



City of Costa Mesa Council Agenda

TUESDAY, JANUARY 6, 2009

Allan R. Mansoor
Mayor

Wendy Leece
Mayor Pro Tem

Katrina Foley
Council Member

Eric Bever
Council Member

Gary Monahan
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 Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director 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) pursuant to Government Code Section 54957.6. **Withdrawn**~~

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 Gary Monahan

MOMENT OF SOLEMN EXPRESSION Pastor Tim Celek, The Crossing 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 Employee of the Month – Police Department Records Bureau Staff

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 Gary Monahan
3. Council Member Eric Bever
4. Mayor Pro Tem Wendy Leece
5. Mayor 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 19.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of December 2, 2008, and Regular Adjourned Meeting/Study Session of December 9, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2243, funding Payroll No. 824 for \$2,670,661.66, and City operating expenses for \$1,559,685.42 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2244, funding City operating expenses for \$2,124,179.95.

Recommendation: Approve

5. Warrant Resolution 2245, funding Payroll No. 825 for \$2,623,359.43, and Payroll No. 824A for \$213.60, and City operating expenses for \$921,575.33 including payroll deductions.

Recommendation: Approve

6. Warrant Resolution 2246, funding City operating expenses for \$974,744.54.

Recommendation: Approve

7. Warrant Resolution 2247, funding Payroll No. 826 for \$2,834,416.64, City operating expenses for \$1,421,941.88 including payroll deductions.

Recommendation: Approve

8. Professional Services Agreement with CNC Engineering, 8 Corporate Park, Suite 100, Irvine, for engineering services for design of the Joann Street Bike Trail Project, in an amount not to exceed \$110,000.

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

CONSENT CALENDAR—continued

Administrative Actions

9. [Professional Services Agreement with Jacobs, 5757 Plaza Drive, Suite 100, Cypress, for construction management and inspection support services for the Newport Boulevard Improvement Project, in an amount not to exceed \\$233,017.99.](#)

Recommendation: Approve; authorize the City Manager and/or City Attorney to make minor revisions based on final discussions with the Consultant; and authorize the Mayor and City Clerk to sign

10. [Cooperative Agreements for term extension for Newport Boulevard Improvements:](#)

- (a) Cooperative Agreement 12-457 A-2, with the State of California Department of Transportation (Caltrans), to extend the term for environmental, design, and right-of-way oversight of improvements to Newport Boulevard between 17th Street and 19th Street to December 31, 2010.

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

- (b) Cooperative Agreement 12-553 A-1, with the State of California Department of Transportation (Caltrans), to extend the term for Caltrans' contribution of \$330,000 toward improvements to Newport Boulevard between 17th Street and 19th Street to December 31, 2010.

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

11. [Accept a grant from the State Farm Insurance Company, for high-visibility vests, in the amount of \\$5,000.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 09-015 for \$5,000.

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

CONSENT CALENDAR—continued

Administrative Actions

12. [Completion of Hazardous Materials Abatement of the Costa Mesa Police Facility, City Project No. 06-12, by TEG/LVI Environmental Services, Inc., 13320 Cambridge Street, Santa Fe Springs.](#)

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

13. [Completion of Roadway Rehabilitation of Hyland Avenue from South Coast Drive to MacArthur Boulevard, Federal Project No. STPL-5312 \(057\), City Project No. 07-08, by All American Asphalt, Post Office Box 2229, Corona.](#)

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 seven (7) months thereafter

14. [Completion of Installation of Rubberized Sidewalk on Sunflower Avenue, City Project No. 08-07, by JMR General Engineering Corporation, 300 West Ocean Boulevard #6207, Long Beach.](#)

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

15. [Completion of Exterior Lead-based Paint Abatement at Civic Center, East Phase, City Project No. 08-11, by Miller Environmental, Inc., 2210 South Dupont Drive, Anaheim.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

16. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2008 URBAN AREAS SECURITY INITIATIVE GRANT \(UASI\).](#)

Recommendation: Adopt resolution; and authorize the Police Department to accept UASI reimbursement funds in an amount not to exceed \$54,750

- (a) Budget Adjustment No. 09-017 for \$54,750.

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

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE DETECTIVE BUREAU AND RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

18. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO APPROVE A LIST OF PROJECTS AND ACCEPT PROPOSITION 1B FUNDING FROM THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO BE USED ON ELIGIBLE TRANSPORTATION PROJECTS WITHIN THE CITY OF COSTA MESA.](#)

Recommendation: Adopt resolution

19. [Addendum No. 4 to Agreement with Nestor Traffic Systems, Inc. to modify existing language clarifying operations.](#)

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

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

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

1. [PUBLIC HEARING: Continued from the meeting of December 2, 2008, appeal of the Planning Commission's determination regarding Planning Application PA-07-39 for Anna R. Lauri of Red Mountain Retail Group, authorized agent for Harbor Hamilton, LLC, for a master plan for remodel of three existing buildings and construction of four new buildings for a 19,000 square-foot commercial center, located at the southwest corner of Harbor Boulevard and Hamilton Street at 2089, 2099 Harbor Boulevard, and 511 Hamilton Street in a PDC \(Planned Development Commercial\) zone. Environmental determination: Mitigated Negative Declaration.](#)

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

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Public Hearing Item No. VII-1:

Received January 5, 2009

1. [Correspondence from Anna Lauri of Red Mountain Retail Group.](#)

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY AT 419 EAST 19TH STREET.](#)

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

3. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING CONDITIONS AT THE PROPERTY KNOWN AS 2258 ORANGE AVENUE, COSTA MESA, TO BE A PUBLIC NUISANCE SUBJECT TO ABATEMENT.](#)

Recommendation: Adopt resolution

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Public Hearing Item No. VII-3:

Received December 31, 2008

1. [Supplemental Report](#)

1. [From the meeting of December 2, 2008, second reading and adoption of Ordinance 08-8: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 1 AND TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND ADMINISTRATION.](#)

Recommendation: Adopt Ordinance No. 08-8, to be read by title only, and waive further reading

IX NEW BUSINESS

1. [Request for “Resident Only” parking restriction on Babb Street, between Baker Street and Denver Drive.](#)

Recommendation: Approve, with the exception of the easterly segment immediately adjacent to the Summerset Citihomes development; authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed, with a qualifying petition

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON BABB STREET, BETWEEN BAKER STREET AND DENVER DRIVE.

Recommendation: Adopt resolution

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for New Business Item No. IX-1:

Received December 29, 2008

1. [Correspondence from Stephen and Barbara Sakaske.](#)

Received January 5, 2009

2. [E-mail correspondence from Colin McCarthy.](#)

2. [Request of Council member Monahan for review of Senior Center Programs/Services; Establishment of a Task Force or Ad Hoc Committee.](#)

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for New Business Item No. IX-2:

Received January 5, 2009

1. [E-mail correspondence from Diane Swarts.](#)

3. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING SECTION 11-194 OF TITLE 11 \(OFFENSES-MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE REGARDING NARCOTICS AND GANG RELATED CRIME EVICTIONS.](#)

Recommendation: Introduce ordinance for first reading, to be read by title only and waive further reading.

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to January 13, 2009, 4:30 p.m., for a Study Session. Next Regular City Council Meeting January 20, 2009.

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.