



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 3, 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. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
2. Conference with Real Property Negotiators – Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

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 Major Harry H. Selling, U. S. Air Force (Retired), World War II Veteran

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 – Chuck Torres and Trail Blincoe, Fire Fighter/Paramedic

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

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. Regular Adjourned Meeting/Study Session of October 13, 2009, and Regular Meeting of October 20, 2009.

Recommendation: Approve

CONSENT CALENDAR – continued

Warrants

3. Warrant Resolution 2289, funding Payroll No. 921 for \$2,417,411.20 and Payroll No. 920A for \$2,059.26, and City operating expenses for \$704,469.56 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2290, funding City operating expenses for \$1,147,430.62

Recommendation: Approve

Administrative Actions

5. [Adopt plans and specifications, and working details for the construction of Walnut Place Drainage Improvements, City Project No. 09-23.](#)

Recommendation: Approve

- (a) Reject bid submitted by Sandoval & Johnson Construction & Engineering Pipeline, Inc.

Recommendation: Approve

- (b) Award construction contract to TTS Engineering, 16835 Algonquin Street, #453, Huntington Beach, in the amount of \$373,289.32.

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

6. [Release of Performance and Labor and Material Bonds \(Certificate No. 733943S\), in the amount of \\$213,530 each, to Hyland Avenue I, LLC, \(Developer\), 3300 Hyland Avenue, Costa Mesa, in connection with Encroachment Permit No. PS08-00391 for street improvements located at 3300 Hyland Avenue, Costa Mesa.](#)

Recommendation: Approve

Administrative Actions

7. [Completion of Fairview Road/Adams Avenue Intersection Improvement, City Project No. 08-13, by California Engineering & Contracting, Inc., 16027 Brookhurst Street, Suite G-240, Fountain Valley.](#)

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

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

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

1. [PUBLIC HEARING: A REVISION TO THE AQUATICS PROGRAM SINGLE SESSION FEES AND THE ESTABLISHMENT OF FEES FOR AN ANNUAL PASS FOR ADULT AND SENIOR SWIM PARTICIPANTS; and revision of the aquatics programming.](#)

Recommendation: Approve fees; approve aquatics programming and staffing reductions

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-07 TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO ALCOHOLIC BEVERAGE SALES.](#)

Recommendation: Continue to the Regular Adjourned Meeting/Study Session of November 10, 2009

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-09 TO AMEND TITLE 13, CHAPTER III, PLANNING APPLICATIONS, OF THE COSTA MESA MUNICIPAL CODE, TO EXCLUDE THE DENSITY OF AFFORDABLE HOUSING PROJECTS FROM BEING SUBJECT TO DISCRETIONARY REVIEW DURING THE DESIGN REVIEW AND MASTER PLAN PROCESS.

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

4. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-10 TO AMEND TITLE 13, CHAPTER VII, ARTICLE 3, SECTIONS 13-118.1 AND 13-118.2 OF THE COSTA MESA MUNICIPAL CODE TO ALLOW YOUTH PROGRAM GROUP USERS TO APPLY FOR TEMPORARY SIGN AND BANNER PERMITS ON CITY ATHLETIC FIELDS.

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

VIII OLD BUSINESS

1. Report by the City Attorney regarding placement of an initiative on the ballot relating to the Orange County Fairgrounds Land Use designation.

Recommendation: Provide direction on preparation of a ballot initiative

IX NEW BUSINESS

No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to November 10, 2009, 4:30 p.m., for a Study Session.
Next Regular City Council Meeting November 17, 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.