



City of Costa Mesa Council Agenda

TUESDAY, MARCH 18, 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 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: Unrepresented Executives including City Manager, Managers, Confidential and Part-Time Employees.
2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Acosta v. City of Costa Mesa, pursuant to Government Code Section 54956.9(a).
3. 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. 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 Mayor Pro Tem Allan Mansoor

**MOMENT OF SOLEMN
EXPRESSION**

Pastor Mark Allen, Calvary Chapel

[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 2007 Orange County Fair Cattle Drive Presentation

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

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 8.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Special Joint Study Session with the Planning Commission of February 12, 2008; Regular Meeting of March 4, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2204, funding City operating expenses for \$966,696.58.

Recommendation: Approve

4. Warrant Resolution 2205, funding Payroll No. 805 for \$2,499,216.97 and City operating expenses for \$677,883.35 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Professional Services Agreement with Schmidt Design Group, Inc., 2655 Fourth Avenue, San Diego, for the master planning of certain Newport-Mesa Unified School District sites, in an amount not to exceed \\$247,101.85.](#)

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

6. [Award Formal Bid Item No. 1119, for the purchase of a new 2007 Chevrolet C5500 Regular 2WD Cab/Chassis with a custom built enclosed utility body from Tom's Truck Center, 909 North Grand Avenue, Santa Ana, in the amount of \\$81,561.28.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 08-047 for \$81,561.28.

Recommendation: Approve; authorize the Mayor to sign

Administrative Actions

7. [Development Agreement DA-08-01, for David Wilson, authorized agent for C.J. Segerstrom and Sons, for the annual review of the Home Ranch Development Agreement \(DA-00-01\), located at 1201 South Coast Drive. Environmental determination: exempt.](#)

Recommendation: Determine and find that C.J. Segerstrom & Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01 and that the deadline for the dedication, endowment, and preservation plan for the historic site be extended to March 2009

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF SEVEN \(7\) IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Review of the Planning Commission's determination for Planning Application PA-07-48, for Richard and Wendy Schones, authorized agents for Gary F. Schones, for variances from rear setback requirements \(10 feet required; 3 feet existing\), rear yard coverage requirements \(25% maximum permitted, 76% existing\) and open space requirements \(40% required; 36% proposed\); and an administrative adjustment for reduced side setbacks \(5 feet required; 3 feet proposed\), to legalize a garage and granny unit at the rear of the property in conjunction with a minor design review for an existing single-family residence to exceed the recommended 80% second-to-first floor ratio \(90% proposed\) and a minor modification to allow first and second story encroachments into the front setback \(20-feet required; 16-feet proposed\), located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.](#)

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

VIII OLD BUSINESS

1. [From the meeting of January 15, 2008, rehearing request by Lori McDonald of the Citywide Alley Improvements – Priority List concerning Alleys No. 107 and 108.](#)

Recommendation: Provide direction

2. [From the meeting of March 4, 2008, rehearing request by Council Member Foley of the determination regarding the request for “Group One” Field User Status for the Pacific Coast Girls Fast Pitch Softball.](#)

[Supplemental staff report from Recreation Division](#)

Recommendation: Provide direction

IX NEW BUSINESS

1. [Request from the Costa Mesa Bark Park Foundation for expansion of the small dog area, expansion of the general dog area, and related improvements at the Costa Mesa Bark Park.](#)

- (a) Temporary expansion of the Costa Mesa Bark Park small dog area into the TeWinkle Park area between the north boundary of the existing small dog area and the south boundary of the Tennis Center.

Recommendation: Approve

- (b) Refer to the Parks and Recreation Commission for a rehearing of the expansion of the general dog area and an amendment to the TeWinkle Park Master Plan, which is part of the Open Space Master Plan of Parks and Recreation, to reflect the permanent expansion of the small dog area and for the expansion of the general dog area into the TeWinkle Park space located between the Tennis Center and the Air National Guard facility.

Recommendation: Approve and direct staff

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting will be held on April 1, 2008.