



City of Costa Mesa Council Agenda

TUESDAY, FEBRUARY 17, 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:

No Closed Session scheduled.

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 Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION Pastor Mark Wiley, Mesa Verde United Methodist 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 – Costa Mesa Eagles Pop Warner Board
2008 MADD Deuce Awards
Certificates of Appreciation to Outgoing Commissioners –
Donn Hall, Eleanor Egan, Mark Harris, Robert Graham

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

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 13.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of February 3, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2252, funding City operating expenses for \$1,241,687.12.

Recommendation: Approve

4. Warrant Resolution 2253, funding Payroll No. 903 for \$2,549,791.09, and Payroll No. 902A for \$0, and City operating expenses for \$767,723.60 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Professional Services Agreement with VA Consulting, 17801 Cartwright Road, Irvine, for engineering services for design of East 17th Street/Tustin Avenue and Harbor Boulevard/Wilson Street Improvements, in the amount of \\$127,283.](#)

Recommendation: Approve; authorize Mayor and City Clerk to sign

- (a) Budget Adjustment No. 09-022 for \$135,000.

Recommendation: Approve; authorize Mayor to sign

6. [Professional Services Agreement with Hewlett-Packard Company \(HP\), 1421 South Manhattan Avenue, Fullerton, in the amount of \\$297,042.78, for software support services; and a Purchase Requisition for the first year, in a three-year contract, in the amount of \\$98,053, for computer hardware for the business and public safety systems.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

7. [Renewal of the Oracle/PeopleSoft Support Agreement with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, effective March 19, 2009 through March 18, 2010; and the renewal for the E-Pay modules effective June 3, 2009 through June 2, 2010, in the annual amount of \\$181,432.85.](#)

Recommendation: Approve; authorize the City Manager to sign

8. [Adopt plans and specifications, and working details for the Landscape Improvements at Fairview Park, 2525 Placentia Avenue, Area "D" - City Project No. 08-18.](#)

Recommendation: Approve

- (a) Waive the minor irregularity in the bid submitted by Jeff Tracy, Inc., dba Land Forms Landscape Construction; and award construction contract to Jeff Tracy, Inc., dba Land Forms Landscape Construction, 27601 Forbes Road, Suite 36, Laguna Niguel, in the amount of \$460,122.80.

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

9. [Completion of Roadway Rehabilitation of Baker Street from 750 feet East of Fairview Road to Bear Street, Federal Project No. STPL-5312 \(054\), City Project No. 07-04, 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

10. [Authorize refund of cash deposit in the amount of \\$9,173 to Elden Street Partners \(Developer\), P.O. Box 15126, Newport Beach, in connection with Encroachment Permit No. PS08-00246 for street improvements located within Elden Avenue for Tract Map No. 17265.](#)

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF WILSON STREET AT 979, 983, 987, 991, 995, AND 999 MODJESKA CIRCLE, and setting the hearing date for March 17, 2009, at 7:00 p.m.](#)

Recommendation: Adopt resolution

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

Recommendation: Adopt resolution

13. [Request for Back Bay Youth Rugby for Group 1 Fee Waiver Status.](#)

Recommendation: Approve Parks and Recreation Commission's recommendation for Group 1 User designation

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

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

1. PUBLIC HEARING: From the meeting of February 3, 2009, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, amending the City's Fee Schedule regarding penalties for parking violations to collect state surcharges pursuant to Senate Bill 1407.

Recommendation: Adopt resolution

PUBLIC HEARING—continued

2. [PUBLIC HEARING: Review of Planning Commission's determination regarding Planning Application PA-08-30, for Richard and Wendy Schones, authorized agents for Gary Schones, for variances from rear setback requirements \(10 feet required; 3 feet existing\), rear yard coverage requirements \(25% maximum permitted, 76% existing\) and open space requirements \(40% required; 36% proposed\); and an administrative adjustment for reduced side setbacks \(5 feet required; 3 feet proposed\), to legalize a detached garage and granny unit at the rear of the property located at 378 Costa Mesa Street, in an R1 zone \(Single-Family Residential District\). Environmental determination: exempt.](#)

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

3. [PUBLIC HEARING: Appeal of Planning Commission's determination regarding Planning Application PA-08-23, for J7 Architecture, authorized agent for Christ Lutheran Church, for renovation of an existing church campus, including demolition of 6,180 sq. ft. \(parsonage, residential structure, classroom, fireside\) and 9,749 square feet of new building addition containing a two -story administration office, café, and a youth lounge for a net increase of 3,569 square feet and a variance from maximum allowable height \(27 feet required, 33 feet proposed\) for the properties located at 760 Victoria Street and 2199 Raleigh Avenue in an R-1 zone \(Single-Family Residential District\). Environmental determination: exempt.](#)

Recommendation: Continue hearing to March 3, 2009, at 7:00 p.m.

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. [Brentwood Park Master Plan](#)

Recommendation: Approve the proposed Master Plan; and approve amendments to the Open Space Master Plan of Parks and Recreation (MPPR)

NEW BUSINESS—continued

2. [Proposal to use a portion of Fairview Park for a Civil War Reenactment on May 8 through 10, 2009, by the American Civil War Society \(ACWS\).](#)

Recommendation: Consider proposal

3. [Letter of Support for Economic Stimulus Program including a variety of infrastructure project.](#)

Recommendation: Approve and authorize the submittal of a letter; and consider taking a legislative position on the preferred method for administration of the program

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting March 3, 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.