



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 17, 2008

**Eric R. Bever**  
Mayor

**Linda W. Dixon**  
Council Member

**Allan R. 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

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:

No Closed Session 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 Wendy Leece

**MOMENT OF SOLEMN EXPRESSION**      Lighthouse Coastal Community 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 – Derald Edwards

Orange County Vector Control – West Nile Virus

**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 Linda Dixon
2. Mayor Eric Bever
3. Council Member Wendy Leece

4. Mayor Pro Tem Allan Mansoor
5. Council Member Katrina Foley

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.**

Minutes

1. Regular Meeting of June 3, 2008.

**Recommendation: Approve**

Warrants

2. Warrant Resolution 2217, funding Payroll No. 811 for \$2,504,618.22, and City operating expenses for \$1,251,743.25 including payroll deductions.

**Recommendation: Approve**

3. Warrant Resolution 2218, funding City operating expenses for \$1,499,096.56.

**Recommendation: Approve**

CONSENT CALENDAR—continued

Last updated: 06/17/2008 1:58:06 PM

Administrative Actions

4. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for the Orange County Fair, beginning July 11, 2008 through August 3, 2008, in an amount not to exceed \\$370,000.](#)

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

5. [Professional Services Agreement with consultant Michelle Rudaitis, 2112 Colina del Arco Iris, San Clemente, to provide hazardous materials disclosure services, in an amount not to exceed \\$80,000.](#)

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

6. [Amendment No. 2 to Professional Services Agreement with the companies of: Scott Fazekas & Associates, Inc., 9 Corporate Park, Suite 200, Irvine; Bureau Veritas, 2001 East First Street, Santa Ana; Harris & Associates, 34 Executive Park, Suite 150, Irvine; and CSG Consultants, Inc., 151 Kalmus Drive, Suite C-200, Costa Mesa, for building plan review and inspection services, for one \(1\) year, for an aggregate amount not to exceed \\$100,000.](#)

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

7. [Amendment to Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, extending the term of service until June 30, 2009 for shopping cart retrieval services, in the amount of \\$48,000.](#)

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

8. [Completion of Roadway Rehabilitation of Gisler Avenue from Harbor Boulevard to 100 feet west of Nebraska Place – Federal Project No. STPL – 5312 \(056\), City Project No. 07-02, by R.J. Noble Company, 15505 E. Lincoln Avenue, 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 seven (7) months thereafter**

CONSENT CALENDAR—continued

Administrative Actions

9. [Completion of Roadway Rehabilitation of East 19<sup>th</sup> Street from Santa Ana Avenue to Irvine Avenue – Federal Project No. STPL – 5312 \(050\), City Project No. 07-03, by All American Asphalt, P.O. Box 2229, Corona.](#)

**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 seven (7) months thereafter

10. [Completion of Roadway Rehabilitation of Fair Drive from Fairview Road to Harbor Boulevard – Federal Project No. STPL – 5312 \(055\), City Project No. 07-06, by All American Asphalt, P.O. Box 2229, Corona.](#)

**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 seven (7) months thereafter

11. [Authorize refund of cash deposit in the amount of \\$64,958 to Lusardi Construction \(Contractor\), 1570 Linda Vista Drive, San Marcos, in connection with Encroachment Permit No. PS07-00798 for street improvements located at 3200 Harbor Boulevard, Costa Mesa.](#)

**Recommendation:** Approve

12. [Authorize refund of cash deposit in the amount of \\$20,000 to Lusardi Construction \(Contractor\), 1570 Linda Vista Drive, San Marcos, in connection with Encroachment Permit No. PS08-00034 for street improvements located at 3200 Harbor Boulevard, Costa Mesa.](#)

**Recommendation:** Approve

CONSENT CALENDAR—continued

Administrative Actions

Last updated: 06/17/2008 1:58:06 PM

13. [Cooperative Agreement with the City of Newport Beach designating that City as the lead agency regarding Costa Mesa/Newport Beach “Go Local” Program.](#)

**Recommendation:** Approve; authorize the City Manager and City Clerk to sign; authorize the City Manager and City Attorney to accept minor revisions based on discussions with the City of Newport Beach, prior to execution

14. [Purchase and Sale Agreement for the surplus City-owned property located at 540-544 Victoria Street.](#)

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

15. [Measure M Eligibility](#)

- (a) City’s Maintenance of Effort (MOE) for Fiscal Year 2008-09.

**Recommendation:** Approve

- (b) City’s Seven-Year Capital Improvement Program for Fiscal Year 2008-2009 through Fiscal Year 2014-2015.

**Recommendation:** Approve

- (c) City’s Pavement Management Program.

**Recommendation:** Approve

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF COSTA MESA.

**Recommendation:** Adopt resolution

CONSENT CALENDAR—continued

Administrative Actions

Last updated: 06/17/2008 1:58:06 PM

16. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE CITY ATTORNEY'S OFFICE OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)

**Recommendation: Adopt resolution**

17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE ADMINISTRATION DIVISION 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)

**EXCEPTION: Public Hearing VII-1 (budget adoption) is noticed for 6:00 p.m.**

1. PUBLIC HEARING: City Budget for Fiscal Year 2008-2009.
  - (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2008-2009, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.](#)

**Recommendation: Adopt resolution**

- (b) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2008-2009.](#)

**Recommendation: Adopt resolution**

PUBLIC HEARING—continued



- (c) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2008-2009, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.](#)

**Recommendation: Adopt resolution**

- (d) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2008-2009 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2008-2009 STATEMENT OF INVESTMENT POLICY.](#)

**Recommendation: Adopt resolution**

**Additional Items for Public Hearing No. VII-1 (pursuant to Government Code 54957.5 ).**

**Received June 13, 2008**

1. [Budget Study Session Follow-Up Items](#)

**Received June 16, 2008**

2. [Memo regarding Budget Appropriations](#)

**Received June 17, 2008**

3. [Communication regarding Senior Center](#)

2. [PUBLIC HEARING: Reauthorization of the Business Improvement Area \(BIA\) Assessment of two percent \(2%\) for certain Costa Mesa hotels and motels for Fiscal Year 2008-2009.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2008-2009 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

**Recommendation: Adopt resolution**

VIII OLD BUSINESS

1. [From the meeting of May 20, 2008, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, in order to implement the 2.5% retirement formula for Miscellaneous employees.](#)

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

IX NEW BUSINESS

1. [Urban Master Plan Screening request for UMP-08-01 for 872 W. 18<sup>th</sup> Street, a request to add a residential unit under the mixed use development standards within the Mesa West Bluffs Urban Plan area.](#)

**Recommendation: Provide feedback**

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting will be held on July 1, 2008.

**Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (Government Code 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, as part of the agenda, on the City's website at [www.ci.costa-mesa.ca.us](http://www.ci.costa-mesa.ca.us)