



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 18, 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:

None 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 Mayor Pro Tem Allan Mansoor

**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

Employee of the Month – Rick Rolsheim

Proclamations to Olympic Athletes

Certificate of Recognition – Anne Hogan-Shereshevsky

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. Mayor Eric Bever
2. Council Member Wendy Leece

3. Mayor Pro Tem 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 19.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of October 7, 2008, October 21, 2008, and November 4, 2008.

Recommendation: Approve

Warrants

3. Warrant Resolution 2237, funding Payroll No. 821 for \$2,646,652.12, and Payroll No. 820A for negative \$8,713.70 and City operating expenses for \$2,332,526.85 including payroll deductions.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

4. Warrant Resolution 2238, funding City operating expenses for \$1,355,155.18.

Recommendation: Approve

5. Warrant Resolution 2239, funding Payroll No. 822 for \$2,734,189.31, and Payroll No. 821A for \$480.37 and City operating expenses for \$1,588,271.54 including payroll deductions.

Recommendation: Approve

6. Warrant Resolution 2240, funding City operating expenses for \$1,533,254.15

Recommendation: Approve

Administrative Actions

7. [Professional Services Agreement with California Forensic Phlebotomy, Inc., 26012 Marguerite Parkway, Suite H-235, Mission Viejo, for blood withdrawal testing services over a three \(3\) year term, in an amount not to exceed \\$88,000 per year.](#)

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

8. [Award Formal Bid Item No. 1121, for the purchase of eight \(8\) new 2009 Police Interceptor Black and White Ford Crown Victoria vehicles with the police package from Theodore Robins Ford, 2060 Harbor Boulevard, Costa Mesa, in the amount of \\$192,551.15.](#)

Recommendation: Approve

9. [Adopt plans, and specifications, and working details for the Newport Boulevard improvement Project, Federal Project No. RPSTPLE – 5312 \(70\), City Project No. 08-08, and award construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \\$4,295,449.](#)

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

CONSENT CALENDAR—continued

Administrative Actions

- (a) Budget Adjustment No. 09-009 for \$1,607,710.

Recommendation: Approve; authorize the City Manager to sign

- 10. [Adopt plans, and specifications, and working details for the Baker/Mendoza Traffic Signal Modification, Federal Project No. SRTSF – 5312 \(068\), City Project No. 08-10, and award construction contract to PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside, in the amount of \\$139,129.](#)

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

- 11. [Adopt plans, and specifications, and working details for the Fairview Road/Adams Avenue Intersection Improvement, City Project No. 08-13, and award construction contract to California Engineering & Contracting, Inc., 16027 Brookhurst Street, Suite G-240, Fountain Valley, in the amount of \\$189,795 \(base bid plus all additive bid items\).](#)

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

- (a) Budget Adjustment No. 09-008 for \$82,000.

Recommendation: Approve; authorize the City Manager to sign

- 12. [Completion of Roadway Rehabilitation of Hyland Avenue from South Coast Drive to Macarthur Boulevard, Federal Project No. STPL – 5312 \(057\), City Project No. 07-08, by R.J. Noble Company, 15505 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

13. [Completion of Roadway Rehabilitation of Superior Avenue from southerly City limits to 17th Street, Federal Project No. STPL – 5312 \(064\), City Project No. 07-12, by R.J. Noble Company, 15505 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

14. [Completion of construction of Parkway Concrete Repair and New Sidewalk Project, City Project No. 07-27, by S. Parker Engineering, Inc., 2783 Tern Circle, Costa Mesa.](#)

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

15. [Pre-Tax Payroll Deductions for Employee Contributions to the California Public Employees' Retirement System \(CalPERS\).](#)

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ADOPTION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM \(CALPERS\) EMPLOYER PICKUP RESOLUTION, AUTHORIZING THE IMPLEMENTATION OF A PRE-TAX PAYROLL DEDUCTION PLAN FOR \(CALPERS\) SERVICE CREDIT PURCHASES UNDER INTERNAL REVENUE CODE SECTION 414\(h\)\(2\) FOR ALL EMPLOYEE GROUPS.](#)

Recommendation: Adopt resolution

- (b) [Authorize Finance Department to take necessary steps to establish this irrevocable plan, and follow through with appropriate arrangements per CalPERS procedures.](#)

Recommendation: Approve

CONSENT CALENDAR—continued

Administrative Actions

16. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF EAST 19TH STREET AT 419 EAST 19TH STREET, and setting the hearing date for January 6, 2009, at 7:00 p.m.](#)

Recommendation: Adopt resolution

17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY VACATING STORM DRAIN EASEMENT WITHIN VACATED PORTION OF TOWN CENTER DRIVE.](#)

Recommendation: Adopt resolution; approve and authorize the Mayor and City Clerk to sign; and Clerk to record Quitclaim Deed 3663

18. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TELECOMMUNICATIONS DIVISION OF THE ADMINISTRATIVE SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

19. [2009 Appointment to the Board of the Orange County Vector Control District \(OCVCD\) for the next two years.](#)

Recommendation: Approve re-appointment of Council Member Wendy Leece

-----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, ESTABLISHING AND ADOPTING SCHEDULES OF RATES, FEES, AND CHARGES FOR FISCAL YEAR 2008-2009 FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA.](#)

Recommendation: Adopt resolution

2. [PUBLIC HEARING: General Plan Amendment GP-08-05 to amend the Land Use Element of the Costa Mesa 2000 General Plan addressing Heliports/Helistops pursuant to the JWA Airport Environs Land Use Plan for Heliports.](#)

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-08-05 TO AMEND THE LAND USE ELEMENT OF THE 2000 GENERAL PLAN RELATED TO HELIPORTS/HELISTOPS.

Recommendation: Adopt resolution

3. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-08-10, for Vicki Green/Sheldon Group, authorized agent for Trinity Christian Center, for a minor conditional use permit to allow outdoor filming activities, a maximum of 12 times per calendar year, without amplified sound, audiences, and/or spectators, located at 3150 Bear Street, in an AP zone. Environmental determination: exempt.](#)

Recommendation: Adopt resolution to uphold, reverse, or modify 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).

[Communications from the public and from the appellant](#)

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. [Field Use and Allocation Policy.](#)

Recommendation: Approve recommendations of Parks and Recreation Commission

NEW BUSINESS – continued

2. Amendment of Titles 1 And 2 Relating To General Provisions and Administration:

- (a) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CLARIFYING ITS INTENT WITH RESPECT TO LEGAL SERVICES PROVIDED BY CONTRACT CITY ATTORNEY JONES & MAYER.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TITLE 1 AND TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO GENERAL PROVISIONS AND ADMINISTRATION.

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

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT –Next Regular City Council Meeting December 2, 2008.

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.