City of Costa Mesa
Council Agenda

TUESDAY, FEBRUARY 19, 2008

Eric Bever
Mayor

Linda Dixon
Council Member

Allan Mansoor
Mayor Pro Tem

Katrina Foley
Council Member

Wendy Leece
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Acting 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 LABOR NEGOTIATORS pursuant to California Government Code Section 54957.6: Agency designated representatives: Allan Roeder, City Manager, Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding employee organizations: the Costa Mesa Police Management Association (CMPMA), Costa Mesa Police Association (CMPA) Confidential Employees Unit, Executives, & Part-Time Employees.

2. Conference with Legal Counsel – Anticipated Litigation: Initiation of litigation, one case, pursuant to Government Code Section 54956.9(c)

3. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Grazulis & Braga v. Wiater and City of Costa Mesa; Orange County Superior Court Case Number 04CC10146, 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 Mayor 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

Annual Report by Orange County Human Relations Commission

Mothers Against Drunk Drivers (MADD) Deuce Award - Officer Jared Barnes

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 Linda Dixon
3. Mayor Eric Bever
4. Council Member Wendy Leece
5. Mayor Pro Tem 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 16.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

CONSENT CALENDAR—continued

Minutes

2. Regular Meeting of February 5, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2200, funding City operating expenses for $1,297,252.97.

Recommendation: Approve

4. Warrant Resolution 2201, funding Payroll No. 803 for $2,824,678.02 and Payroll No. 802A for $6,846.71, and City operating expenses for $1,034,227.81 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. Professional Services Agreement with Civil Source, 500 Wald Street, Irvine, for the engineering design of Orange Avenue and Bear Street Rehabilitation Project, in an amount not to exceed $81,000.

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

6. Contract Change Order with Beador Construction Company, Inc., 26320 Lester Circle, Corona, for the Harbor Boulevard/I-405 Improvement Project, City Project No. 07-22, in the amount of $216,145.50.

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

(a) Budget Adjustment No. 08-038 for $108,000.

Recommendation: Approve; authorize the Mayor to sign

CONSENT CALENDAR—continued

Administrative Actions

7. Water Quality Ordinance Implementation Agreement No. D07-107 with the Orange County Flood Control District to serve as the Authorized Inspector for the pollutant release portion of the National Pollutant Discharge Elimination System (NPDES) and Spill Prevention Containment and Control (SPCC) permit programs.

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

8. Authorize refund of cash deposit, in the amount of $92,923.19, to Makar Properties, 4100 MacArthur Boulevard, Suite 200, Newport Beach, in connection with Wyndham Boutique Hotel, 3350 Avenue of the Arts, Costa Mesa.

   Recommendation: Approve

9. Completion of Fair Drive Storm Drain Improvements, City Project No. 06-16, by Lonerock, Inc., 26 Vista Firenze, Laguna Hills.

   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

10. Completion of Replacement of Heating, Ventilation, and Air Conditioning (HVAC) Units at the Costa Mesa Senior Center, 695 West 19th Street, City Project No. 07-21, by F.M. Thomas Air Conditioning, Inc., 231 Gemini Avenue, Brea.

    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

11. Completion of Roof Replacement at the Communications Building, 79 Fair Drive, City Project No. 07-24, by Danny Letner, Inc., DBA Letner Roofing Co., 1490 North Glassell Street, 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

12. Completion of Energy Efficient Roof Coating at Mesa Verde Library, 2969 Mesa Verde Drive East, City Project No. 07-25, by Lavey Roofing Services, Inc., 1217 East Wakeham Avenue, Santa Ana.

    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

13. Completion of Energy Efficient Roof Coating at Fire Station No. 5, 2450 Vanguard Way, City Project No. 07-26, by Lavey Roofing Services, Inc., 1217 East Wakeham Avenue, Santa Ana.

    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. 2007 Emergency Management Performance Grant (EMPG) Allocation:

    (a) Agreement to Transfer Funds with the County of Orange for the 2007 Emergency Management Performance Grant (EMPG) Program.

    Recommendation: Approve; authorize the City Manager to sign

CONSENT CALENDAR—continued

Administrative Actions

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF YEAR 2007 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) REIMBURSEMENT ALLOCATION.

Recommendation: Adopt resolution

(c) Allocation of the 2007 EMPG Program proceeds in an amount not to exceed $10,800 to the City's General Fund – Emergency Services.

Recommendation: Approve

15. Pacific Coast Girls Fast Pitch Softball "Group One" Field User Status

Recommendation: Approve the recommendations of the Parks and Recreation Commission for designation; authorize fee waiver for field rentals, field preparation and lights usage

16. Fiscal year 2007-2008 Mid-Year Budget Report

Recommendation: Receive and file

(a) Budget Adjustment No. 08-039 for $2,914.613

Recommendation: Approve; authorize the Mayor 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 ANTON BOULEVARD BETWEEN AVENUE OF THE ARTS AND SAKIOKA DRIVE.

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

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET.

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

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. Time Warner Cable Presentation regarding cable services

   Recommendation: Provide direction

2. Application to the Orange County Transportation Authority (OCTA) for "Go Local" Funding.

   Recommendation: Approve agreement with OCTA; authorize the City Manager and City Attorney to accept minor revisions based on discussions with OCTA; authorize Mayor and City Clerk to sign; direct staff to schedule a joint meeting with the City of Newport Beach to consider a Cooperative Agreement to implement the subject application, if approved by OCTA

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting will be held on March 4, 2008.