



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 6, 2006

**Allan Mansoor**  
Mayor

**Gary Monahan**  
Council Member

**Eric Bever**  
Mayor Pro Tem

**Katrina Foley**  
Council Member

**Linda Dixon**  
Council Member

City Attorney  
Kimberly Hall Barlow

City Manager  
Allan Roeder

Development Services Director  
Donald Lamm

Director of Public Services  
William Morris

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 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 legal counsel pursuant to California Government Code Section 54956.9(a) – existing litigation, Acosta v. City of Costa Mesa, et al, Case Number SACV06-233 DOC (MLGx).

**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. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on Study Session agenda items. A maximum overall time of ten (10) 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 Allan Mansoor

**MOMENT OF SOLEMN  
EXPRESSION**

Pastor Rick McGee, Newport-Mesa 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**

Employees of the Month – Public Services Maintenance Division Staff: Frank Barraza, Michael Basso, James Boucher, Don Brown, John Bull, Richard Cherney, Peter Czenze, Enrique Gomez, Victor Hernandez, Antonio Macias, William McLean, Robert McNealey, James Moureaux, Raymond Pawloski, Raul Perez, Eric Robbins, Dean Rodia, Gaetano Russo, Richard Simons, German Torres, Gerald Vasquez, Robert Watkins, Philip Willey

Recreation and Parks Month Proclamation

**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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Eric Bever

2. Council Member Gary Monahan
3. Mayor Allan Mansoor
4. Council Member Katrina Foley
5. Council Member Linda Dixon

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 17.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Corrected Regular Meeting of March 7, 2006, Adjourned Regular Meeting/Study Session of May 9, 2006, and Regular Meeting of April 4, 2006 and May 16, 2006.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2110, funding City operating expenses for \$1,401,913.13.

**Recommendation: Approve**

CONSENT CALENDAR—continued

4. Warrant Resolution 2111, funding Payroll No. 610 for \$2,181,759.78 and Payroll No. 609A for \$1,892.93, and City operating expenses for \$1,001,619.53 including payroll deductions.

**Recommendation: Approve**

5. Warrant Resolution 2112, funding City operating expenses for \$546,170.98.

**Recommendation: Approve**

Administrative Actions

6. [Award Construction Contract, for the Replacement of Condenser Pipes at City Hall, Project No. 06-04, to Refrigerated Air Mechanical Systems, 2050 S. Loara Street, Anaheim, in the amount of \\$52,900.](#)

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

7. [Amended Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, to extend service for 12 months, for shopping cart retrieval.](#)

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

8. [Completion of Exterior Painting of Costa Mesa Senior Center, Project No. 05-16, by Southwest Coatings, Inc., 503 Harker Street, San Pedro.](#)

**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**

9. [Participate in the Emission Reduction Strategy Option, and authorize the transfer of credits from City's vendor, Cantor Fitzgerald Brokerage, LP, to the South Coast Air Quality Management \(SCAQMD\).](#)

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

Administrative Actions

- (a) Contract with Cantor Fitzgerald Brokerage, LP, 345 California Street, Suite 1260, San Francisco, for the purchase and transfer of the Vehicle Emission Reduction Credits to SCAQMD for Rule 2202 compliance for 2006, for an amount not to exceed \$9,760.

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

10. [Revised Reimbursement Agreement with Orange County Transportation Authority \(OCTA\) for street improvements on Sunflower Avenue, Anton Boulevard, Bristol Street, Park Center Drive, and Avenue of the Arts, within the Theatre and Arts District \(TAD\).](#)

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

11. [Right-of-way Contract-State Highway Donation and Grant Deed with the California Department of Transportation \(Caltrans\), for Parcel Donation for the I-405/SR-55 Transitway Project.](#)

**Recommendation: Approve; authorize the Mayor and City Clerk to sign and Clerk to have recorded Grant Deed**

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY RELINQUISHING EXEMPT EXCESS SURPLUS LAND ADJACENT TO AIRPORT CHANNEL IN THE VICINITY OF SR-55 SOUTHBOUND TO I-405 NORTHBOUND CONNECTOR.](#)

**Recommendation: Adopt resolution; approve; authorize the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deed 3606**

13. [Lease Agreement with State of California for the use of Open Space at Fairview Departmental Center, located at 2500 Merrimac Way, Costa Mesa.](#)

**Recommendation: Approve; authorize the Mayor and City Clerk to sign; subject to City Attorney review and approval**

Administrative Actions

- (a) Right-of-Entry permit for improvements to the Fairview Development Center.

**Recommendation: Approve; authorize the Mayor and City Clerk to sign; subject to City Attorney review and approval**

- (b) Other permit agreements for access, construction, maintenance, and/or use of the Fairview Development Center.

**Recommendation: Approve; authorize the Mayor and City Clerk to sign; subject to City Attorney review and approval**

14. Cooperative Agreements for I-405/Susan Street Exit Ramp Project Design:

- (a) Cooperative Agreement 12-546 with California Department of Transportation (Caltrans) for the design of the I-405/Susan Street Exit Ramp Project.

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

- (b) Cooperative Agreement with C.J. Segerstrom & Sons for the funding of design of the I-405/Susan Street Exit Ramp Project.

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

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ALLEY 84 ADJACENT TO 164 MAGNOLIA STREET, setting a public hearing for July 5, 2006.](#)

**Recommendation: Adopt resolution and set a Public Hearing for Wednesday, July 5, 2006, 7:00 p.m.**

Administrative Actions

16. General Municipal Election on November 7, 2006:

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 7, 2006, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

**Recommendation: Adopt resolution**

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 7, 2006 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

**Recommendation: Adopt resolution**

(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION.

**Recommendation: Adopt resolution**

17. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS; to change the planting palettes for Sunflower Avenue, Bristol Street, Avenue of the Arts, and Anton Boulevard.

**Recommendation: Adopt resolution**

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

VII PUBLIC HEARINGS



No public hearings scheduled this date.

VIII OLD BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE RENEWED MEASURE M INVESTMENT PLAN FOR THE PURPOSE OF PLACING MEASURE M BEFORE THE VOTERS OF ORANGE COUNTY.](#)

**Recommendation: Adopt resolution**

IX NEW BUSINESS

1. [Purchase Authority Limits and adoption of the Uniform Public Construction Cost Accounting Act:](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ELECTING TO BECOME SUBJECT TO THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING PROCEDURES.

**Recommendation: Adopt resolution**

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 2, CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE PURCHASING SYSTEM AND ADDING ARTICLE 3 RELATING TO PROCEDURES FOR PUBLIC PROJECTS.

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

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to June 13, 2006, 4:30 p.m., for a Study Session.