



City of Costa Mesa Council Agenda

TUESDAY, JANUARY 4, 2011

Gary Monahan
Mayor

Jim Righeimer
Mayor Pro Tem

Wendy Leece
Council Member

Eric Bever
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Kimberly Brandt

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 Colonel Tom Savage, Commanding Officer, 1st Battalion, 5th Marines

MOMENT OF SOLEMN EXPRESSION Pastor Rod Randall, Harbor Trinity Baptist 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 1st Battalion, 5th Marines - Colonel Tom Savage, Commanding Officer of the 1/5 Marines and Major Andy Nelson

CERT 2010 Year in Review - Golden Squirrel Award

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS 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 Gary Monahan
2. Mayor Pro Tem Jim Righeimer

3. Council Member Eric Bever
4. 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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meetings of September 21, 2010, and October 5, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2347, funding Payroll No. 10-24 for \$2,144,679.34, and City operating expenses for \$425,550.43, including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2348, funding City operating expenses for \$537,296.71.

Recommendation: Approve

5. Warrant Resolution 2349, funding Payroll No. 10-25 for \$2,175,408.72 and Payroll No. 10-24A for \$4,148.52, and City operating expenses for \$340,518.18, including payroll deductions.

Recommendation: Approve

6. Warrant Resolution 2350, funding City operating expenses for \$834,489.24.

Recommendation: Approve

Administrative Actions

7. [Acceptance of donation from the MiOcean Foundation for the Fairview Park Wetlands and Riparian Habitat Project in the amount of \\$350,000.](#)

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

- (a) Budget Adjustment No. 11-011 for \$350,000

Recommendation: Approve; authorized the Mayor to sign.

8. [Adopt plans and specifications, and working details for American Recovery and Reinvestment Act \(AARA\), Rehabilitation of Wilson Street \(from Harbor Boulevard to Anaheim Avenue\), City Project No. 10-10, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$719,765.40.](#)

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

- (a) Budget Adjustment No. 11-010 for \$800,000

Recommendation: Approve; authorized the Mayor to sign.

9. [Release of Performance and Labor and Materials Bonds \(Certificate No. 661121244\) in the amount of \\$46,808 each and Certificate No. 661121243 for setting corner monuments in the amount of \\$8,000 to 2453 Orange Avenue, LLC \(Developer\), 190 Newport Center Drive, Suite 220, Newport Beach, in connection with Encroachment Permit No. PS08-00071 for street improvements and corner monumentation for Tract No. 16945 located at 2453 Orange Avenue, Costa Mesa.](#)

Recommendation: Approve

10. [Release of Performance and Labor and Materials Bonds \(Certificate Nos. 6451470 and 6505004\) in the amounts of \\$447,190 and \\$622,918 respectively to The Irvine Company, LLC \(Developer\), 550 Newport Center Drive, Newport Beach, in connection with Encroachment Permit No. PS07-00433 for street improvements located at 450 Anton Boulevard, Costa Mesa.](#)

Recommendation: Approve

11. A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PLANNING DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

12. [2011 Appointment to the Board of the Orange County Vector Control District \(OCVCD\) for the next two years.](#)

Recommendation: Approve re-appointment of Council Member Wendy Leece

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

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

No Public Hearings scheduled.

VIII OLD BUSINESS

1. [From the meeting of December 7, 2010, Ordinance No. 10-19: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A 21.22-ACRE PARCEL FROM C1-S AND C2 TO PDC \(PLANNED DEVELOPMENT COMMERCIAL\) FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BOULEVARD, 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DRIVE EAST.](#)

Recommendation: Adopt Ordinance No. 10-19, to be read by title only, and waive further reading

2. [From the meeting of December 7, 2010, Ordinance No. 10-20: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADOPTING ZONING CODE AMENDMENT CO-10-02, AMENDING TITLE 13, CHAPTER VII, SIGNS OF THE COSTA MESA MUNICIPAL CODE RELATED TO TEMPORARY BANNER SIGNS.](#)

Recommendation: Adopt Ordinance No. 10-20, to be read by title only, and waive further reading

3. [From the meeting of December 7, 2010, Ordinance No. 10-21: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADOPTING ZONING CODE AMENDMENT CO-10-05, AMENDING TITLE 13, CHAPTER V, DEVELOPMENT STANDARDS OF THE COSTA MESA MUNICIPAL CODE RELATED TO PERIMETER WALLS IN MULTIPLE-FAMILY RESIDENTIAL PROJECTS.](#)

Recommendation: Adopt Ordinance No. 10-21, to be read by title only, and waive further reading

IX NEW BUSINESS

1. [Appointment of City Council member to fill remainder of unexpired term until December 2012.](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING A VACANCY IN THE OFFICE OF MEMBER OF THE CITY COUNCIL AND TO APPOINT A COUNCIL MEMBER TO FILL THE REMAINDER OF THE TERM OF OFFICE WHICH EXPIRES IN DECEMBER, 2012.

Recommendation: Consider options for appointment; adopt resolution

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).

- [Letter of Resignation](#)
- [Communications from the public](#)

2. [Appointments to the Planning Commission and Parks and Recreation Commission.](#)

Recommendation: Appoint members to each of the Planning Commission and the Parks and Recreation Commission

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).

- [Supplemental Memo](#)

3. [Request of Mayor Monahan to modify the order of business for City Council agendas.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS.

Recommendation: Adopt resolution

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to January 11, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: January 18, 2011.

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.