



City of Costa Mesa Council Agenda **ACTION AGENDA**

TUESDAY, DECEMBER 6, 2005

Allan Mansoor
Mayor

Gary Monahan
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Linda Dixon
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Director of Public Services
William Morris

Deputy 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 COUNCIL MEETINGS – except by majority vote of the Council to continue, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to the next regularly scheduled council meeting (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 Deputy 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 Deputy City Clerk, (714) 754-5225. Notification 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, Council will adjourn to Conference Room 1B for meeting in closed session. Please note that if there are not any closed session items listed, Council will convene at its regular meeting time of 6:00 p.m.

I ROLL CALL

- II PUBLIC COMMENT 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: Bristol Street Mini-Storage:

- (a) Conference with real property negotiators pursuant to California Government Code Section 54956.8 for property at 1100 Bristol Street, Costa Mesa, California. Agency Negotiator: Allan Roeder. Negotiating Parties: Bristol Street Mini-Storage LLC (Lee Jamieson) and County of Orange (Herb Nakasone).

ACTION: No action taken

- (b) Conference with legal counsel – anticipated litigation. Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the California Government Code, one case, Bristol Street Mini-Storage.

ACTION: No action taken

RECESS TO STUDY SESSION:

*The Council will recess to/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. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on study session agenda items. A maximum overall time of 10 minutes will be permitted for public comment. Note that no action may be taken by the Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING
REGULAR CITY COUNCIL AGENDA
6:00 p.m.

PLEDGE OF ALLEGIANCE Council Member Foley

**MOMENT OF SOLEMN
EXPRESSION**

Dr. Ray Ortlund

[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

PRESENTATION

SBC Donation to Vital Link for Computer Technology for School Children
Mayor's Award, Fred Gaeckler, Volunteer for Costa Mesa Police Department
Employees of the Month:
 Doug Lovell, Lead Facilities Maintenance Technician
 Helen Nenandal, Facility Maintenance Technician
 Mike Moran, Facility Maintenance Technician
 Sean McCarthy, Maintenance Assistant
 Mike Crownover, Maintenance Worker
 Juan Santos, Maintenance Worker
Orange County Human Relations Commission Annual Report
 Pat Krone, Commissioner

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS (Optional) ON THE SPEAKER FORM(S) AND PRESENT TO THE DEPUTY CITY CLERK PRIOR TO THE ITEM .

PLEASE NOTE:

- **THE YELLOW FORM IS FOR PUBLIC COMMENTS – TOPICS NOT ON THE AGENDA.**
- **THE 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 minutes during Oral Communications to speak on any item within the Council's jurisdiction and which is not listed on the Agenda. The three-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of the Council Members.

V COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Eric Bever
2. Council Member Gary Monahan
3. Mayor Allan Mansoor
4. Council Member Katrina Foley
5. Council Member Linda Dixon

VI CONSENT CALENDAR-All matters listed under the Consent Calendar are considered to be routine and will be enacted in one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion, unless members of the Council, staff, or the public request specific items to be removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following 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.

Written Communications

1. Reading Folder.
Recommendation: Receive and process

ACTION: Received and processed, (5-0)

CONSENT CALENDAR—continued

Minutes

2. Special meeting of November 8, 2005, and regular meeting of November 15, 2005.

Recommendation: Approve

ACTION: Approved, as corrected, correcting a typographical error of “conferences” on page 7, and of the date to read “February 2006” on page 8, in the meeting minutes of November 15, 2005, (5-0)

Warrants

3. Warrant Resolution 2084, funding City operating expenses for \$724,883.80.

Recommendation: Approve

ACTION: Approved, (5-0)

4. Warrant Resolution 2085, funding Payroll No. 523 for \$2,204,750.10, and Payroll No. 522A for \$8,143.25, and City operating expenses for \$633,301.26, including payroll deductions.

Recommendation: Approve

ACTION: Approved, (5-0)

5. Warrant Resolution 2086, funding City operating expenses for \$1,097,725.50.

Recommendation: Approve

ACTION: Approved, (5-0)

Administrative Actions

6. Award contract for Ballistic Tile Safety Walls, Costa Mesa Police Department Shooting Range, Project No. 05-24, to Super Trap, Inc., 1601 Commerce Street, Corona, for \$25,533.88.

Recommendation: Approve; authorize Mayor and Clerk to sign

ACTION: Approved; authorized the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

7. Award Bid Item No. 1087, Purchase of Two New 2006 Ford Focus Vehicles, to Raceway Ford, 5900 Sycamore Canyon, Riverside, for \$27,349.36.

Recommendation: Approve

ACTION: Approved,(5-0)

CONSENT CALENDAR—continued

Administrative Actions

8. Agreement with Merchants Landscape Services, Inc., 1639 East Edinger Ave., Suite C, Santa Ana, for a three-year Landscape and Turf Maintenance contract (Bid Item No. 1088), not to exceed \$300,000.00 per year.

Recommendation: Approve; authorize Mayor and Clerk to sign

ACTION: Approved; authorized the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

9. Sole-source purchase of 102 Pair of Lion/Haix Leather Turnout Boots from Allstar Fire Equipment, Inc., 12328 Lower Azusa Road, Arcadia, for \$26,926.73.

Recommendation: Approve

ACTION: Approved, (5-0)

10. Power of Attorney with Orange County Sheriff's Department to negotiate with Sprint/Nextel regarding Countywide 800 MHz Countrywide Coordinated Communications System (CCCS) rebanding.

Recommendation: Approve; authorize Mayor to sign

ACTION: Approved; authorized the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

11. Accept sidewalk easement for 655 Town Center Drive, South Coast Repertory Theater, to accommodate an Americans with Disabilities Act compliant sidewalk (property owner Orange County Flood Control District with an ingress and egress easement granted to South Coast Plaza/C. J. Segerstrom and Sons).

Recommendation: Accept deed; authorize Mayor and Clerk to sign and record Easement Deed 3534

ACTION: Accepted deed; authorized the Mayor and Deputy City Clerk to sign and record Easement Deed 3534, (5-0)

12. Amended agreement with Meyer and Allen Associates, Inc., 2690 Beachwood, Los Angeles, for architectural services for the Police Facility Expansion and Renovation Project, and for the Facility Site Fencing Project.

Recommendation: Approve pending final review and approval by the City Attorney; authorize the Mayor and Clerk to sign

ACTION: Approved pending final review and approval by the City Attorney; authorized the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

CONSENT CALENDAR—continued

Administrative Actions

- (a) Accept Urban Area Security Initiative (“UASI”) Reimbursement Grant in an amount not to exceed \$150,000.00, and appropriate the funding for the construction of the Facility Site Fencing Project.

Recommendation: Accept grant

ACTION: Accepted grant, (5-0)

- (b) Budget Adjustment No. 06-029 for \$337,215.00 (Police Facility Expansion and Renovation Project), and \$36,525.00, transferred from Undesignated Fund, plus \$150,000.00 from the UASI Reimbursement Grant (totaling \$186,525.00), to provide funding for the Facility Site Fencing Project.

Recommendation: Approve

ACTION: Approved, (5-0)

13. Completion of street improvements at 3300 Hyland Avenue by R.J. & J. Construction, Inc., 2001 Mt. Vernon, Pomona, in connection with Encroachment Permit No. PS01-0000069.

Recommendation: Accept work; exonerate bonds

ACTION: Accepted work and ordered the bonds exonerated, (5-0)

14. Completion of street improvements at 1475 South Coast Drive, by KEC Engineering, 200 North Sherman Avenue, Corona, in connection with Encroachment Permit No. PS02-002486.

Recommendation: Accept work; exonerate bonds

ACTION: Accepted work and ordered the bonds exonerated, (5-0)

15. Completion of street improvements at 1475 South Coast Drive, by Sully Miller Contracting Company, 100 East Orangethorpe Avenue, Suite 200, Anaheim, in connection with Encroachment Permit No. PS03-00200.

Recommendation: Accept work; exonerate bonds

ACTION: Accepted work and ordered bonds exonerated, (5-0)

16. Costa Mesa Redevelopment Agency 2005 Annual Report.

Recommendation: Receive and file

ACTION: Received and filed, (5-0)

CONSENT CALENDAR—continued

Administrative Actions

17. Agreement with Camp Dresser & McKee Inc. (CDM), 18581 Teller Avenue, Suite 200, Irvine, for \$43,708.00, for preparation of the Initial Study/Mitigated Negative Declaration for the Irvine Company Apartment Communities Master Plan (PA-05-56), to develop an 890-unit apartment complex for the Sakioka, Lot 1 property (east side of Sakioka Drive between Anton Blvd. and Sunflower Ave.)

Recommendation: Approve; authorize Mayor and Clerk to sign

ACTION: Approved; the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

18. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE FOR THE FINANCING AND ACQUISITION OF COMPUTER HARDWARE AND SOFTWARE FOR PHASE TWO OF THE POLICE DEPARTMENT COMPUTER SYSTEM REPLACEMENT PROJECT, AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH.

Recommendation: Adopt resolution

ACTION: Adopted Resolution No. 05-82, (5-0)

19. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE AGREEMENT FOR CAPITAL IMPROVEMENTS FOR THE TEWINKLE PARK ATHLETIC FIELD COMPLEX AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS IN CONNECTION THEREWITH.

Recommendation: Adopt resolution

ACTION: Adopted Resolution No. 05-84, (5-0)

20. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF OBLIGATIONS TO BE ISSUED BY THE CITY FOR THE POLICE FACILITY EXPANSION/RENOVATION PROJECT AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO AS REQUIRED BY UNITED STATES DEPARTMENT OF TREASURY REGULATIONS SECTION 1.150-2.

Recommendation: Adopt resolution

ACTION: Adopted Resolution No. 05-83, (5-0)

CONSENT CALENDAR—continued

Administrative Actions

21. North Costa Mesa High-Rise Residential EIR Contract (EIR No. 1052):
- (a) Award contract for environmental consulting to Culbertson, Adams, and Associates, Inc., 85 Argonaut, Suite 220, Aliso Viejo, for \$391,094.00.

Recommendation: Approve; authorize Mayor and Clerk to sign

ACTION: Approved; the Mayor and Deputy City Clerk to sign on behalf of the City, (5-0)

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

ADJOURN THE MEETING TO A SPECIAL MEETING OF THE REDEVELOPMENT AGENCY

ROLL CALL

1. Appointment of Redevelopment and Residential Rehabilitation Committee Members.

Recommendation: Review role of 3R Committee; reappoint existing members requesting reappointment and/or select new applicants to fill existing and vacant positions

ACTION: Reappointed the following members to the 3R Committee: Arlene Schafer, Philip Morello, William Turpit, Jonathan Zich, William Wakeham and appointed Micheal Brumbaugh, as an alternate, (5-0).

2. Warrant Resolutions CMRA-340, CMRA-341, and CMRA-342.

Recommendation: Approve

ACTION: Approved, (5-0)

ADJOURNMENT

RECONVENE CITY COUNCIL MEETING

VII PUBLIC HEARINGS – 7:00 P.M. (Resolution 05-55)

1. PUBLIC HEARING: General Plan Amendment GP-05-01 and Rezone R-05-01 for Richmond American Homes of California, Inc., to change the General Plan land use designation from High Density Residential and Public/Institutional to Medium Density Residential, and a rezone from Planned Development Residential-High Density (PDR-HD) and Institutional & Recreational (I & R) to Planned Development Residential-Medium Density (PDR-MD), for property located at 2501 Harbor Boulevard in a proposed PDR-MD zone. Environmental determination: Negative Declaration.

Recommendation: Planning Commission recommends that Council adopt a resolution approving the Initial Study/Negative Declaration and General Plan Amendment; and give first reading to an ordinance rezoning the property from Planned Residential-High Density (PDR-HD) and Institutional & Recreational (I&R) to Planned Development Residential-Medium Density (PDR-MD)

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-01 AMENDING THE LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL AND PUBLIC/INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL FOR 2501 HARBOR BOULEVARD.

Recommendation: Adopt resolution

ACTION: Adopted Resolution No. 05-85, (5-0)

- (b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A PARCEL OF LAND FROM PLANNED RESIDENTIAL HIGH-DENSITY (PDR-HD) AND INSTITUTIONAL & RECREATIONAL (I&R) TO PLANNED DEVELOPMENT RESIDENTIAL-MEDIUM DENSITY (PDR-MD) FOR 2501 HARBOR BOULEVARD.

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

ACTION: Gave Ordinance 05-17, first reading, read by title only, and waived further reading, (5-0)

2. PUBLIC HEARING: General Plan Amendment GP-05-04, and Rezone R-05-03, for ICI Development Company Inc., to change the General Plan land use designation from High Density Residential to General Commercial and to rezone from R3 (Multiple Family Residential District) to C1-S (Shopping Center District) property located at 380 W. Wilson Street. Environmental determination: Negative Declaration.

Recommendation: Planning Commission recommends that Council adopt a resolution approving the Initial Study/Negative Declaration and General Plan Amendment; and give first reading to an ordinance rezoning the property from R3 (Multiple Family Residential) to C1-S (Shopping Center District)

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-05-04 AMENDING THE LAND USE DESIGNATION FROM HIGH-DENSITY RESIDENTIAL TO GENERAL COMMERCIAL FOR 380 WEST WILSON STREET.

Recommendation: Adopt Resolution

ACTION: Adopted Resolution No. 05-86, with the addition of a Condition of Approval, as agreed to by the principles, to move the disposal area to area 3 (area left of the entrance gate), (5-0)

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING A PARCEL OF LAND FROM R3 (MULTIPLE FAMILY RESIDENTIAL) TO C1-S (SHOPPING CENTER DISTRICT) BY ADOPTION OF REZONE PETITION R-05-03 FOR 380 WEST WILSON STREET.

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

ACTION: Gave Ordinance 05-18, first reading, read by title only, and waived further reading, (5-0)

VIII OLD BUSINESS

IX NEW BUSINESS

1. Request from Mayor Mansoor to enter into a Memorandum of Understanding with the Immigration and Customs Enforcement (ICE) Bureau to conduct Federal immigration investigations in Costa Mesa.

Recommendation: Provide direction to staff on securing an agreement with the U.S. Immigration and Customs Enforcement regarding use of the Costa Mesa Police Department personnel to enforce immigration laws on individuals arrested and brought into the City's custodial facility

ACTION: 1. Directed a request to the County Board of Supervisors to include Costa Mesa Police personnel under the County's application to Immigration and Customs Enforcement (ICE) for Cross-Designation training in accordance with the Draft Proposal by the Orange County Sheriff's Department of October 2005, and if approved training would be limited personnel from the City's SED Gang Detail and the Detective Bureau; and

2. Directed a request to Immigration and Customs Enforcement (ICE) to secure a Memorandum of Understanding (MOU) for Cross-Designation training of Civilian Custody personnel employed by the City of Costa Mesa, and authorized the City Manager and the Chief of Police to a negotiate the terms of the MOU with ICE, with the final document to be brought to the City Council for consideration along with any budget authorizations or amendments, as needed; and

3. Directed that dialogue be opened and to work with Congressman Dana Rohrabacher to assist in the work with ICE, (3-2, Council Member Dixon and Council Member Foley voting no).

2. Newport-Mesa Unified School District draft Joint Use Agreement.

Recommendation: Direct staff to finalize financing mechanisms to fund weekend District staff prior to taking final action

ACTION: Continued the item to a Council meeting in January 2006, (5-0)

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING AND REVIEW PROCEDURES.

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

ACTION: Continued the item to a Council meeting in January 2006, (5-0)

4. General Plan Screening Requests:

- (a) GPS-05-06 for 1941 Church Street/1944 Newport Blvd.

Recommendation: Accept for processing

ACTION: Accepted for processing, (5-0)

- (b) GPS-05-08 for Westside Lofts Site (1640 Monrovia Ave.)

Recommendation: Accept for processing

ACTION: Accepted for processing, (5-0)

- (c) GPS-05-09 for Pacific Mesa Properties (660/670 West 17th St.)

Recommendation: Accept for processing

ACTION: Accepted for processing, (5-0)

- (d) GPS-05-10 for All Industry Investment (1690 Placentia/755-785 West 17th St.)

Recommendation: Accept for processing

ACTION: Accepted for processing, (5-0)

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS, AND THE LANDSCAPE AND SIGN GUIDELINES FOR THE NEWPORT BOULEVARD SPECIFIC PLAN, amending:

Recommendation: Adopt resolution

ACTION: Continued the item to a Council meeting in January 2006, (5-0)

- (a) The Streetscape and Median Development Standards: Section 2.02 and Section 6.03 to designate the proposed plant palette for Newport Boulevard between Industrial Way and Bristol Street; and Section 7.0, Streetscape Corridor Furniture Coordination, to identify the Carpinteria Street Light.

- (b) The Newport Boulevard Streetscape Study/Landscape and Sign Guidelines, Section 2, to designate the proposed parkway and median plant palette for Newport Boulevard between 19th Street and Bristol Street.

6. Request from Council Member Foley to form the "Safe Streets Committee".

Recommendation: Consider request and provide direction

ACTION: Continued to January 17, 2006, (5-0)

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to Tuesday, January 3, 2006