City of Costa Mesa
Council Agenda

TUESDAY, JANUARY 20, 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.

2. Pursuant to California Government Code Section 54957, Public Employment: Programmer Analyst II; Request for Special Leave of Absence.

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 Eric Bever

MOMENT OF SOLEMN EXPRESSION
[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

Costa Mesa 2008 Delegation to Wyndham, Australia and 2009 Australian Delegation from Wyndham, Australia

Costa Mesa After-School Programs Proclamations

Costa Mesa Community Foundation Update

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

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 18.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of January 6, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2248, funding City operating expenses for $1,033,063.73.

Recommendation: Approve

4. Warrant Resolution 2249, funding Payroll No. 901 for $2,893,157.18, and Payroll No. 826A for $1,372.29, and City operating expenses for $966,078.96 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant (JAG) funds for fiscal year 2008-2009.

Recommendation: Approve

(a) Budget Adjustment No. 09-014 for $5,263.

Recommendation: Approve; authorize Mayor to sign

6. Acceptance of a grant from the Federal Emergency Management Agency (FEMA) for Fire Department operations to purchase an SCBA filing station, in the amount of $40,000.

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

(a) Budget Adjustment No. 09-016 for $48,000.

Recommendation: Approve; authorize Mayor to sign

7. Acceptance of a Law Enforcement grant from Target for a laptop for the Police Department Gang Detail, in the amount of $2,000.

Recommendation: Approve

(a) Budget Adjustment No. 09-019 for $2,000.

Recommendation: Approve; authorize Mayor to sign

8. Proposition 1B Transportation Bond Funding for Citywide Residential Street Maintenance Project and Citywide Parkway Maintenance Project, in the amount of $1,691,864.

Recommendation: Approve acceptance

(a) Budget Adjustment No. 09-021 for $1,691,864.

Recommendation: Approve; authorize the Mayor to sign

9. Professional Services Agreement with SGH Consulting Services, 3312 Overland Avenue, Los Angeles, for engineering services for design of South Coast Drive Rehabilitation Project, in an amount not to exceed $91,140.

Recommendation: Approve; authorize Mayor and City Clerk to sign

10. Professional Services Agreement with Land Development Consultants, 1050 N. Tustin Avenue, Anaheim, for engineering services for design of Bristol Street Rehabilitation Project, in an amount not to exceed $172,670.

Recommendation: Approve; authorize Mayor and City Clerk to sign

CONSENT CALENDAR—continued

Administrative Actions

11. Professional Services Agreement with West Coast Arborists, 2200 E. Via Burton Street, Anaheim, for the performance of root pruning and installation of root barriers per Formal Bid Item No. 1125, for a three (3)-year contract with the option of renewing for three (3) additional one (1)-year extensions, in an amount not to exceed $32,000 per year.

    Recommendation: Approve; authorize Mayor and City Clerk to sign; and authorize City Manager to sign for any justified rate increase and to extend the contract upon recommendation from the Public Services Department

12. Professional Services Agreement with RPW Services, Inc., 2473 E. Orangethorpe Avenue, Fullerton, for the pesticide application and rodent control services per Formal Bid No. 1127, for a three (3)-year contract with the option of renewing for three (3) additional one (1)-year extensions, in an amount not to exceed $82,000 per year.

    Recommendation: Approve; authorize Mayor and City Clerk to sign; and authorize City Manager to sign for any justified rate increase and to extend the contract upon recommendation from the Public Services Department

13. Completion of Sidewalk Improvements on Broadway and Shalimar Drive, City Project No. 08-06, by Elite Bobcat Service, Inc., 1320 East 6th Street, #100, 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 twelve (12) months thereafter

14. Final Map for Tract No. 17112 located at 685 W. 18th Street, Costa Mesa, for the subdivision to convert a ten (10) unit apartment complex into a common interest development (condominiums).

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

CONSENT CALENDAR—continued

Administrative Actions

15. Indemnification and Maintenance Agreement for the Use of the Storm Drain Easement at 531 Anton Boulevard, Costa Mesa, for the Construction of the Symphony Towers Parking Structure.

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

16. From the meeting of January 6, 2009, 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

17. Professional Services Agreement with Orange County Human Society (OCHS), 21632 Newland Street, Huntington Beach for Animal Shelter Services, in the amount of $65,000 per year, with automatic adjustments.

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

18. Request to extend Professional Services Agreement with CorVel Corporation to provide third party administration claims services for the city's self-insured workers' compensation program, from January 1, 2009 through March 31, 2009, with the option of extending through December 31, 2009, with annual fees not to exceed $261,940.54.

    Recommendation: Approve; authorize the Mayor and Clerk to sign; and authorize the City Manager to execute all necessary documents

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

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

1. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-08-10, for Vicki Green/Sheldon Group, authorized agent for Trinity Christian Center, for a minor conditional use permit to allow outdoor filming activities, a maximum of 12 times per calendar year, without amplified sound, audiences, and/or spectators, located at 3150 Bear Street, in an AP zone. Environmental determination: exempt.

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

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE BUILDING OFFICIAL TO ABATE THE PUBLIC NUISANCE CONDITIONS AT 2258 ORANGE AVENUE PURSUANT TO ESTABLISHED COSTA MESA MUNICIPAL CODE PROCEDURES.

   Recommendation: Adopt resolution

VIII OLD BUSINESS

1. From the meeting of January 6, 2009, second reading and adoption of Ordinance 09-1: 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: Adopt Ordinance No. 09-1, to be read by title only, and waive further reading

2. From the meeting of January 6, 2009, rehearing request by Council Member Foley of the determination regarding the property located at 2258 Orange Avenue, Costa Mesa, in declaring it a public nuisance subject to abatement.

   Recommendation: Provide direction

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).
Memo from staff regarding Rehearing Request.

IX NEW BUSINESS

1. 2009 OC Marathon

Recommendation: Approve temporary street closures for specified streets on May 3, 2009

2. Review of Stop Sign Requests

Recommendation: Direct staff regarding requests for installation of stop-signs at the intersections of 21st Street/Elden Avenue, Broadway/Westminster Avenue, Monrovia Avenue/Arbor Street, and 20th Street/Fullerton Avenue.

3. Appointments to the Planning Commission and Parks and Recreation Commission.

Recommendation: Appoint two members to each of the Planning Commission and the Parks and Recreation Commission

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting February 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.