



City of Costa Mesa Council Agenda

TUESDAY, MARCH 21, 2006

Allan Mansoor
Mayor

Gary Monahan
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Linda Dixon
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Director of Public Services
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 COUNCIL MEETINGS – except by majority vote of the Council to continue, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to the next regularly scheduled council meeting (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 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, Council will adjourn to Conference Room 1B for meeting in closed session. Please note that if there are not any closed session items listed, Council will convene at its regular meeting time of 6:00 p.m.

I ROLL CALL

- II PUBLIC COMMENT 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. Bristol Street Mini-Storage
 - (a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa, California. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone).
 - (b) Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code, one case, Bristol Street Mini-Storage.
2. Conference with legal counsel pursuant to California Government Code Section 54956.9(a) – existing litigation, Acosta v. City of Costa Mesa, et al, Case Number SACV06-233 DOC (MLGx)

RECESS TO STUDY SESSION:

*The Council will recess to/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 10 minutes will be permitted for public comment. Note that no action may be taken by the Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

REGULAR CITY COUNCIL AGENDA

6:00 p.m.

PLEDGE OF ALLEGIANCE Mayor Allan Mansoor

**MOMENT OF SOLEMN
EXPRESSION**

Reverend Dennis Short, Harbor Christian 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

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:

- **THE YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **THE 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 minutes during Oral Communications to speak on any item within the Council's jurisdiction and which is not listed on the Agenda. The three-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of the Council Members.

V COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Linda Dixon
2. Mayor Pro Tem Eric Bever

3. Council Member Gary Monahan
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 enacted in one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion, unless members of the Council, staff, or the public request specific items to be removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following 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.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meeting of March 7, 2006

Recommendation: Approve

Warrants

3. Warrant Resolution 2100, funding City operating expenses for \$594, 603.66.

Recommendation: Approve

4. Warrant Resolution 2101, funding Payroll No. 605 for \$2,166,419.54 and No. 604 A for \$ 507.40, and City operating expenses for \$1,187,082.73, including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Purchase of a Microsoft Office Professional 2003 licensing for 480 systems to upgrade for compatibility with other software citywide from Shi, 12452 Santa Rosalia, Garden Grove for \\$152,424.01, \(through the State of California Software Licensing Program\).](#)

Recommendation: Approve

6. [Award Formal Bid No 1094 to Nautilus GSA, 6465 Dumbarton Dive, Hudson, Ohio, for purchase of six treadmills and four recumbent bikes for the Fire Department for the total cost of \\$40,526.93.](#)

Recommendation: Approve; authorize City Manager and Clerk to sign

7. [Completion of Costa Mesa Police Substation Renovation, Project No. 05-25, by Enkay Engineering, 1639 Monrovia Avenue, Costa Mesa.](#)

Recommendation: Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate the Labor and Material Bond 7 months thereafter; exonerate Performance Bond twelve (12) months thereafter

8. [Revised agreement with South Coast Plaza \(SCP\) for street improvements on: Sunflower Avenue, Anton Boulevard, Bristol Street, Park Center Drive, Avenue of the Arts within the Theater and Arts District \(TAD\).](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

9. [Completion of street improvement located at 2080 Newport Boulevard, by Andre Bachtari, 234 E. 17th Street, Costa Mesa, in connection with Encroachment Permit No. PS05-00750.](#)

Recommendation: Approve work, refund \$8,198.00 cash deposit.

10. [Completion of street improvement located at 1561 Orange Avenue, by Willard Chilcott, 1561 Orange Avenue, Costa Mesa, in connection with Encroachment Permit No. PS06-00082.](#)

Recommendation: Approve work, refund \$8,083.00 cash deposit.

11. [Completion of street improvement located at 2084 Orange Avenue by Mike Kilbride, Ltd., P.O. Box 3341, Newport Beach, in connection with Encroachment Permit No. PS02-00132.](#)

Recommendation: Approve work, exonerate bonds.

12. [Agreement for design services of Baker Street through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Praedium Engineering, 2030 Main Street, Suite 1300, Irvine, in an amount not to exceed \\$144,700.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$144,700.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

13. [Agreement for design services of Gisler Avenue through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Praedium Engineering, 2030 Main Street, Suite 1300, Irvine, in an amount not to exceed \\$122,700.00](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$122,700.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

14. [Agreement for design services of Sakioka Avenue through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Civil Works Engineering, 3151 Airway Avenue, Suite S-2, Costa Mesa, in an amount not to exceed \\$102,860.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$102,860.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

15. [Agreement for design services of South Coast Drive from Carmel Drive to San Leandro Lane, through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Civil Works Engineering, 3151 Airway Avenue, Suite S-2, Costa Mesa, in an amount not to exceed \\$99,809.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$99,809.00 from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

16. [Agreement for design services of Superior Avenue from the southerly City limits to 17th Street, through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Civil Works Engineering, 3151 Airway Avenue, Suite S-2, Costa Mesa, in an amount not to exceed \\$135,692.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$135,692.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

17. [Agreement for design services of Wilson Street through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Civil Works Engineering, 3151 Airway Avenue, Suite S-2, Costa Mesa, in an amount not to exceed \\$101,394.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$101,394.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

18. [Agreement for design services of South Coast Drive from Harbor Boulevard to Hyland Avenue, through the Arterial Highway Rehabilitation Program \(AHRP\) Program with KABBARA Engineering, 121 North Harwood Street, Orange, in an amount not to exceed \\$115,705.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$115,705.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

19. [Agreement for design services of Hyland Avenue through the Arterial Highway Rehabilitation Program \(AHRP\) Program with KABBARA Engineering, 121 North Harwood Street, Orange, in an amount not to exceed \\$162,035.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$162,035.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

20. [From the meeting of March 7, 2006, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVERSING THE PLANNING COMMISSION’S DECISION TO REVOKE CONDITIONAL USE PERMIT PA-95-10.](#)

Recommendation: Adopt resolution

21. [Memorandum of Understanding \(MOU\) with Fairview Developmental Center for a five-year term for use of open space on the property for athletic fields.](#)

Recommendation: Approve; authorize Mayor and City Clerk to sign. Authorize staff to negotiate a lease with State of California for use of property located along the 2500 block of Merrimac Way.

22. [Letter in regard to the progress and recommendations implemented of the 2004-2005 Orange County Grand Jury report, “Red Light Cameras: Automated Traffic Cops in Orange County”.](#)

Recommendation: Approve; authorize Mayor and Police Chief to sign on behalf of the City

23. ~~Agreement to provide Third Party Administration claims services for self-insured workers compensation programs with Hazelrigg Risk Management Services, Inc. 14275 Pipeline Avenue, Chino, California, for the term of April 1, 2006 to December 31, 2006.~~

Recommendation: Withdrawn

24. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONDITIONALLY AUTHORIZING THE ASSIGNMENT OF A CABLE TELEVISION FRANCHISE BY TIME WARNER CABLE INC. TO TWE HOLDING I LLC, A WHOLLY-OWNED SUBSIDIARY OF TIME WARNER CABLE INC.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Continued from the meeting of March 7, 2006, Request for Review by Council Member Dixon of the Planning Commission’s approval for Planning Application PA-05-42 for Pete Volbeda, authorized agent for Joe Cefalia, for a variance from minimum lot size requirements \(12,000 sq. ft. required; approximately 4,000 sq. ft. per lot proposed\) and lot width requirements \(100 ft. required; 58 ft. and 62 ft. proposed\) to subdivide an existing nonconforming lot into two and to consider Susannah Place instead of Orange Avenue as the front of Parcel 2, in conjunction with a development review for the construction of two, two-story single-family residences, located at 2590 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

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

VIII OLD BUSINESS

1. [From the meeting of March 7, 2006, second reading and adoption of Ordinance 06-6, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CREATING CHAPTER IX OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATING TO IN-BUILDING PUBLIC SAFETY RADIO SYSTEM COVERAGE.](#)

Recommendation: Adopt Ordinance 06-6, to be read by title only and waive further reading

2. [From the meeting of July 19, 2005, request for Construction of Adams Avenue Sound Wall-Haynes Family at 2051 Calvert Avenue.](#)

Recommendation: Defer consideration of funding to Council Budget deliberation for Fiscal Year 2006-2007.

IX NEW BUSINESS

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to April 4, 2006