



City of Costa Mesa Council Agenda

TUESDAY, APRIL 7, 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. Closed Session: Pursuant to California Government Code Section 54957, Public Employment: Police Officer; Request for Special Leave of Absence.
2. Pursuant to Government Code Section 54957.6., 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).

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 10.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

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

Recommendation: Approve

Warrants

3. Warrant Resolution 2258, funding City operating expenses for \$549,510.03.

Recommendation: Approve

4. Warrant Resolution 2259, funding Payroll No. 906 for \$2,523,298.83, and City operating expenses for \$825,392.86 including payroll deductions.

Recommendation: Approve

5. Warrant Resolution 2260, funding City operating expenses for \$1,183,237.95.

Recommendation: Approve

Administrative Actions

6. [Amendment to the current custodial supply contract with Waxie Sanitary Supply, 3220 South Fairview Road, Santa Ana, per Formal Bid No. 1099 extending the contract term for an additional year, in the amount not to exceed \\$90,000.](#)

Recommendation: Approve

7. [Nuisance Abatement of property located at 2258 Orange Avenue, City Project No. 09-08.](#)

Recommendation: Authorize City staff to negotiate a contract for nuisance abatement work in an amount not to exceed \$50,000.

CONSENT CALENDAR—continued

Administrative Actions

8. [Agreement with the County of Orange, District Attorney’s Office, for prosecution services for municipal code violations.](#)

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

9. [Completion of replacement of the telephone and data cabling systems for the Police Facility, as part of the Police Facility Expansion and Renovation Project, by Prime Electrical Services, Inc., 480 Enterprise Street, San Marcos.](#)

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

10. [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

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

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

1. [PUBLIC HEARING: Continued from the meeting of February 3, 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: Receive and file. (*Application withdrawn*)

PUBLIC HEARING—continued

2. [PUBLIC HEARING: Continued from the meeting of March 3, 2009; 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 square feet \(parsonage, residential structure, classroom, fireside\) 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 758 and 760 Victoria Street and 2199 Raleigh Avenue in an R-1 \(Single-Family Residential District\) zone. Environmental determination: exempt.](#)

[PA-08-23 Supplemental Memo](#)

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

3. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-05, for Scott Mitchum, authorized agent for Murray Seidner, for an amendment to the condition of approval for PA-08-24 to reduce customer loan amounts from \\$2500.00 to \\$500.00 for ancillary pawnbroker services, located at 1860 Newport Boulevard in C2 zone \(General Business District\). Environmental determination: exempt.](#)

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

4. [PUBLIC HEARING: Review of Planning Application PA-09-02, for Willard Chilcott, for a design review for a two-unit, two-story common interest development with less than a 10-foot average side setback for one of the units \(8 ft. proposed\), \(rear unit previously approved under DR-06-06\), located at 2160 Myran Drive, in an R2-MD zone \(Multiple-Family Residential District, Medium Density\). Environmental determination: exempt.](#)

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

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).

[Communication from the public](#)

PUBLIC HEARING—continued

5. [PUBLIC HEARING: Review of Planning Application PA-09-03, for Willard Chilcott, for a design review for a two-unit, two-story common interest development with less than a 10-foot average side setback for one of the units \(8 ft. proposed\), \(rear unit previously approved under ZA-04-15\), located at 2172 Myran Drive, in an R2-MD zone \(Multiple-Family Residential District, Medium Density\). Environmental determination: exempt.](#)

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

6. [PUBLIC HEARING: Requests for three proposed Code Amendments regarding vehicle parking requirements and related standards in residential areas.](#)

- a. 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: Continue to the meeting of April 21, 2009, at 7:00 p.m.

- b. 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 RESIDENTIAL DEVELOPMENTS.

Recommendation: Continue to the meeting of April 21, 2009, at 7:00 p.m.

- c. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-03 OF TITLE 20 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VEHICLE PARKING ON RESIDENTIAL DRIVEWAYS.

Recommendation: Continue to the meeting of April 21, 2009, at 7:00 p.m.

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. [Appointments to various Council-appointed committees.](#)

- a. Child Care and Youth Services Committee

Recommendation: Appoint member(s)

- b. Cultural Arts Committee

Recommendation: Appoint member(s)

- c. Historical Preservation Committee

Recommendation: Appoint member(s)

2. [Fireworks Options and Enforcement](#)

Recommendation: Discuss options; and 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).

[Supplemental memo regarding fireworks](#)

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to April 14, 2009, at **6:00 p.m.**, for an Adjourned Regular Meeting. Next Regular City Council Meeting April 21, 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.