



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 2, 2008

Eric R. Bever
Mayor

Linda W. Dixon
Council Member

Allan R. 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

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 Legal Counsel – Potential Litigation: Significant exposure to litigation, 2 cases, pursuant to Government Code Section 54956.9(b).

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 Wendy Leece

**MOMENT OF SOLEMN
EXPRESSION** Pastor Frank Custer, Lighthouse Coastal Community 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 – Sue Hupp, Crime Prevention
Specialist, Police Department

**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 13

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meetings of August 5, 2008 and August 19, 2008, and Adjourned Regular Meeting/Study Session of August 12, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2228, funding City operating expenses for \$1,340,025.56.

Recommendation: Approve

CONSENT CALENDAR—continued

4. Warrant Resolution 2229, funding Payroll No. 817 for \$2,603,375.77, and Payroll No. 816A for \$820.47 and City operating expenses for \$2,079,817.17 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Contract Change Order to Extend the Professional Services Agreement with Harris & Associates, 34 Executive Park, Suite 150, Irvine, to March 31, 2009, for construction management services of the Police Facility Expansion and Renovation Project, City Project No. 06-08, in the amount of \\$350,000.](#)

Recommendation: Approve; authorize the City Manager to sign

6. [Adopt revised plans, and specifications, and working details for installation of netting along the sides of the Costa Mesa Golf Course adjacent to the Fairview Developmental Center Sports Complex Fields.](#)

Recommendation: Approve

7. [Adopt plans, and specifications, and working details for 2007-2008 CDBG Projects: Plumer Street \(Project "A"\) and Hamilton Street \(Project B"\), City Project No. 08-04, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$746,295.46.](#)

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

8. [Completion of Community Development Block Grant \(CDBG\) Projects: Bus Turnout Improvements of Wilson Street between Fairview Road and Harbor Boulevard, City Project No. 07-20, by Roadway Engineering & Construction, Inc., 8861-A Jurupa Road, Riverside.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

9. [Release of Performance and Labor and Material Bonds \(Certificate No. 559726S\), in the amount of \\$126,208.39, to BKM Redhill Associates, LLC \(Developer\), 1945 Placentia Avenue, Costa Mesa, in connection with Encroachment Permit No. PS06-00793 for street improvements for Parcel Map 2005-109 located at 3191 Red Hill Avenue.](#)

Recommendation: Exonerate bonds

10. [Final Map for Tract No. 17265, located at 2379-2381 Elden Avenue, Costa Mesa; for a one \(1\) lot air space subdivision to facilitate the conversion of a 12-unit apartment complex into common interest development \(condominiums\).](#)

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

11. [Authorize refund of cash deposit in the amount of \\$6,984 to Andrew Terpstra \(Owner\), 3209 Washington Avenue, Costa Mesa, in connection with Encroachment Permit No. PS08-00201 for street improvements located at 209 Pauline Place, Costa Mesa.](#)

Recommendation: Approve

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING FINES FOR BARKING DOG VIOLATIONS UNDER SECTIONS 3-113 AND 3-114 OF THE COSTA MESA MUNICIPAL CODE.](#)

Recommendation: Adopt resolution

13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE WILDLIFE CONSERVATION BOARD INLAND WETLANDS CONSERVATION PROGRAM FOR THE FAIRVIEW PARK WETLANDS & RIPARIAN HABITAT PROJECT.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A TOW OPERATOR PERMIT APPLICATION FILING FEE FOR THE CITY OF COSTA MESA.](#)

Recommendation: Adopt resolution

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING TOW AND RELATED SERVICES MAXIMUM RATE SCHEDULE FOR TOW SERVICE OPERATORS DOING BUSINESS IN THE CITY OF COSTA MESA PURSUANT TO SECTION 9-293 OF THE COSTA MESA MUNICIPAL CODE.

Recommendation: Adopt resolution

2. [PUBLIC HEARING: Recommended allocations for the 2008-2009 Citizen's Options for Public Safety/Supplemental Law Enforcement Services Fund \(COPS/SLESF\).](#)

Recommendation: Approve

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to September 9, 2008, 4:30 p.m., for a Study Session. Next Regular City Council Meeting September 16, 2008.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted, whenever possible, and as part of the agenda, on the City's website at www.ci.costa-mesa.ca.us.