



# City of Costa Mesa Council Agenda

## TUESDAY, APRIL 21, 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** Council Member Katrina Foley

**MOMENT OF SOLEMN EXPRESSION** Father Tashgian, St. Mary Armenian 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** Childs-Pace 2008 John Upton Award to Officer Frank Christian

Loyalty Day Proclamation – Mayor Mansoor

**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. Mayor Pro Tem Wendy Leece
2. Mayor Allan Mansoor
3. Council Member Katrina Foley

4. Council Member Gary Monahan

5. Council Member Eric Bever

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 15.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Regular Adjourned Meeting/Study Session of March 10, 2009; and Regular Meeting of March 17, 2009 and April 7, 2009.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2261, funding Payroll No. 907 for \$2,534,824.09, and Payroll No. 906A for negative \$5,716.83, and City operating expenses for \$1,213,570.71 including payroll deductions.

**Recommendation: Approve**

CONSENT CALENDAR—continued

Warrants

4. Warrant Resolution 2262, funding City operating expenses for \$1,009,793.28.

**Recommendation: Approve**

Administrative Actions

5. [Agreement with the County of Orange, for participation in the Proposition 42 - City Aid Program \(Call-for-Projects\) funding for Fiscal Year 2009/2010.](#)

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

6. [Award Formal Bid Item No. 1089, for a three-year price agreement for Plant Mix Asphalt Materials, to All American Asphalt Company, Post Office Box 2229, Corona, for an amount not to exceed \\$306,150 for the initial year of the agreement, and remaining years subject to annual appropriation of funding.](#)

**Recommendation: Approve; and authorize the City Manager to sign for any justified rate increase and to extend the contract for three additional one-year terms**

7. [Authorize refund of cash deposit in the amount of \\$34,098 to Irvine Company, LLC, Post Office Box 57060, Irvine, in connection with Encroachment Permit No. PS06-00686 for the relocation and removal of trees at 450 Anton Boulevard.](#)

**Recommendation: Approve**

8. [Adopt plans, and specifications, and working details for the Roadway Rehabilitation of Sunflower Avenue from Avenue of the Arts to Anton Boulevard, City Project No. 08-16, and award construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \\$289,289.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

9. [Adopt plans, and specifications, and working details for the 2008-2009 Slurry Seal Project, City Project No. 09-02, and award construction contract to Bond Blacktop, Inc., Post Office Box 616, Union City, in the amount of \\$335,515.](#)

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

10. [Completion of Audio Visual Systems for the Police Department Expansion and Renovation Project by TV Magic, Inc., 8112 Engineer Road, San Diego.](#)

**Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter**

11. [Completion of Roadway Rehabilitation of Sunflower Avenue from Harbor Boulevard to 250 feet west of Hyland Avenue, Federal Project No. STPL-5312 \(063\), City Project No. 07-07, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

**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**

12. [Completion of 2007-2008 CDBG Projects: Plumer Street \(Project "A"\) and Hamilton Street \(Project "B"\), City Project No. 08-04, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

**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

13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN AGREEMENT WITH ORANGE COUNTY ENTITLED, AGREEMENT TO PURCHASE EQUIPMENT FOR THE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS \(PSIC\) GRANT.](#)

**Recommendation: Adopt resolution**

- (a) Acceptance of a Public Safety Interoperable Communications (PSIC) grant for the Police and Fire Departments, in the amount not to exceed \$146,000.

**Recommendation: Approve; authorize Mayor to sign**

- (b) Budget Adjustment No. 09-027 for \$146,000.

**Recommendation: Approve; authorize Mayor to sign**

14. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF COSTA MESA.](#)

**Recommendation: Adopt resolution**

- (a) Agreement with Southern California Edison for Bridge-Funding until the Utilities Commission program for 2009-2011 is ready for adoption by the Orange County Cities Energy Efficiency Partnership.

**Recommendation: Approve; authorize City Manager to sign**

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE HABITAT RESTORATION PROJECT IN TALBERT NATURE RESERVE BY THE ORANGE COUNTY FLOOD CONTROL DISTRICT IN CONFORMANCE WITH CALIFORNIA PUBLIC CONTRACT CODE 21020.9.](#)

**Recommendation: Adopt resolution**

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

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

- 1. [PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-01 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO OFF-STREET PARKING STANDARDS FOR SINGLE FAMILY DETACHED UNITS WITH FIVE OR MORE BEDROOMS IN R1 ZONES AND SMALL LOT, DETACHED, SINGLE FAMILY COMMON INTEREST DEVELOPMENTS.](#)

**Recommendation:** Introduce Ordinance for first reading, read by title only, and waive further reading

- 2. [PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-02 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO MAXIMUM DRIVEWAY WIDTH STANDARDS FOR SPECIFIED SINGLE-FAMILY DETACHED HOMES.](#)

**Recommendation:** Introduce Ordinance for first reading, read by title only, and waive further reading

- 3. [PUBLIC HEARING: Continued from the meeting of April 7, 2009, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CODE AMENDMENT CO-09-03 OF TITLE 20 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS.](#)

**Recommendation:** Introduce Ordinance for first reading, read by title only, and waive further reading

- 4. [Amendment for Homelessness Prevention and Rapid Re-Housing Program \(HPRP\).](#)
  - (a) Substantial Amendment to the Consolidated Plan 2008 Action Plan for the Homelessness Prevention and Rapid Re-Housing Program (HPRP), and application to the U.S. Department of Housing and Urban Development (HUD) for the HPRP funds.

**Recommendation:** Approve; authorize City Manager to sign



PUBLIC HEARING – continued

- (b) Request for Proposal to local nonprofit organizations qualified to administer a Rapid Re-housing and Homeless Prevention Program.

**Recommendation: Approve; authorize staff to issue should the County of Orange decide not to partner with local jurisdictions**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING SUBSTANTIAL AMENDMENT TO THE CONSOLIDATED PLAN 2008 ACTION PLAN AND CERTIFICATIONS TO INCLUDE HOMELESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP) APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, and authorizing the City Manager to act in connection of the submission.

**Recommendation: Adopt resolution**

VIII OLD BUSINESS

- 1. [From the meeting of April 7, 2009, Child Care and Youth Services Committee.](#)

**Recommendation: Appoint member(s)**

- 2. From the meeting of March 17, 2009, City Council's timing of adjustments to benefits and adjustments to compensation.

- (a) [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECREASING SALARIES OF THE CITY COUNCIL MEMBERS.](#)

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

- (b) [Adjustments to City Council Benefits.](#)

**Recommendation:** Discuss the timing and implementation of future increases; and provide direction

IX NEW BUSINESS

1. [Field Use and Allocation Policy \(FUAP\) Report.](#)

**Recommendation:** Approve recommendations of Parks and Recreation Commission for changes to the FUAP

- (a) [Request for initiation of Site Specific Agreement for Jim Scott Stadium.](#)

**Recommendation:** Authorize the City Manager and/or his designee to negotiate a Site Specific Agreement; and direct staff to forward a request to the Board and Superintendent of the Newport-Mesa Unified School District to enter into negotiations

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER II, ARTICLE 8, OF TITLE 9 AND SEC. 7-19 OF THE COSTA MESA MUNICIPAL CODE REGULATING FIREWORKS SALES.](#)

**Recommendation:** Introduce Ordinance for first reading, read by title only, and waive further reading

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting May 5, 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](http://www.ci.costa-mesa.ca.us).