



City of Costa Mesa Council Agenda

TUESDAY, DECEMBER 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:

No Closed Session scheduled.

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**

[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

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 GENERAL MUNICIPAL ELECTION

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.](#)

[Attachment 1](#)

Recommendation: Adopt resolution

- (a) Swearing in of newly-elected City Council Members.
2. Election of Mayor and Mayor Pro Tem:
 - (a) Nominations for Mayor.
 - (b) Nominations for Mayor Pro Tem.

- VII **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 15.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Special Joint Meeting with the Newport Beach City Council of September 30, 2008; and Regular Adjourned Meeting/Study Session for October 14, 2008 and November 12, 2008; and Regular Meeting of November 18, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2241, funding Payroll No. 823 for \$2,619,943.68, and Payroll No. 822A for \$6,117.33 and City operating expenses for \$538,919.32 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2242, funding City operating expenses for \$331,146.23.

Recommendation: Approve

Administrative Actions

5. [Maintenance and Support Agreement and a Purchase Request for application support services of the City's Public Safety system, with Motorola Inc., 1303 East Algonquin Road, Schaumburg, Illinois, over the term of five \(5\) years, in the amount of \\$129,366.](#)

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

6. [Sole Source Purchase of an upgrade package of the City-owned fuel management system from ORPAK USA, 100 First Street, Suite 200, Hackensack, New Jersey, in the amount of \\$68,806.17.](#)

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

7. [Release of Performance and Labor and Material Bonds \(Certificate No. 023-007-100\), in the amount of \\$151,475, to American Drug Stores, Inc \(Developer\), 1421 South Manhattan Avenue, Fullerton, in connection with Encroachment Permit No. PS05-00788 for street improvements located at 1150 Baker Street.](#)

Recommendation: Approve

8. [Release of Performance and Labor and Material Bonds \(Certificate No. 661117280\), in the amount of \\$40,390, to Bristol Newport Medical Plaza, LP \(Developer\), 1048 Irvine Avenue, Suite 446, Newport Beach, in connection with Encroachment Permit No. PS06-00258 for street improvements located at 1202 Bristol Street.](#)

Recommendation: Approve

9. [Release of Performance and Labor and Material Bonds \(Certificate No. SU5017587\), in the amount of \\$19,116, to Patriot Development Co., Inc \(Developer\), 3111 N. Tustin Avenue, Suite 220, Orange, in connection with Encroachment Permit No. PS07-00088 for street improvements located at 168 Merrill Place.](#)

Recommendation: Approve

10. [Completion of Roadway Rehabilitation of Grace Lane, new Hampshire Drive, and Randolph Avenue, City Project No. 08-05, by All American Asphalt, Post Office Box 2229, Corona.](#)

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

11. [Adopt plans and specifications, and working details for the Parkway Concrete Repair and new Sidewalk Construction Project, City Project No. 08-15.](#)

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

- (a) Reject bid submitted by ACT Construction & Engineering, 48 Almond Tree Lane, Irvine.

Recommendation: Approve rejection

- (b) Award construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe, in the amount of \$541,155.

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

- 12. [Grant from the Fireman's Fund Heritage Grant Program through Arthur J. Gallagher Risk Management Services, for the purchase of three \(3\) sets of technical rescue equipment, two \(2\) forcible entry training door props, three \(3\) parts washers, three \(3\) CERT Emergency tool and supply caches, one \(1\) CERT emergency power generator, and three \(3\) CERT emergency power lights, stands and cords.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 09-012 for \$12,919

Recommendation: Approve; authorize the City Manager to sign

- 13. [Grant from the State Office of Emergency Services \(OES\) for \\$24,000 with a \\$6,000 match \(totaling \\$30,000\), to develop a program to prepare a Hazardous Material Area Plan pursuant to the California Health and Safety Code and California Code of Regulations.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 09-013 for \$24,000

Recommendation: Approve; authorize the City Manager to sign

- 14. [Redevelopment Agency's 2008 Annual Report Attachment 1 / Attachment 2 / Attachment 3](#)

Recommendation: Receive and file

Administrative Actions

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION OF ACTIONS NECESSARY TO OBTAIN STATE FINANCIAL ASSISTANCE THROUGH THE CALIFORNIA COASTAL COMMISSION 2008-2009 WHALE TAIL COMPETITIVE GRANTS PROGRAM.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Planning Application PA-07-39 for Anna R. Lauri of Red Mountain Retail Group, authorized agent for Harbor Hamilton, LLC, for a master plan for remodel of three existing buildings and construction of four new buildings for a 19,000 square-foot commercial center, located at the southwest corner of Harbor Boulevard and Hamilton Street at 2089, 2099 Harbor Boulevard, and 511 Hamilton Street in a PDC \(Planned Development Commercial\) zone. Environmental determination: Mitigated Negative Declaration.](#)

Recommendation: Continue to the meeting of January 6, 2009, at 7:00 p.m.

IX OLD BUSINESS

1. [Amendment of Titles 1 And 2 relating to General Provisions and Administration:](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CLARIFYING ITS INTENT WITH RESPECT TO LEGAL SERVICES PROVIDED BY CONTRACT CITY ATTORNEY JONES & MAYER.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 1 AND TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND ADMINISTRATION, in order to affirm the rights, powers, duties and obligations of the City Attorney.

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

X NEW BUSINESS

1. [Review of the Fairview Park Master Plan Process](#)

Recommendation: Receive and file

2. [2009 Costa Mesa Community Run](#)

Recommendation: Approve temporary street closure for a portion of Placentia Avenue (southbound lanes only) from Adams Avenue to the signalized entrance on Placentia Avenue at Estancia High School and the Corporate Yard

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to December 9, 2008, 4:30 p.m., for a Study Session. Next Regular City Council Meeting January 6, 2009.

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.