



# City of Costa Mesa Council Agenda

## TUESDAY, DECEMBER 7, 2010

**Wendy Leece**  
Mayor Pro Tem

**Katrina Foley**  
Council Member

**Eric Bever**  
Council Member

**Gary Monahan**  
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** **6:00 p.m. – Closed Session and 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**

### **6:00 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. Public Employment, Title: City Manager, pursuant to California Government Code section 54957.
2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Acosta v. City of Costa Mesa, District Court for the Central District of California Case Number SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).
3. Conference with Legal Counsel – Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - one cases.

4. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Advanced Real Estate Services, Inc., American Fairs & Festivals, Inc., Tel Phil Enterprises, Inc. and Jeffrey Teller vs The Department of General Services of the State of California, Ron Diedrich, as Director of the Department of General Services; and Facilities Management West, Inc. and OC Fair and Event Center, L.P. vs. Advanced Real Estate Services, Inc. American Fairs and Festivals, Inc. Tel Phil Enterprises, Inc. and Jeffrey Teller, for Superior Court for the County of Orange, Case Number 30-2010-00424923, pursuant to Government Code Section 54956.9(a).

**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**      Boy Scout Troop 106, Orange County Council, Rancho Del Mar District

**MOMENT OF SOLEMN EXPRESSION**      Elder Jeffrey Call, The Church of Jesus Christ of Latter-day Saints.

*[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**      Proclamation – Support for Central Costa Mesa Library

**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 Pro Tem Wendy Leece
2. Council Member Katrina Foley
3. Council Member Gary Monahan
4. Council Member Eric Bever

VI GENERAL MUNICIPAL ELECTION

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 2, 2010, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.](#)

**Recommendation: Adopt resolution**

- (a) Ordinance No. 10-18: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA REPEALING AND REPLACING SECTION 16-68 OF CHAPTER IV OF THE COSTA MESA MUNICIPAL CODE REGARDING THE CITY'S TRANSIENT OCCUPANY TAX.

**Recommendation: Adopt Ordinance No. 10-18, to be read by title only and waive further reading**

- (b) Swearing in of newly-elected City Council Members.

2. Election of Mayor and Mayor Pro Tem
  - (a) Nominations for Mayor
  - (b) Nominations for Mayor Pro Tem

VII **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 14.**

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 2345, funding Payroll No. 10-23 for \$2,140,796.03 and Payroll No. 10-22A for \$451.62, and City operating expenses for \$477,500.81, including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2346, funding City operating expenses for \$581,512.74.

**Recommendation: Approve**

Administrative Actions

5. [Adopt plans and specifications, and working details for Rehabilitation of Alley No. 47 \(between Cleveland Avenue and Coolidge Avenue and from Baker Street to Paularino Avenue\), City Project No. 10-12, and award a construction contract to Black Rock Construction, 282 North St. Crispin Avenue, Brea, in the amount of \\$155,000.](#)

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

6. [Completion of Rehabilitation of Mendoza Drive \(from Lorenzo Avenue to Mission Drive\), City Project No. 10-02, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

**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**

7. [Completion of Protected/Permissive Traffic Signal Modification Project, City Project No. 10-07, by Christopher R. Morales, Inc., 155 North Eucla Avenue, San Dimas.](#)

**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**

8. [Completion of American Recovery and Reinvestment Act, Title 24 Cool Roof Replacement at the Old Corporation Yard at 2300 Placentia Avenue Costa Mesa, City Project No. 10-09, by Rite-Way Roof Corporation, 15425 Arrow Route, Fontana.](#)

**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 seven (7) months thereafter**

9. [Cooperative Agreement No. C-0-1802 with the Orange County Transportation Authority \(OCTA\) for the use of Federal Transportation Administration \(FTA\) Section 5307 Project Grand Funding, in the amount of \\$500,000 for the Fairview Channel Multipurpose Trail.](#)

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

10. [From the meeting of November 16, 2010, Acceptance and allocation of the 2010 Community Oriented Policing Services \(COPS\) Hiring Program \(CHP\) Grant.](#)

**Recommendation: Approve; authorize the Police Chief and City Manager to sign**

11. [A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING THE CITY'S PENALTIES FOR VIOLATIONS OF COSTA MESA MUNICIPAL CODE SECTION 8-83 AND AMENDING THE CIVIL FINES AND PENALTIES SCHEDULE PURSUANT TO COSTA MESA MUNICIPAL CODE SECTION 1-40.](#)

**Recommendation: Adopt resolution**

12. A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE FINANCE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

**Recommendation: Adopt resolution**

13. [Redevelopment Agency's 2010 Annual Report.](#)

**Recommendation: Receive and file**

14. [Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant \(JAG\) funds for fiscal year 2010-2011.](#)

**Recommendation: Approve**

- (a) Budget Adjustment No. 11-009 for \$26,880.

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

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

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

1. PUBLIC HEARING: Request of M. V. Partners for Rezone R-10-01 for a 21.22-acre commercial site from C-1S (Shopping Center) and C2 (General Business) to PDC (Planned Development Commercial) zone; and Master Plan PA-10-10 request to develop a 7.55-acre vacant portion (1500 Mesa Verde Drive East) of this commercial site with 224 senior housing units, 258 parking spaces, and maximum 52 foot building height. Proposed construction includes two buildings that are two to four stories high with common outdoor amenities and parking areas, and a variance request to identify private outdoor patios/balconies as exempt from the City's Noise Ordinance for property located at 2699 Harbor Boulevard, 2701 Harbor Boulevard, 1545 Adams Avenue, 1555 Adams Avenue, and 1500 Mesa Verde Dr. East. Environmental Determination: Mitigated Negative Declaration.

Staff Report and Attachments:

- [Part 1](#)
- [Part 2](#)
- [Part 3](#)
- [Part 4](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR REZONE R-10-01 AND PLANNING APPLICATION PA-10-10 FOR PROPERTIES LOCATED AT 2699 AND 2701 HARBOR BOULEVARD, 1545 AND 1555 ADAMS AVENUE, AND 1500 MESA VERDE DRIVE EAST.

**Recommendation: Adopt resolution**

- (b) 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: Introduce ordinance for first reading to be read by title only, and waive further reading**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-10-10 FOR PROPERTY LOCATED AT 1500 MESA VERDE DRIVE EAST.

**Recommendation: Adopt resolution**



2. [PUBLIC HEARING: 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 RELATED TO TEMPORARY BANNER SIGNS.](#)

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

3. [PUBLIC HEARING: 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:** Introduce ordinance for first reading to be read by title only, and waive further reading

## IX OLD BUSINESS

1. [From the meeting of November 16, 2010, Ordinance No. 10-15: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADOPTING ZONING CODE AMENDMENT CO-10-03, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE PARKING AND STORAGE OF INOPERABLE VEHICLES ON RESIDENTIAL PROPERTIES.](#)

**Recommendation:** Adopt Ordinance No. 10-15, to be read by title only, and waive further reading

2. [From the meeting of November 16, 2010, Ordinance No. 10-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF AND THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; EXTENDING THE TIME LIMIT FOR PAYMENT OF INDEBTNESS AND RECEIPT OF PROPERTY TAXES UNDER THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH.](#)

**Recommendation:** Adopt Ordinance No. 10-16, to be read by title only, and waive further reading

3. [From the meeting of November 16, 2010, Ordinance No. 10-17: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING SECTION 12-20 "DISORDERLY CONDUCT" OF ARTICLE 1 "GENERALLY" OF CHAPTER II "USE REGULATED" OF TITLE 12 "PARKS AND RECREATION" OF THE COSTA MESA MUNICIPAL CODE TO PROHIBIT FISHING AND FEEDING OF WILD FOWL IN CITY PARKS.](#)

**Recommendation: Adopt Ordinance No. 10-17, to be read by title only, and waive further reading**

4. [From the meeting of November 16, 2010, Administrative Services Fiscal Year 2010-2011 budget reductions.](#)

- (a) Downtown Community Pool operations.

**Recommendation: Provide direction regarding the continued operation or closure of the Downtown Community Pool**

- (b) Recreation on Campus (ROCKS) Program.

**Recommendation: Approve elimination of the ROCKS Program at school sites where school matching funds have not been obtained**

- (c) First Amendment to the City of Costa Mesa's CDBG-R Substantial Amendment to fund a portion of the Whittier School site ROCKS Program.

**Recommendation: Approve; authorize staff to submit the 1<sup>st</sup> Amendment to the U.S. Department of Housing and Urban Development**

X NEW BUSINESS

1. [Bicycle Trail Connection between Santa Ana River and Upper Newport Bay Feasibility Study.](#)

**Recommendation: Direct staff**

2. [Authorization of Zoning Code Amendment for Recycling and Collection Facilities.](#)

**Recommendation: Direct staff**

3. Budget Update for FY 2009-10 and Calendar Year Financial Status.

XI REPORTS

City Attorney:

City Manager:

- XII ADJOURNMENT – Adjourn to December 14, 2010, 4:30 p.m. for a Study Session. Next Regular City Council Meeting: January 4, 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](http://www.ci.costa-mesa.ca.us).