



# City of Costa Mesa Council Agenda

## TUESDAY, FEBRUARY 16, 2010

**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 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.
2. Conference with Legal Counsel – Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), pursuant to Government Code Section 54956.9 (a).
3. Conference with Legal Counsel – Existing Litigation: Morton v. City of Costa Mesa; Orange County Superior Court Case Number 06CC09363, 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** Lieutenant Colonel Don A. Oldis, U.S. Air Force (Retired),  
World War II, Korean, Vietnam, and Cold War 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** Mayors Award – The Crossing Church

**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 Allan Mansoor
2. Council Member Katrina Foley
3. Council Member Gary Monahan
4. Council Member Eric Bever
5. Mayor Pro Tem 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 10.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Regular Meeting of February 2, 2010.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2304, funding City operating expenses for \$1,587,549.48.

**Recommendation: Approve**

4. Warrant Resolution 2305, funding Payroll No. 10-03 for \$2,300,888.70 and Payroll No. 10-03A for -\$3,305.60 and City operating expenses for \$781,706.90 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Completion of 2008-2009 Community Development Block Grant \(CDBG\) Street Improvements Project, City Project No. 09-07, by ICE Engineering, Inc., 19042 San Jose Avenue, Unit L, City of Industry.](#)

**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**

6. [Final Map for Tract No. 17297 located at 373, 381, 383 and 385 La Perle Lane, Costa Mesa, for the subdivision of one \(1\) lot common interest development into four \(4\) single-family small lots and one \(1\) common lot.](#)

**Recommendation: Approve; authorize City Engineer and City Clerk to sign**

7. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING "IKEA WAY" STREET NAME FOR THE WEST LEG OF I-405 FREEWAY OFFRAMP INTERSECTION AT SUSAN STREET.](#)

**Recommendation: Adopt resolution**

Administrative Actions

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2009 URBAN AREAS SECURITY INITIATIVE GRANT \(UASI\).](#)

**Recommendation: Adopt resolution; authorize the Police Department to accept UASI reimbursement funds in an amount not to exceed \$54,760**

- (a) Budget Adjustment No. 10-019 for \$54,760.

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

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING STATE AND FEDERAL LEVEL CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES AND AUTHORIZING THE CITY OF COSTA MESA FIRE DEPARTMENT ACCESS TO STATE AND FEDERAL LEVEL CRIMINAL HISTORY INFORMATION FOR CERTIFICATION PURPOSES.](#)

**Recommendation: Adopt resolution**

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

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

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-09-01 TO AMEND THE FAIRGROUND LAND USE DESIGNATION IN THE LAND USE ELEMENT OF THE 2000 GENERAL PLAN.](#)

**Recommendation: Adopt resolution**

VIII OLD BUSINESS

1. [From the meeting of January 19, 2010, rehearing request by Council Member Bever of the determination regarding A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE CITY OF COSTA MESA AS A RECOVERY ZONE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FOR THE PURPOSES OF SECTIONS 1400U-1, 1400U-2 AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986.](#)

**Recommendation: Provide direction**

2. [From the meeting of February 2, 2010, second reading and adoption of Ordinance 10-3: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-16 TO AMEND TITLE 13, CHAPTER XIII, SECTION 13-279\(B\) OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DAYS AND HOURS IN WHICH CONSTRUCTION ACTIVITY IS EXEMPT FROM THE CITY'S NOISE REGULATIONS AND TO ESTABLISH A PROCEDURE TO SEEK RELIEF FROM THE PROPOSED RESTRICTIONS.](#)

**Recommendation: Adopt Ordinance No. 10-3, to be read by title only, and waive further reading**

IX NEW BUSINESS

1. [Proposed Ballot Measure relative to General Plan Land Use Designation of the Orange County Fair and Event Center and calling for a Special Municipal Election on June 8, 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).**

[Revised Proposed Ordinance](#)

NEW BUSINESS – continued

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA PROPOSING A MEASURE FOR THE SUBMISSION TO THE VOTERS OF A QUESTION WHETHER THE GENERAL PLAN DESIGNATION OF THE ORANGE COUNTY FAIR AND EVENT CENTER PROPERTY LOCATED AT 88 FAIR DRIVE, COSTA MESA, CALIFORNIA SHOULD BE APPROVED BY THE VOTERS AND SUBJECT TO CHANGE ONLY BY A VOTE OF THE PEOPLE.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 8, 2010, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.

**Recommendation: Adopt resolution**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE GENERAL PLAN DESIGNATION OF THE ORANGE COUNTY FAIR AND EVENT CENTER.

**Recommendation: Adopt resolution**

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

**Recommendation: Adopt resolution**



- (e) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT THE SPECIAL MUNICIPAL ELECTION.

**Recommendation: Adopt resolution**

2. [Request a waiver of the Planning Application fee for Coast Motel for the conversion of a motel property into Single Room Occupancy \(SRO\) or Family Room Occupancy \(FRO\) units.](#)

**Recommendation: Consider request**

3. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE AND STREET CLOSURES FOR THE 2010 ORANGE COUNTY MARATHON.](#)

**Recommendation: Adopt resolution**

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting March 2, 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](http://www.ci.costa-mesa.ca.us).