



City of Costa Mesa Council Agenda

TUESDAY, DECEMBER 1, 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 – Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (two cases).
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

Warrant Officer Jack R. Hammett, U.S. Navy (Retired), Pearl Harbor Survivor, World War II and Korean War Veteran

**MOMENT OF SOLEMN
EXPRESSION**

Pastor Mel Cornwell, Newport Mesa Christian Center

[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 – Ve Tran, Assistant Engineer, Peter Merritt, Chief Construction Inspector, and Tom Banks, Senior Engineer, Public Services Department

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. Mayor Allan Mansoor
3. Council Member Katrina Foley
4. Council Member Gary Monahan
5. Council Member Eric Bever

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 13.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Adjourned Meeting/Study Session of November 10, 2009, Regular Meeting of November 17, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2293, funding Payroll No. 923 for \$2,448,636.98 and Payroll No. 922A for negative \$490.89, and City operating expenses for \$636,800.59 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2294, funding City operating expenses for \$544,445.70.

Recommendation: Approve

Administrative Actions

5. [Amendment to the Lease Agreement with Childs Pace, Inc., for the non-exclusive use of a portion of the Downtown Recreation Center's Multi-Purpose Room.](#)

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

6. [Purchase of custodial supplies through the Western States Contracting Alliance \(WSCA\) cooperative pricing agreement with Waxie Sanitary Supply, 3220 South Fairview Road, Santa Ana, in the amount not to exceed \\$80,000.](#)

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

Administrative Actions

7. [Purchase of emergency medical supplies through the Huntington Beach cooperative pricing agreement offered by Bound Tree Medical, 5000 Tuttle Crossing Boulevard, Dublin, Ohio, in an amount not to exceed \\$75,000.](#)

Recommendation: Approve

8. [Authorize refund in the amount of \\$67,875 to 4c Design Group, 3751 Robertson Boulevard, Culver City, in connection with a traffic impact fee for a discontinued restaurant project, Comme Ca Restaurant, 695 Town Center Drive, Suites 140 and 170.](#)

Recommendation: Approve

9. [Release of Performance and Labor and Materials Bond \(Certificate No. 829092S\) in the amounts of \\$378,428.41 each for street improvements and \(Certificate No. 829093S\) in the amount of \\$6,000 for setting corner monuments, to Rutter Development Corporation \(Developer\), 18012 Cowan, Suite 200, Irvine, in connection with Encroachment Permit Nos. PS05-00278 and PS05-00522 for Tract 16382 located at 1901 Newport Boulevard, Costa Mesa.](#)

Recommendation: Approve

10. [Completion of Landscape Improvements at Fairview Park, 2525 Placentia Avenue, Area "D", City Project No. 08-18, by Jeff Tracy, Inc., dba Land Forms Landscape Construction, 27601 Forbes Road, Suite 36, Laguna Niguel.](#)

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

11. [Completion of Storm Drain Repair at 755-785 West 17th Street, City Project No. 08-19, by RePipe-California, Inc., 5525 East Gibraltar Street, Ontario.](#)

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

Administrative Actions

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION OF ACTIONS NECESSARY TO OBTAIN STATE FINANCIAL ASSISTANCE THROUGH THE CALIFORNIA COASTAL COMMISSION 2009-2010 WHALE TAIL COMPETITIVE GRANTS PROGRAM.](#)

Recommendation: Adopt resolution

13. [Redevelopment Agency's 2009 Annual Report.](#)

Recommendation: Receive and file

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

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

1. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-13, AMENDING CHAPTER V OF TITLE 13, OF THE COSTA MESA MUNICIPAL CODE REGARDING FLOODWAY AND FLOODPLAIN DISTRICTS.](#)

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

VIII OLD BUSINESS

1. [From the meeting of November 17, 2009, second reading and adoption of ORDINANCE 09-14: 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: Adopt Ordinance No. 09-14, to be read by title, and waive further reading

OLD BUSINESS – continued

2. [K-9 Cleanup sponsorship program for dog waste bags and dispensers.](#)

Recommendation: Approve; amend Council Policy 800-4 to reflect the addition of the K-9 Cleanup sponsorship program

3. [Request to install 15 additional AT&T Above-Ground Utility Cabinets.](#)

Recommendation: Approve

4. [From the meeting of November 3, 2009, proposed Ballot measure options regarding the Orange County Fair and Event Center for June 2010.](#)

Recommendation: Direct staff to prepare a General Plan amendment to revise the land use designation; and once adopted include as part of a ballot measure for June 2010

IX NEW BUSINESS

No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to December 8, 2009, 4:30 p.m., for a Study Session. Next Regular City Council Meeting January 5, 2010.

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.