



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 20, 2009

Allan R. Mansoor
Mayor

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

Acting 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:

1. No Closed Session scheduled at this time.

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 Sgt. Vern P. Martin, U.S. Army Air Force (Retired), World War II Veteran

MOMENT OF SOLEMN EXPRESSION Lighthouse Community 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

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

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 7.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Special Meeting of October 6, 2009, and Regular Meeting of October 6, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2287, funding Payroll No. 920 for \$2,407,384.60 and Payroll No. 919A for \$66,540.82, and City operating expenses for \$1,197,169.54 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2288, funding City operating expenses for \$773,875.84.

Recommendation: Approve

Administrative Actions

5. [Adopt plans and specifications, and working details for the construction on I-405 Freeway and Fairview Road at the I-405/Fairview Road Interchange, Federal Project No. ESPL-5312 \(071\), City Project No. 09-18.](#)

Recommendation: Approve

- (a) Accept withdrawal of bid submitted by Tal Cal Engineering, inc., 22641 Valerio Street, West Hills.

Recommendation: Approve withdrawal

- (b) Award construction contract to Sierra Landscape Company, Inc., 73771 Dinah Shore Drive, Suite 200, Palm Desert, in the amount of \$420,130.

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

6. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DEDICATING LAND FOR PUBLIC USE FOR STREET, HIGHWAY AND UTILITY PURPOSES FOR THE IMPROVEMENT OF HARBOR BOULEVARD.](#)

Recommendation: Adopt resolution

Administrative Actions

7. [Public Convenience or Necessity finding for a Type 42 \(on-sale beer and wine – public premises\) Alcoholic Beverage Control \(ABC\) license for Trader Joe’s located at 640 West 17th Street.](#)

Recommendation: Adopt resolution to make a public convenience or necessity finding for the license

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

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

1. [Annual review of the Citywide Traffic Impact Fee Program:](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the following staff and Traffic Impact Fee Ad Hoc Committee recommendations to continue Citywide Traffic Impact Fee of \$181.00 per Average Daily trip (ADT); continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and to approve the annual accounting of the Citywide Traffic Impact Fee Program.

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. [From the meeting of October 6, 2009; appointments to the Redevelopment and Residential Rehabilitation \(3R\) Committee.](#)

Recommendation: Appoint member(s)

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Old Business Item No. VIII-1:

Received October 16, 2009

1. [Supplemental report](#)

2. [From the meeting of June 16, 2009, Analysis of Reduction of AirBorne Law Enforcement \(ABLE\) Services.](#)

Recommendation: Provide direction

- (a) Budget Adjustment No. 10-0006 for \$88,369.

Recommendation: Approve; authorize the Mayor to sign

3. [From the meeting of September 1, 2009, Appointment\(s\) to the Planning Commission and Parks and Recreation Commissions.](#)

- (a) Planning Commission

Recommendation: Appoint member(s)

- (b) Parks and Recreation Commission

Recommendation: Appoint member (if necessary)

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Old Business Item No. VIII-3:

Received October 15, 2009

1. [Supplemental report](#)

4. [From the meeting of September 1, 2009, potential consolidation of Planning Commission and Parks & Recreation Commission.](#)

Recommendation: Provide direction

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Old Business Item No. VIII-4:

Received October 16, 2009

1. [E-mail correspondence from Mike Brumbaugh.](#)

IX NEW BUSINESS

1. [First Quarter Fiscal Year 2009-2010 Budget update.](#)
2. [Proposition 1A Securitization Program](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.
Recommendation: Adopt resolution
 - (b) Purchase and Sale Agreement
Recommendation: Approve; authorize the Mayor and City Clerk to sign; and authorize the City Manager and his designee(s) to sign and execute necessary documents.
3. [Consideration of the preparation of a Specific Plan for the Orange County Fair and Events Center Property \(Fairgrounds\) at 88 Fair Drive](#)

Recommendation: Provide direction

NEW BUSINESS – continued

4. [Request of Council Member Monahan for a moratorium on enforcement of temporary signs and banners.](#)

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for New Business Item No. IX-4:

Received October 16, 2009

1. [Correspondence from Ed Fawcett, Costa Mesa Chamber of Commerce](#)

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting November 3, 2009.

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.