



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 1, 2010

**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  
Kimberly Brandt

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: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).

2. Conference with Real Property Negotiators – Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California and Facilities Management West, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

**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 Wendy Leece

**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** Southern California Edison – Eddie Marquez, Regional Manager

Employees of the Month – Yang Hua, Anna Dolewski

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

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 11.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

CONSENT CALENDAR – continued

Minutes

2. Regular Meeting of May 4, 2010, Special Meeting of May 10, 2010, Study Session of May 11, 2010.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2319, funding Payroll No. 10-10 for \$2,311,301.46 and Payroll No. 10-10A for \$1,225.15 and City operating expenses for \$891,053.41 including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2320, funding City operating expenses for \$402,806.74.

**Recommendation: Approve**

Administrative Actions

5. [Amendment to the agreement with Carl Warren & Company, to extend the term beginning July 1, 2010 and ending no later than December 31, 2011, in an amount not to exceed \\$112,500.](#)

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

6. [Adopt plans and specifications, and working details for 2009-2010 Community Development Block Grant \(CDBG\) Project “A” \(Center Street from Pomona Avenue to Anaheim Avenue\), and Project “B” \(Alley No. 007, west of Anaheim Avenue from Plumer Street to Center Street\), City Project No. 10-03, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange., in the amount of \\$378,608.](#)

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

7. [Completion of Rehabilitation of Two Segments of South Coast Drive \(From Fairview Road to Carmel Drive, and from San Leandro Lane to Bear Street\), City Project No. 09-11, by R.J. Noble Company, 15505 East 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 twelve (12) months thereafter

8. [Release of Performance and Labor and Material Bonds \(Certificate No. 457591\), in the amount of \\$487,500 each, to Mesa Placentia 17 LP, P.O. Box 8083, Newport Beach, in connection with Parcel Map 2006-286 for storm drain repair at 755-785 and 711 West 17<sup>th</sup> Street, Costa Mesa.](#)

**Recommendation:** Approve

9. General Municipal Election on November 2, 2010

- (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 2, 2010, 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 2, 2010, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

**Recommendation:** Adopt resolution

CONSENT CALENDAR – continued

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATIONS FOR FUNDS FOR THE TRANSPORTATION ENHANCEMENT \(TE\) PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION EQUITY ACT – LEGACY FOR USERS FOR FOUR \(4\) PROJECTS IN THE CITY OF COSTA MESA.](#)

**Recommendation: Adopt resolution**

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS FOR THE FAIRVIEW PARK OUTDOOR INTERPRETIVE CENTER PROJECT - SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006; and authorize the Director of Public Services to act as the city's representative.](#)

**Recommendation: Adopt resolution**

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

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

1. [Continued from the meeting of March 16, 2010, PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 11 \(OFFENSES – MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI.](#)

**Recommendation: Receive and file**

VIII OLD BUSINESS

1. [Moratorium on the Issuance of Any Massage Establishment, Manager, and/or Practitioner License: Status Report.](#)

**Recommendation: Receive and file**

OLD BUSINESS – continued

2. [From the meeting of May 4, 2010: Agreement with Costa Mesa Senior Corporation to operate the Costa Mesa Senior Center for an initial five \(5\) year term, effective July 1, 2010, with an option to extend the term for up to three \(3\) additional five \(5\) year terms.](#)

**Recommendation: Consider proposed language modification as approved by the Board of the Costa Mesa Senior Corporation regarding independent audits.**

IX NEW BUSINESS

1. [Request by property owner for waiver of Building Safety plan check and permit fees associated with demolition and construction activities at 378 Costa Mesa Street, Costa Mesa.](#)

**Recommendation: Consider request**

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to June 8, 2010 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting June 15, 2010.

**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](http://www.ci.costa-mesa.ca.us).