



City of Costa Mesa Council Agenda

TUESDAY, MARCH 07, 2006

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

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 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, 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: Conference with legal counsel pursuant to California Government Code Section 54956.9(a) – existing litigation, Acosta v. City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx).

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 Katrina Foley

**MOMENT OF SOLEMN
EXPRESSION**

Reverend Barbara Steward, St. John the Divine Episcopal 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 – Sue Smith and Dave Brees
(Sister City Program)

**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:

- **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

Minutes

2. Regular meeting of February 21, 2006.

Recommendation: Approve

Warrants

3. Warrant Resolution 2098, for City operating expenses for \$1,032,785.45.

Recommendation: Approve

4. Warrant Resolution 2099, funding Payroll No. 604 for \$2,197,810.69 and City operating expenses for \$437,263.98, including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Purchase of a new power management system and command post module equipment from Fun Company Products, 22343 East La Palma, Yorba Linda, for \\$27,175.98.](#)

Recommendation: Approve

6. [Agreement for renewal for purchase and support for the Public Safety and City's computer business systems, with Hewlett Packard, 1421 South Manhattan Avenue, Fullerton, for a term of three \(3\) years, in an amount not to exceed \\$278,195.00.](#)

Recommendation: Approve; authorize City Manager and Clerk to sign

7. [Agreement for renewal for support and purchase pursuant to the Oracle/PeopleSoft License Agreement to support Finance Department business processes for a term of one \(1\) year with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, for an annual amount of \\$133,887.17.](#)

Recommendation: Approve; authorize City Manager and Clerk to sign

8. [Agreement for design services of MacArthur Boulevard through the Arterial Highway Rehabilitation Program \(AHRP\), with Hall and Foreman, 420 Exchange, Irvine, in an amount not to exceed \\$94,460.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$94,460.00, from the Gas Tax Fund and the Measure "M" Fund.

Recommendation: Approve

9. [Agreement for design services of Sunflower Avenue through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Hall and Foreman, 420 Exchange, Irvine, in an amount not to exceed \\$89,285.00.](#)

Recommendation: Approve and authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$89,285.00, from the Gas Tax Fund and the Measure "M" Fund.

Recommendation: Approve

10. [Agreement for design services of Fair Drive through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Hall and Foreman, 420 Exchange, Irvine, in an amount not to exceed \\$132,565.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$132,565.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

11. [Agreement for design services of Red Hill Avenue through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Praedium Engineering, 2020 Main Street, in an amount not to exceed \\$248,860.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$248,860.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

12. [Agreement for design services of Harbor Boulevard through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Praedium Engineering, 2030 Main Street, Irvine, in an amount not to exceed \\$246,550.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$246,550.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

13. [Agreement for design services of East 19th Street through the Arterial Highway Rehabilitation Program \(AHRP\) Program with Praedium Engineering, 2030 Main Street, Irvine, in an amount not to exceed \\$122,200.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$122,200.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

14. [Agreement for design services of East 17th Street through the Arterial Highway Rehabilitation Program \(AHRP\) Program with PBS & J, 625 The City Drive South, Orange, in an amount not to exceed \\$127,732.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$127,732.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

15. [Agreement for design services of West 19th Street through the Arterial Highway Rehabilitation Program \(AHRP\) Program with PBS & J, 625 The City Drive South, Orange, in an amount not to exceed \\$154,872.00.](#)

Recommendation: Approve; authorize Mayor and Clerk to sign

- (a) Budget Adjustment No. 06-051a in the amount of \$154,872.00, from the Gas Tax Fund and the Measure “M” Fund.

Recommendation: Approve

16. [Completion of Ballistic Tile Safety Walls at Costa Mesa Police Department Shooting Range, Project No. 05-24, by Super Trap, Inc., 1601 Commerce Street, Corona.](#)

Recommendation: Accept work; authorize Clerk to file a Notice of Completion; release retention funds 35 days thereafter; exonerate the Labor and Material Bond 7 months thereafter; exonerate Performance Bond six (6) months thereafter

17. [Replace HVAC Unit at Fire Station No. 4, \(2300 Placentia Avenue\), Senior Center \(695 W. 19th Street\), and Condenser Pipes at City Hall \(77 Fair Drive\) –Project No. 05-26.](#)

- (a) Reject all bids.

Recommendation: Approve

- (b) Direct staff to re-advertise the project.

Recommendation: Approve

18. [Theatre and Arts District Street Improvements:](#)

- (a) Agreement with the Orange County Transportation Authority (OCTA) for street improvements on Sunflower Avenue, Anton Boulevard, Bristol Street, Park Center Drive and Avenue of the Arts within the Theater and Arts District (TAD).

Recommendation: Approve; authorize Mayor and Clerk to sign

- (b) Agreement with the County of Orange for street improvements on: Sunflower Avenue, Anton Boulevard, Bristol Street, Park Center Drive, Avenue of the Arts within the Theater and Arts District (TAD).

Recommendation: Approve; authorize Mayor and Clerk to sign

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

Recommendation: Adopt resolution

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

Recommendation: Adopt resolution

21. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT ACTIVITY \(TEA\) PROGRAM UNDER THE 1998 TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR FOUR PROJECTS.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Request for Review by Council Member Dixon of the Planning Commission's approval for Planning Application PA-05-42 for Pete Volbeda, authorized agent for Joe Cefalia, for a variance from minimum lot size requirements \(12,000 sq. ft. required; approximately 4,000 sq. ft. per lot proposed\) and lot width requirements \(100 ft. required; 58 ft. and 62 ft. proposed\) to subdivide an existing nonconforming lot into two and to consider Susannah Place instead of Orange Avenue as the front of Parcel 2, in conjunction with a development review for the construction of two, two-story single-family residences, located at 2590 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

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

2. [PUBLIC HEARING: Appeal of the Planning Commission's revocation of Conditional Use Permit PA-95-10 for Eric Strauss, authorized agent for Barbara and Roger Allensworth which permitted the expansion of an existing sports bar into the adjacent space to allow 6 billiards tables and 4 or more electronic game machines, located at 580 Anton Boulevard #201, in a PDR-HD zone. Environmental determination: exempt.](#)

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

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CREATING CHAPTER IX OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATING TO IN-BUILDING PUBLIC SAFETY RADIO SYSTEM COVERAGE.](#)

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

4. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING SP-06-01 THAT AMENDS THE COSTA MESA THEATER AND ARTS DISTRICT PLAN/NORTH COSTA MESA SPECIFIC PLAN TO IDENTIFY ADDITIONAL PUBLIC IMPROVEMENTS AND FUNDING SOURCES.](#)

Recommendation: Adopt resolution

VIII OLD BUSINESS

1. [From the meeting of February 21, 2006, second reading and adoption of Ordinance No. 06-4, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE REQUIRED MINIMUM NUMBER OF UNITS IN A COMMON INTEREST DEVELOPMENT.](#)

Recommendation: Adopt Ordinance 06-4, to be read by title only and waive further reading

2. [From the meeting of February 21, 2006, second reading and adoption of Ordinance No.06-5, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING CHAPTER II OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE APPOINTMENTS OF THE MAYOR AND THE MAYOR PRO TEMPORE.](#)

Recommendation: Adopt Ordinance 06-5, to be read by title only and waive further reading

IX NEW BUSINESS

1. [Request to the Orange County Local Agency Formation Commission \(LAFCO\) to initiate a Sphere of Influence Amendment relative to Banning Ranch and to reactivate the City's annexation application \(CA-01-20\) for West Santa Ana Heights.](#)

- (a) A RESOLUTION OF APPLICATION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT FOR BANNING RANCH, ADJACENT TO COSTA MESA'S WESTERN BORDER AND TO REACTIVATE THE CITY OF COSTA MESA ANNEXATION APPLICATION (CA-01-20) FOR WEST SANTA ANA HEIGHTS.

Recommendation: Adopt resolution

- (b) Authorize City Manager to process payments for LAFCO application costs in excess of the initial filing fee of \$4,600 up to existing authorization limits (\$25,000) and to report such expenditures in writing to the City Council.

Recommendation: Authorize

X REPORTS

City Attorney

City Manager

XI ADJOURNMENT - Adjourn to March 21, 2006