)

Recommendation: Approve

8. [Final Map for Tract No. 17147, located at 322 Ogle Street, Costa Mesa; for a one \(1\) lot subdivision to facilitate the conversion of a five-unit apartment complex into a common interest development \(condominiums\).](#)

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

9. [Authorize refund of cash deposit in the amount of \\$5,633 to Rick Hamm Construction, Inc. \(Contractor\), 201 W. Carleton Avenue, Orange, in connection with Encroachment Permit No. PS07-00753 for street improvements located at 2030 Paloma Drive, Costa Mesa.](#)

Recommendation: Approve

10. [Release of Performance and Labor and Materials Bond to Sully Miller Contracting Company \(Contractor\), 100 E. Orangethorpe Avenue, Suite 200, Anaheim, in connection with Encroachment Permit No. PS03-00300 in the completion in the installation of two new street lights and reconstruction of a sidewalk located at 940 South Coast Drive, Costa Mesa.](#)

Recommendation: Accept work and exonerate bonds

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT FOR THE INTEGRATED LAW AND JUSTICE AGENCY FOR ORANGE COUNTY](#)

Recommendation: Adopt resolution; authorize the Mayor and City Clerk to sign; authorize the City Manager and Police Chief to execute any related documents in the implementation and authorize the City Manager to execute anticipated amendments

CONSENT CALENDAR — continued

Administrative Actions

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TRANSPORTATION SERVICES DIVISION OF THE PUBLIC SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Planning Application PA-07-41, for Bill Hall, authorized agent for Art Robertson/LA Lakes QRS, Inc., for a master plan amendment for “3400 Avenue of the Arts” apartment complex \(formerly known as “The Lakes at South Coast”\) to reduce the landscape/sidewalk easement along a portion of Sakioka Drive from 25 ft. to 20 ft., located at 3400 Avenue of the Arts, in a PDR-HD \(Planned Development Residential-High Density\) zone. Environmental determination: exempt.](#)

Recommendation: Adopt resolution approving Planning Application PA-07-41, as recommended by the Planning Commission.

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2007-2008 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.](#)

Recommendation: Adopt resolution

3. PUBLIC HEARING: Establishment of a Development Impact Fee For Library Services:

- (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADDING CHAPTER XV OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE LIBRARY IMPACT FEE

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

- (b) Determine finding that fees will be used to construct a new library within Civic Center Park or another location and/or if plans for new construction are not finalized within four (4) years then revenue generated from impact fee may be used to refurbish, reconstruct, or expand existing library facilities.

Recommendation: Approve

Communication

VIII OLD BUSINESS

There is no Old Business scheduled.

IX NEW BUSINESS

There is no New Business scheduled.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to February 12, 2008, at 4:30 p.m. for a Study Session. Next Regular City Council Meeting will be held on February 19, 2008.