



# City of Costa Mesa Council Agenda

**Gary Monahan**  
Mayor

**Chris Steel**  
Mayor Pro Tem

**Allan Mansoor**  
Council Member

City Manager  
Allan Roeder

**Libby Cowan**  
Council Member

**Mike Scheafer**  
Council Member

Acting City Attorney  
Tom Wood

Development Services Director  
Donald Lamm

Director of Public Services  
William Morris

Deputy City Clerk  
Julie Folcik

## **COUNCIL MEETS 1<sup>ST</sup> & 3<sup>RD</sup> MONDAYS - 6:30 PM - 77 Fair Drive**

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE YELLOW CARDS AT THE PODIUM.

COUNCIL POLICY 000-4 - TIME LIMIT FOR COUNCIL MEETINGS - Except for extenuating circumstances, Council meetings shall conclude at midnight. If there is unfinished business on the Agenda, these items will be continued to a future council meeting.

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) 754-5223. 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]. The Council meets for an Agenda Review Study Session beginning at 6:00 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend. No action may be taken by the Council prior to the 6:30 p.m. meeting.

## **OCTOBER 6, 2003**

- |     |                      |  |
|-----|----------------------|--|
| I   | PLEDGE OF ALLEGIANCE | Mayor Pro Tem Steel  |
| II  | INVOCATION           | Dr. Paul Cox, Vanguard University  |
| III | ROLL CALL            |  |
| IV  | MINUTES              | Regular meetings of August 18 and September 15, 2003   |
|     | MOTION               | To read all ordinances and resolutions by title only   |
|     | PRESENTATIONS        | Mayor's Award, Walter Davenport<br>Employees of the Month, Bart Mejia and Pete Merritt<br>Lupus Awareness Month Proclamation |

- V 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.
- 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, address, and item number.

Written Communications

1. [Reading Folder.](#)  
**Recommendation: Receive and process**

Warrants

2. Warrant Resolution 1971, funding Payroll No. 319 for \$1,903,873.52, and City operating expenses for \$685,427.65, including payroll deductions.  
**Recommendation: Approve**
3. Warrant Resolution 1972, funding City operating expenses for \$1,269,996.42.  
**Recommendation: Approve**
4. Warrant Resolution 1973, funding Payroll No. 320 for \$1,919,654.33, Payroll No. 319A for \$312.21, and City operating expenses for \$958,702.52, including payroll deductions.  
**Recommendation: Approve**

Claims

5. Application for Leave to Present a Late Claim from Sergio Ramos Sanchez (alleged false arrest and perjury).  
**Recommendation: Reject**
  
6. Claim from Carla, Richard, and Brian Lopez (auto accident due to allegedly defective intersection).  
**Recommendation: Reject**

Administrative Actions

7. [Award contract for Rehabilitation of Alley No. 110 \(between Westminster Avenue and Santa Ana Avenue, north of Costa Mesa Street\), Project No. 03-18, to Kalban, Inc., 9075 Glenoaks Boulevard, Sun Valley, for \\$90,267.50.](#)  
**Recommendation: Approve; authorize Mayor and Clerk to sign**
  
8. [Award contract for Fairview Road/McCormack Lane Traffic Signal, Project No. 03-19, to Moore Electrical Contracting, Inc., 463 North Smith Avenue, Corona, for \\$115,053.00.](#)  
**Recommendation: Approve; authorize Mayor and Clerk to sign**
  
9. [Authorize staff to negotiate a contract with a qualified heating, ventilation, and air conditioning \(H.V.A.C.\) contractor to replace 2<sup>nd</sup> floor H.V.A.C. unit, for a total amount not to exceed \\$35,500.00.](#)  
**Recommendation: Approve; authorize City Manager to sign**
  
10. [Completion of Rehabilitation of Paularino Avenue from Bristol Street to Newport Boulevard, Project No. 02-15, Federal Project No. STPL-5312\(036\), by All American Asphalt, Post Office Box 2229, Corona.](#)  
**Recommendation: Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate Labor and Material Bond 7 months thereafter; exonerate Performance Bond 6 months thereafter**

Administrative Actions

11. [Completion of Rehabilitation of Whittier Avenue \(from 17<sup>th</sup> Street to 19<sup>th</sup> Street\), Project No. 03-03, by All American Asphalt, Post Office Box 2229, Corona.](#)  
**Recommendation:** Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate Labor and Material Bond 7 months thereafter; exonerate Performance Bond 12 months thereafter
  
12. [Completion of Parkway Concrete Repair and New Sidewalk, Project No. 02-17, by S. Parker Engineering, Inc., 10059 Whippoorwill Avenue, Fountain Valley.](#)  
**Recommendation:** Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate Labor and Material Bond 7 months thereafter; exonerate Performance Bond 12 months thereafter
  
13. [Completion of CCTV Expansion, Project No. 01-09, by Pouk & Steinle, Inc., dba F. J. Johnson 3000 East Coronado Street, Anaheim.](#)  
**Recommendation:** Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate Labor and Material Bond 7 months thereafter; exonerate Performance Bond 12 months thereafter
  
14. [Agreement with Lim and Nascimento \(LAN\) Engineering Corporation, 12L Mauchly, Irvine, in an amount not to exceed \\$102,190.00, for design services of fiscal year 2003-04 Community Development Block Grant \(CDBG\) Street Improvement Projects.](#)  
**Recommendation:** Approve; authorize Mayor and Clerk to sign
  
15. [Franchise Agreement with Clear Channel Outdoor, 1550 West Washington Boulevard, Los Angeles, for the Bus Shelter Advertising Program, with the City to receive a minimum guaranteed compensation of \\$411,720.00 over the five-year term of the agreement \(November 1, 2003, through October 31, 2008\).](#)  
**Recommendation:** Approve, incorporating terms of Alternative Compensation Package No. 2 as identified in the RFP; authorize the Mayor and Clerk to sign

Administrative Actions

16. [Agreement with Parsons Brinkerhoff Quade Douglas, Inc., 505 South Main Street, Suite 900, Orange, for an amount not to exceed \\$630,000.00, for environmental and design services for improvements at Fairview Road and the I-405 interchange.](#)  
**Recommendation: Approve; authorize Mayor and Clerk to sign**
  - (a) Budget Adjustment No. 04-018 for \$300,000.00 from the Home Ranch “other improvement” funds.  
**Recommendation: Approve**
  
17. [Sole source purchase of seven Fire Department Monitor/Defibrillator Units from Medtronic Physio-Control Corporation, 11811 Willows Road NE, Redmond, Washington, for \\$131,012.00; \\$91,709.00 to be funded by the Federal Emergency Management Agency \(FEMA\), and \\$39,303.00 by the City’s Proposition 172 fund.](#)  
**Recommendation: Approve**
  
18. [Final Map and Subdivision Agreement for Tract No. 16479, located at 2571 and 2575 Santa Ana Avenue, to subdivide 2 lots into 12 lots, consisting of 9 lots for single-family residential use and 3 lots for access purposes and common open space.](#)  
**Recommendation: Approve map, authorize City Engineer and Clerk to sign; approve agreement, authorize Mayor and Clerk to sign**
  
19. [Resolution authorizing the purchasing officer, or his/her designated representative, to acquire federal surplus property from the California State Agency for Surplus Property.](#)  
**Recommendation: Adopt resolution**
  
20. [Resolution authorizing the renewal of a non-exclusive cable television franchise agreement between the City and Time Warner Cable, Inc., 959 South Coast Drive, Suite 300, Costa Mesa, to provide cable services to Tract 10018 \(Sea Bluff\).](#)  
**Recommendation: Adopt resolution**

Administrative Actions

21. Change Order No. 1 to the contract with California Hazardous Services, Inc., 1431 East St. Andrew Place, Santa Ana, for \$32,105.00, for additional labor, material, and supplies required to replace the sumps on three underground fuel storage tanks at Fire Station No. 3, 1865 Park Avenue, Fire Station No. 6, 3350 Sakioka Drive, and the Police Facility Heliport, 99 Fair Drive.  
**Recommendation: Approve; authorize City Manager to sign**

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

VII PUBLIC HEARINGS

1. PUBLIC HEARING: Planning Application PA-03-31 for Kim Berry, authorized agent for Cameo Homes, for a master plan amendment and a variance from perimeter open space requirement (20 feet required; 6 feet proposed) and a reduction in the number of on-site parking spaces (476 spaces provided, 466 spaces proposed), for the construction of garages along a side property line, located at 550 Paularino Avenue in a PDR-HD (Planned Development Residential-High Density) zone. Environmental Determination: Exempt.  
**Recommendation: Approve Planning Commission recommendation and adopt a resolution approving the master plan amendment and variance from perimeter open space requirements, and denial of the variance from parking requirements**
  
2. PUBLIC HEARING: Annual review of Citywide Traffic Impact Fee Program: A resolution to continue the citywide traffic impact fee of \$177.00 per Average Daily Trip (ADT); annual accounting of the Citywide traffic impact fee program; and incentive program for new residential, commercial, and industrial developments in Costa Mesa by assessing traffic impact fees on an incremental basis  
**Recommendation: Approve staff and the Ad Hoc Committee recommendation and adopt resolution**

VIII OLD BUSINESS

IX NEW BUSINESS

1. [Downtown and Eastside Transportation Ad Hoc Committee appointments.](#)  
**Recommendation: Consider appointment of new members**
2. Pursuant to Section 54956.9(b)(1)(B) of the California Government Code, a closed session has been scheduled to confer with legal counsel regarding matters that involve significant exposure to litigation – One (1) case.

X REPORTS

City Attorney

1. Pursuant to Section 54956.9(a) of the California Government Code, a closed session has been scheduled for the City Council to confer with legal counsel, Tom Wood, Acting City Attorney, regarding existing litigation in the case of Rutter Development Corporation v. the City of Costa Mesa, Orange County Superior Court Case No. 03CC09792.

City Manager

XI COUNCIL MEMBERS REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Scheafer
2. Council Member Mansoor
3. Council Member Cowan
4. Mayor Pro Tem Steel
5. Mayor Monahan

XII ADJOURNMENT