



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 16, 2008

Eric R. Bever
Mayor

Linda W. Dixon
Council Member

Allan R. Mansoor
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
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, one case, pursuant to Government Code Section 54956.9(b).
2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: People v. Acosta, Orange County Superior Court Case No. 06-HN-04320, 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 Council Member Linda Dixon

**MOMENT OF SOLEMN
EXPRESSION** Lead Pastor Leigh Harrison, Lighthouse Coastal Community
Church

[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 Mayor's Award – Ray Garcia

2008 Costa Mesa Emergency Services Expo

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

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 September 2, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2230, funding City operating expenses for \$630,590.80.

Recommendation: Approve

4. Warrant Resolution 2231, funding Payroll No. 818 for \$2,617,844.54, and Payroll No. 817A for negative \$1,367.39 and City operating expenses for \$736,063.04 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Authorize refund of cash deposit in the amount of \\$7,900 to All County Environmental, Inc., 1081 North Shepard Street, Suite H, Anaheim, in connection with exterior lead-based paint abatement at the Costa Mesa Police Facility – East Phase – City Project No. 08-11.](#)

Recommendation: Approve

6. [Authorize refund of cash deposit in the amount of \\$10,000 to CSB Partnership \(Lessee\), 7872 Edinger Avenue, Huntington Beach, in connection with Encroachment Permit No. PS07-00818 for street improvements located at 322 East 17th Street, Costa Mesa.](#)

Recommendation: Approve

Administrative Actions

7. [Authorize refund of cash deposit in the amount of \\$24,717 to Mendez Automotive Services, 3048 Bristol Street, Costa Mesa, in connection with Encroachment Permit No. PS08-00244 for street improvements located at 3048 Bristol Street, Costa Mesa.](#)

Recommendation: Approve

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE FINANCE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)

Recommendation: Adopt resolution

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE.](#)

Recommendation: Adopt resolution

10. [Residential Remodeling Incentive Program \(RRIP\) and Build Green Incentive Program \(BGIP\).](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A RESIDENTIAL REMODELING INCENTIVE PROGRAM.

Recommendation: Adopt resolution

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING BUILDING AND CONSTRUCTION FEES TO ESTABLISH AND PROMOTE A GREEN BUILDING PROGRAM.

Recommendation: Adopt resolution

-----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, AMENDING TITLES 13 AND TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING AND FRONT YARD COVERAGE REQUIREMENTS IN RESIDENTIAL ZONES.](#)

Recommendation: Continue to October 7, 2008, at 7:00 p.m.

VIII OLD BUSINESS

1. [From the meeting of March 18, 2008; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE UPDATE OF OPEN SPACE MASTER PLAN OF PARKS AND RECREATION AND TEWINKLE PARK MASTER PLAN REPORT, to reflect the expansion of the Bark Park boundaries.](#)

Recommendation: Adopt resolution

2. [From the meeting of August 5, 2008; Costa Mesa & Newport-Mesa Unified School District \(NMUSD\) Joint Field Use Master Plan Task Force.](#)

Recommendation: Appoint membership

3. [Parks and Recreation Commission's Recommendation for Designation of Parks and Park Areas for Passive or Active Use.](#)

Recommendation: Review and provide direction to staff

IX NEW BUSINESS

No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting on October 7, 2008.

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.