



# City of Costa Mesa Council Agenda

## TUESDAY, FEBRUARY 3, 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:

None 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** Reverend Dr. Dennis Short, Harbor Christian 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 Choice Award – Rusty Sherrill

Employee of the Month – 2008 Costa Mesa Housing Element Team – Kimberly Brandt, Claire Flynn, Hilda Veturis, Mino Ashabi and Rebecca Robbins

**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 13.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Regular Adjourned Meeting/Study Session of January 13, 2009, and Regular Meeting of January 20, 2009.

**Recommendation: Approve**

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2250, funding City operating expenses for \$463,345.14.

**Recommendation: Approve**

4. Warrant Resolution 2251, funding Payroll No. 901 for \$2,592,600.20, and City operating expenses for \$504,829.40 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [From the meeting of January 20, 2009, 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**

6. [Professional Services Agreement with Kabbara Engineering, 121 North Harwood Street, Orange, for engineering services for design of Old Newport Boulevard Rehabilitation Project, in an amount not to exceed \\$72,972.](#)

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

7. [Professional Services Agreement with VA Consulting, Inc., 17801 Cartwright Road, Irvine, for engineering services for design of Victoria Street Rehabilitation Project, in an amount not to exceed \\$149,994.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

8. [Professional Services Agreement with Civil Works Engineers, 3151 Airway Avenue, Suite S-2, Costa Mesa, for engineering services for design of Adams Avenue Rehabilitation Project, in an amount not to exceed \\$148,188.](#)

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

9. [Professional Services Agreement with Civil Source Engineering, 500 Wald Street, Costa Mesa, for engineering services for design of Vanguard Way, Wilson Street and Mendoza Drive Rehabilitation Project, in an amount not to exceed \\$152,400.](#)

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

10. [Agreement with the Orange County Sheriff's Department of Communications for purchase and installation of emergency radio and computer equipment, using Urban Area Security Initiative grant funds \(UASI\) in the City's Emergency Operations Center \(EOC\) to implement a Countywide Winlink 2000 System.](#)

**Recommendation: Accept, and approve; authorize the City Manager or his designee to sign**

11. 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**

12. [2008 Emergency Management Performance Grant \(EMPG\) Allocation:](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO FILE APPLICATION WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY (CAL EMA), and to accept funds in an amount not to exceed \$8,110.00.

**Recommendation: Adopt resolution**

CONSENT CALENDAR—continued

Administrative Actions

- (b) Allocation of the 2008 EMPG Program proceeds in an amount not to exceed \$8,110 to the City’s General Fund – Emergency Services.

**Recommendation: Approve**

- (c) Agreement to Transfer Funds with the County of Orange for the 2008 Emergency Management Performance Grant (EMPG) Program.

**Recommendation: Approve; authorize the City Manager or designee and the City Clerk to sign**

- (d) Update the State of California, California Emergency Management Agency (Cal EMA) Designation of Applicant’s Agent Resolution with the name of the City’s Emergency Services Coordinator.

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

- 13. [Appointments by Mayor to the boards of the Costa Mesa Conference and Visitor Bureau, and Transportation Corridor Agency.](#)

**Recommendation: Approve**

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

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

- 1. [PUBLIC HEARING: From the meeting of January 6, 2009, 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 Planning Commission’s decision**

PUBLIC HEARINGS - continued

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING OF MODIFICATIONS CONTAINED IN AMENDED TRACT MAP NO. 16917.](#)

**Recommendation: Adopt resolution**

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT C0-08-04, WHICH AMENDS TITLE 13 OF PROCEDURES FOR APPLICATIONS RELATED TO REASONABLE ACCOMMODATION.](#)

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

4. [PUBLIC HEARING: 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**

## VIII OLD BUSINESS

1. [From the meeting of January 6, 2009: 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**

2. [From the meeting of January 6, 2009, Senior Center Ad Hoc Committee appointments.](#)

## IX NEW BUSINESS



No New Business scheduled.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to February 10, 2009, 4:30 p.m., for a Study Session. Next Regular City Council Meeting February 17, 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).