City of Costa Mesa
Council Agenda

TUESDAY, MARCH 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:

1. 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).

2. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation: Acosta v. City of Costa Mesa, District Court for the Central District of California Case Number SACV06-233 DOC (MLGx), pursuant to Government Code Section 54956.9(a).

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 Gary Monahan

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 Mayor's Award – Fred Arnold

Anatolian Cultures & Food Festival

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

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 9.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of March 3, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2256, funding City operating expenses for $933,210.80.

Recommendation: Approve

4. Warrant Resolution 2257, funding Payroll No. 905 for $2,551,834.85, and Payroll No. 904A for negative $2,905.07, and City operating expenses for $827,270.28 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. Roof replacement at the City's Old Corporation Yard at 2300 Placentia Avenue, City Project No. 08-14.

Recommendation: Reject all bids and re-advertise the project at a future time

6. Release of Performance Bond (Certificate No. 457592), in the amount of $1,000, to Mesa Placentia 17 LP, P.O. Box 8083, Newport Beach, in connection with Parcel Map 2006-286 for corner monumentation located at 755 West 17th Street, Costa Mesa.

Recommendation: Approve

7. Acceptance of a grant from Bartwood Construction, Inc., for GPS devices and a hose testing pump, in the amount of $5,000.

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

(a) Budget Adjustment No. 09-025 for $5,000.

Recommendation: Approve; authorize Mayor to sign

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RESCINDING RESOLUTION NO. 05-14 AND ESTABLISHING A NEW DATE AND TIME FOR THE PARKS AND RECREATION COMMISSION MEETINGS AND THE PERMANENT CANCELLATION OF THE LAST MEETING IN DECEMBER.

Recommendation: Adopt resolution

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY OF COSTA MESA TO APPLY FOR TECHNICAL ASSISTANCE FROM THE ENERGY COMMISSION, to conduct a detailed no-cost Energy Audit for City Hall, Civic Center Fire Station, Communications Building, and the Neighborhood Community Center.

Recommendation: Adopt resolution

10. Memorandum of Understanding (MOU) with United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) for the Reimbursement of Joint Operation Expenses from the Treasury Forfeiture Fund.

Recommendation: Approve, authorize the Chief of Police to sign

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

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

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF WILSON STREET AT 979, 983, 987, 991, 995 AND 999 MODJESKA CIRCLE.

Recommendation: Adopt resolution; authorize the Mayor and City Clerk to sign the Quitclaim Deed; and authorize the City Clerk to record

VIII OLD BUSINESS

1. From the meeting of February 17, 2009, rehearing request by Council Member Katrina Foley relative to the determination regarding Planning Application PA-08-30, for Richard and Wendy Schones, authorized agents for Gary F. Schones, for property located at 378 Costa Mesa Street.

   Recommendation: Provide direction

2. AT&T Above-Ground Utility Cabinets

   Recommendation: Receive and file the report on AT&T "Project Lightspeed" to provide video service in Costa Mesa

IX NEW BUSINESS

1. Request for "Resident Only" parking restriction on Iowa Street, between Gisler Avenue and New Hampshire Drive.

   Recommendation: Provide direction

   (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON IOWA STREET, BETWEEN GISLER AVENUE AND NEW HAMPSHIRE DRIVE.

   Recommendation: Adopt resolution; authorize the Transportation Services Manager to extend the "resident only" parking restriction within a maximum of 1,000 feet as needed

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for New Business Item No. IX-1:

Received March 12, 2009

1. Correspondence from Thomas V. Hammond.

2. City Council's timing of adjustments to benefits and adjustments to compensation.

NEW BUSINESS—continued

(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

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for New Business Item No. IX-2:

Received March 12, 2009

1. Correspondence from David Stiller.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting April 7, 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.