



# City of Costa Mesa Council Agenda

## TUESDAY, AUGUST 21, 2007

**Allan Mansoor**  
Mayor

**Linda Dixon**  
Council Member

**Eric Bever**  
Mayor Pro Tem

**Katrina Foley**  
Council Member

**Wendy Leece**  
Council Member

City Attorney  
Kimberly Hall Barlow

City Manager  
Allan Roeder

Development Services Director  
Donald Lamm

Public Services Director  
William Morris

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 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 LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA), and Costa Mesa Police Management Association (CMPMA), Confidential Employees and Other Unrepresented Employees (Appointed At-Will Executives, Appointed At-Will Sworn Department Directors, Appointed At-Will Department Directors; Department Directors in Classified Service, Sworn Division Managers in Classified Service, Division Managers in Classified Service).

CLOSED SESSION—continued

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Properties at 791, 795 and 799 Shalimar Drive, Costa Mesa. Agency Negotiator: Allan Roeder, City Manager. Negotiating Party: Aurelio, Maria and Jesus Pimentel, 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. 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 ten (10) 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**      Council Member Linda Dixon

**MOMENT OF SOLEMN  
EXPRESSION**

Pastor David Manne, Calvary Chapel

*[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**

Childs-Pace Award – Council Member Katrina Foley

The Story of Costa Mesa – John McQueen and Mary Ellen  
Goddard, Historical Preservation Committee

Lifetime Service Award – Jack Hammett, Former Mayor and  
Council Member

**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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 12**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of July 17, 2007.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2175, funding City operating expenses for \$701,199.88.

**Recommendation: Approve**

4. Warrant Resolution 2174, funding Payroll No. 716 for \$2,450,807.28 and Payroll No. 716A for \$4,478.12, and City operating expenses for \$1,635,305.31 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Amendment No. 13 to Cooperative Agreement No. C-95-968, with the Orange County Transportation Authority \(OCTA\), to update the Combined Transportation Funding Programs \(CTFP\) allocations.](#)

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

6. [Amendment No. 1 to Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 17777 Del Paso Drive, Poway, 92064; Bureau Veritas, 2001 East First Street, Santa Ana, 92705; Harris & Associates, 120 Mason Circle, Concord, 94520; and CSG Consultants, Inc., 1700 South Amphlett Boulevard, San Mateo, 94402, for building plan review and inspection services, for one \(1\) year, with the option to extend for four \(4\) additional one-year terms, for an aggregate amount not to exceed \\$100,000.](#)

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

7. [Professional Services Agreement with RJM Design Group, Inc., 31591 Camino Capistrano, San Juan Capistrano, for the planning and conceptual design services of a Skate Park at Lions Park, in an amount not to exceed \\$79,895.](#)

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

8. [Completion of Drainage Improvements to Alley No. 61, Project No. 06-25, by Accord Engineering, Inc., 1231 East Dyer Road, Suite 265, Santa Ana.](#)

**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**

9. [Theater and Arts District street and landscape improvements.](#)

- (a) Completion of Theater and Arts District street improvements, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.

**Recommendation: Accept work; authorize City Clerk to file a Notice of Completion**

- (b) Completion of Theater and Arts District landscape improvements, by Bruce Wayne Company, c/o C. J. Segerstrom & Sons, 3315 Fairview Road, Costa Mesa.

**Recommendation: Accept work; authorize City Clerk to file a Notice of Completion**

10. [Purchase of mobile data broadband equipment and services, from Sprint/Nextel, 2180 Harvard Street, Suite 100, Sacramento, for all public safety vehicles \(Police and Fire\), for an approximate annual amount of \\$56,870, and pursuant to terms of the State of California Wireless Contract \(SCWC\) #1S-05-58-01 and 1S-05-58-02.](#)

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

11. [Salary adjustments for classifications represented by the Costa Mesa Firefighters Association \(CMFA\).](#)

- (a) Memorandum of Understanding (MOU) with the Costa Mesa Firefighters Association (CMFA).

**Recommendation: Approve**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE SALARY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA FIREFIGHTERS ASSOCIATION TO REFLECT THE ESTABLISHED LABOR MARKETPLACE PURSUANT TO THE 2007-2010 MOU.

**Recommendation: Adopt resolution**

- (c) Budget Adjustment No. 08-007 in the amount of \$639,853, to transfer funds from the Non-Departmental cost center to the Fire Department's operating budget.

**Recommendation: Approve**

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

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

- 1. [PUBLIC HEARING: From the meeting of July 17, 2007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT SUBJECT TO CONDITIONS, and the Right-of-way Vacation Agreement.](#)

**Recommendation: Adopt resolution; approve and authorize the Mayor and the City Clerk to sign; and direct City Clerk to record the Quitclaim Deed**

PUBLIC HEARING—continued

2. [PUBLIC HEARING: From the meeting of August 7, 2007, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.](#)

**Recommendation: Adopt resolution**

3. [PUBLIC HEARING: Appeal of Planning Commission’s denial of Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion and parcel map of four apartment units into condominiums and a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone \(Multiple-Family Residential District, High Density\). Environmental Determination: exempt.](#)

**Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission’s decision**

4. [PUBLIC HEARING: Appeal of the Planning Commission’s conditioned approval of Planning Application PA-06-78 and Tentative Tract Map T-17142, for Barry Saywitz of Barry Saywitz Properties Two LP, for a residential common interest development \(condominium\) conversion of 12 apartment units with a tentative tract map to facilitate the conversion, located at 577-579 Victoria Street, in an R2-MD zone. Environmental determination: exempt.](#)

**Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission’s decision**

VIII OLD BUSINESS

There is no Old Business scheduled.

IX NEW BUSINESS

1. [Request of the Orange County Model Engineers \(OCME\) for the placement of a temporary portable building at the model train station in Fairview Park.](#)

**Recommendation: Provide direction**

NEW BUSINESS—continued

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS TO PROVIDE FOR DEPARTMENT PRESENTATIONS.](#)

**Recommendation: Consider adoption, modification or denial of the proposed resolution**

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting September 4, 2007.