



# City of Costa Mesa Council Agenda

## TUESDAY, OCTOBER 2, 2007

**Allan Mansoor**  
Mayor

**Linda Dixon**  
Council Member

**Eric Bever**  
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  
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 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: Costa Mesa City Employee Association (CMCEA), and the Costa Mesa Police Association (CMPA).

**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 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**                      Employees of the Month – Kelly Shelton, Secretary to the City Manager; Christiane Goldsworthy, Executive Secretary; and Linda Fischer-Harris, Office Specialist

**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. Council Member Wendy Leece
2. Mayor Allan Mansoor
3. Council Member Katrina Foley
4. Council Member Linda Dixon
5. Mayor Pro Tem Eric Bever

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 Meeting of July 17, August 21, September 4 and September 18, 2007; and the Adjourned Regular Meeting/Study Session of September 11, 2007.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2180, funding Payroll No. 719 for \$2,450,541.72 and Payroll No. 718A for \$1008.47, and City operating expenses for \$2,112,690.19, including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2181, funding City operating expenses for \$922,374.64.

**Recommendation: Approve**

Administrative Actions

5. Award Formal Bid Item No. 1113, for the purchase of six (6) new 2008 extended cab mini trucks from Raceway Ford, in the amount of \$107,577.30, from Raceway Ford, 5900 Sycamore Canyon Boulevard, Riverside.

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

6. Award Formal Bid Item No. 1115, for the purchase of twelve (12) new black and white 2008 Police Interceptor Ford Crown Victoria vehicles with the police package, in the amount of \$286,801.89, from Raceway Ford, 5900 Sycamore Canyon Boulevard, Riverside.

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

7. Construction Contract with Civil Source, 500 Wald Street, Irvine, for the design of Hamilton Street (Project "A") and Plumer Street (Project "B"), CDBG Street Improvement Project No. 07-08, in the amount not to exceed \$63,475.

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

Administrative Actions

8. [Completion of Roadway Rehabilitation of East 17<sup>th</sup> Street from Orange Avenue to 200 feet east of Santa Ana Avenue, Federal Project No. STPL 5312 \(066\), Project No. 06-03, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs.](#)

**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 six (6) months thereafter**

9. [Completion of East 17<sup>th</sup> Street Improvement Project, Project No. 06-15, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs.](#)

**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**

10. [Adopt plans and specifications, and working details for the Roadway Rehabilitation of East 17<sup>th</sup> Street from 150 feet east of Santa Ana Avenue to Irvine Avenue, Federal Project No. STPL 5312 \(049\), Project No. 07-14, and award construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, in the amount of \\$1,454,291.20 \(base bid plus additive bid item\).](#)

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

11. Appropriation of grant funds, of \$22,456 from the California Integrated Waste Management Board Tire-Derived Product Grant Program and allocation of Citywide Street Improvement Project (\$75,000) and Parkway Maintenance funds (\$10,000) for Rubberized Sidewalk on Sunflower Avenue Project.

- (a) Budget Adjustment No. 08-009 for \$85,000.

**Recommendation: Approve; authorize the Mayor to sign**

Administrative Actions

12. [Accept Mobile AVL/GPS Devices and Systems from FATPOT Technologies, Inc., for the management of emergency resources, in conjunction with the Orange County Fire Authority.](#)

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

13. [Report on Ordinance No. 07-9 extending the moratorium on the approval of Industrial Condominium Conversions.](#)

**Recommendation: Receive and file**

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

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

1. [PUBLIC HEARING: Appeal of Planning Commission's denial of Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp, D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six \(6\) apartment units to a one \(1\)-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway Street, in an R2-HD zone \(Multiple-Family Residential District, High Density\). Environmental Determination: exempt.](#)

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

2. [PUBLIC HEARING: Consideration of intent to overrule the Airport Land Use Commission's \(ALUC\) Inconsistency Determination with the John Wayne Airport Environs Land Use Plan for the Wyndham Boutique Hotel / High-Rise Residential Project \(GP-06-03/SP-07-01/PA-06-75/VT-17172\) located at 3350 Avenue of the Arts.](#)

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RELATED TO THE INTENT TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE PROPOSED WYNDHAM BOUTIQUE HOTEL/HIGH-RISE RESIDENTIAL PROJECT (INCLUDING GENERAL PLAN AMENDMENT AND SPECIFIC PLAN AMENDMENT) ARE INCONSISTENT WITH THE 2002 JOHN WAYNE AIRPORT ENVIRONS LAND USE PLAN.

*A four-fifths vote is required for the overrule action to carry.*

**Recommendation: Adopt resolution**

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-2, 5-3, 5-12, AND 5-95 OF TITLE 5, AND SECTIONS 7-14 AND 7-21 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2007 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO; the codes include the California Building Code, California Fire Code, California Plumbing Code, California Mechanical Code, California Electrical Code and the Model Codes related to International Property Maintenance Code, Uniform Code for Abatement of Dangerous Buildings and the Orange County Grading Code.](#)

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

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2007 CALIFORNIA BUILDING CODE AND TO THE 2007 CALIFORNIA FIRE CODE WITH RESPECT TO HOUSING OCCUPANCIES RELATIVE TO LOCAL CLIMATIC AND GEOGRAPHIC CONDITIONS.

**Recommendation: Adopt resolution**



VIII OLD BUSINESS

1. [From the meeting of September 18, 2007, second reading and adoption of Ordinance 07-17, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-07-01, WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REVIEW PROCEDURES AND DEVELOPMENT STANDARDS FOR THE CONVERSION OF EXISTING RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS TO COMMON INTEREST DEVELOPMENTS.](#)

**Recommendation: Adopt Ordinance No. 07-17, to be read by title only and waive further reading**

IX NEW BUSINESS

No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to October 9, 2007, 4:30p.m., for a Study Session. Next Regular City Council Meeting October 16, 2007.