



City of Costa Mesa Council Agenda

TUESDAY, MARCH 20, 2007

Allan Mansoor
Mayor

Wendy Leece
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

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 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 – 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. 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 Pastor Dale Fitch, Church of the Nazarene, Lighthouse of Costa Mesa

[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 Presentation by Southern California Edison, rewarding Costa Mesa-based property management firm Davis Properties, LLC for their outstanding energy-efficiency efforts

Presentation by State Farm Insurance of Grant Funds to Costa Mesa Fire Department

Presentation by Air Fair

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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

1. Mayor Allan Mansoor
2. Council Member Katrina Foley
3. Council Member Linda Dixon

4. Mayor Pro Tem Eric Bever
5. Council Member Wendy Leece

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. Adjourned Regular Meeting/Study Session of February 13, 2007, and Regular Meetings of February 6, 2007 and February 20, 2007.

Recommendation: Approve

Warrants

3. Warrant Resolution 2152, funding Payroll No. 704 for \$2,294,579.60 and Payroll No. 703A for \$397.62, and City operating expenses for \$574,351.17 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2153, funding City operating expenses for \$793,225.10.

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

5. [Purchase Agreement with 17th & Newport LLC, for right-of-way acquisition of a portion of property located at 1696 Newport Boulevard, for the Newport Boulevard Improvement Project, in the amount of \\$26,500.](#)

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

6. [Renewal of Service and Support Agreement with Avaya, 18201 Von Karman Avenue, Suite 630, Irvine, effective July 1, 2007 through June 30, 2009, for the continued technical support of the current telecommunications infrastructure, in the annual amount of \\$70,159.80 \(not including tax\).](#)

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

7. [Adopt plans and specifications, and working details for the Drainage Improvements to Alley No. 61, Project No. 06-25, and award a Construction Contract to Accord Engineering, Inc., 1231 E. Dyer Road, Suite 265, Santa Ana, in the amount of \\$289,245 \(for base bid and all additive bid items\).](#)

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

8. [Amendment No. 12 to Cooperative Agreement No. C-95-968, with the Orange County Transportation Authority \(OCTA\), to update Exhibit A, of the Combined Transportation Funding Programs \(CTFP\) Allocations, and the Bicycle and Pedestrian Facilities Program \(BPF\).](#)

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

9. [Contract Change Order No.1, to TRC Solutions, Inc., for additional design services proposed for the Newport Boulevard Improvement Project, in the amount of \\$70,163.87.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 07-064 for \$70,163.87

Recommendation: Approve; authorize the City Manager to sign

CONSENT CALENDAR—continued

Administrative Actions

10. [Release of Performance and Labor and Materials Bond \(Certificate No. SU 5008531\), in the amount of \\$64,241.22 each, to United Pacific Development Corp., 3111 N. Tustin Avenue, Suite 220, Orange, in connection with Encroachment Permit No. PS04-00635 for street improvements and corner monumentation located at 115 E. Wilson Street, Costa Mesa.](#)

Recommendation: Approve

11. [Release of Performance and Labor and Materials Bond \(Certificate No. 839561S\), in the amount of \\$22,715 each, to Spiegel Development, Inc., 13369 Ventura Boulevard, Sherman Oaks, in connection with Encroachment Permit No. PS05-00279 for street improvements located at 3180 Red Hill Avenue, Costa Mesa.](#)

Recommendation: Approve

12. [Completion of street improvements located at 1640 Newport Boulevard by Brown & Associates, 19700 Fairchild Road, Suite 100, Irvine, in connection with Encroachment Permit No. PS06-00628.](#)

Recommendation: Approve work and refund \$21,251 cash deposit

13. [Completion of street improvements located at 292 Knox Place, to Gary Gonzalez, 292 Knox Place, Costa Mesa, in connection with Encroachment Permit No. PS07-00058.](#)

Recommendation: Approve work and refund \$7,310 cash deposit

14. [Pre-Tax Payroll Deduction Option for Additional Retirement Service Credit.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) EMPLOYER PICKUP RESOLUTION, APPROVING THE IMPLEMENTATION OF A PRE-TAX PAYROLL DEDUCTION PLAN FOR (CALPERS) SERVICE CREDIT PURCHASES UNDER INTERNAL REVENUE CODE SECTION 414(h)(2) FOR ALL EMPLOYEE GROUPS.

Recommendation: Adopt resolution

CONSENT CALENDAR—continued

Administrative Actions

- (b) Authorize Finance Department to take necessary steps to establish this irrevocable plan, and follow through with appropriate arrangements per CalPERS procedures.

Recommendation: Approve

- 15. Salary adjustments for executive classifications and unrepresented confidential employees.

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE EXECUTIVE COMPENSATION PLAN AND EXECUTIVE SALARY SCHEDULE TO REFLECT CHANGES IN THE ESTABLISHED LABOR MARKETPLACE.

Recommendation: Adopt Resolution

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS WITHIN THE CONFIDENTIAL EMPLOYEES UNIT.

Recommendation: Adopt Resolution

- 16. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING A PROCEDURE FOR APPOINTMENTS TO THE COSTA MESA SENIOR CORPORATION BOARD, for appointment of two voting Directors and a non-voting Council Liaison.

Recommendation: Adopt resolution

17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-05-30 SUBJECT TO CONDITIONS.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Development Agreement Amendment DA-07-01 for C.J. Segerstrom & Sons and IKEA Property, Inc., for the Segerstrom Home Ranch Development Agreement \(DA-00-01\) located at 1201 South Coast Drive regarding the Susan Street Exit Ramp Project. Environmental Determination: Initial Study/Mitigated Negative Declaration.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE SUSAN STREET EXIT RAMP PROJECT FROM THE NORTHBOUND I-405 FREEWAY.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT AMENDMENT DA-07-01 TO THE SEGERSTROM HOME RANCH DEVELOPMENT AGREEMENT (DA-00-01).

Recommendation: Introduce ordinance, read by title only, and waived further reading

VIII OLD BUSINESS

1. [From the meeting of March 6, 2007, second reading and adoption of Ordinance No. 07-4, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING 811 PAULARINO AVENUE FROM R2-HD \(MULTIPLE-FAMILY RESIDENTIAL, HIGH DENSITY\) TO R3 \(MULTIPLE-FAMILY RESIDENTIAL\) BY ADOPTION OF REZONE PETITION R-06-05.](#)

Recommendation: Adopt Ordinance No. 07-4, to be read by title only, and waive further reading

IX NEW BUSINESS

1. [AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PLACING A MORATORIUM ON THE APPROVAL OF ANY SUBDIVISIONS, USE PERMITS, VARIANCES, OR ANY OTHER APPLICABLE ENTITLEMENT WHICH WOULD ALLOW FOR EXISTING INDUSTRIALLY ZONED PARCELS TO BE SUBDIVIDED INTO INDUSTRIAL CONDOMINIUMS IN THE CITY OF COSTA MESA.](#)

Recommendation: Introduce and adopt interim urgency ordinance, to be read by title only, and waive further reading

NEW BUSINESS—continued

2. [Dais Seating for City Council.](#)

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting: April 3, 2007.