



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 16, 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. Public Employment, Title: City Manager, pursuant to California Government Code section 54957.

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 Eric Bever

MOMENT OF SOLEMN EXPRESSION Pastor Dave Manne, Calvary Chapel

[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 Costa Mesa Women's Club 100th Anniversary

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

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 meetings of August 3, 2010, August 17, 2010, and September 7, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2341, funding Payroll No. 10-21 for \$2,361,863.95 and Payroll No. 10-20A for negative \$4,312.60, and City operating expenses for \$928,655.97, including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2342, funding City operating expenses for \$789,454.81.

Recommendation: Approve

5. Warrant Resolution 2343, funding Payroll No. 10-22 for \$2,181,094.95 and Payroll No. 10-21A for \$1,369.85, and City operating expenses for \$329,692.39, including payroll deductions.

Recommendation: Approve

6. Warrant Resolution 2344, funding City operating expenses for \$891,303.19.

Recommendation: Approve

Administrative Actions

7. [Professional Services Agreement with CNC Engineering, Inc. 1 Corporate Park, Suite 101, Irvine, for engineering services for the design of Harbor Boulevard and Adams Avenue intersection improvements, in the amount of \\$224,907.](#)

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

8. [Sole source purchase agreement with Vulcan Materials Company, 1401 E. Warner Avenue, Santa Ana, for the purchase of plant mix asphalt for a term of one \(1\) year, in an amount not to exceed \\$75,000.](#)

Recommendation: Approve

9. [Reject all bids for Formal Bid No. 1140, for the purchase of a sign service truck, and authorize staff to modify an existing vehicle to perform the sign maintenance service function, in a cost not to exceed \\$28,000.](#)

Recommendation: Approve

10. [Completion of Harbor Boulevard Widening from South Coast Drive to Law Court, City Project No. 09-12, by Elite Bobcat Services, Inc., 1320 East 6th Street, Suite 100, 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 twelve (12) months thereafter

11. [Completion of American Recovery and Reinvestment Act \(ARRA\), Roadway Rehabilitation of Santa Ana Avenue from 17th Street to 22nd Street, Federal Project No. ESPL-5312\(074\), City Project No. 09-14, 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 seven (7) months thereafter

12. [Completion of Construction of Walnut Place Drainage Improvements, City Project No. 09-23, by TTS Engineering, 16835 Algonquin Street, #453, Huntington Beach.](#)

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 Landscape and Irrigation Improvements at Brentwood Park, 261 Monte Vista Avenue, Costa Mesa, City Project No. 09-29, by America West Landscape, Inc., 15086 La Palma Drive, Chino.](#)

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. [Completion of 2009-2010 Community Development Block Grant \(CDBG\) Project "A": Center Street \(from Pomona Avenue to Anaheim Avenue\), Project "B": Alley No. 007 \(West of Anaheim Avenue from Plumer Street to Center Street\), City Project No. 10-03, 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

15. [Completion of Safe Route 2 School Handicap Ramp Improvements Project, Phase I, by J. RDMMAC, Inc., Post Office Box 1481, Victorville.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

16. [Completion of Safe Route 2 School Handicap Ramp Improvements Project, Phase II, by G2 Construction, Inc., 13331 Garden Grove Boulevard, Suite H, Garden Grove.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

17. [Acceptance and allocation of the 2010 Community Oriented Policing Services \(COPS\) Hiring Program \(CHP\) Grant.](#)

Recommendation: Approve; authorize the Police Chief and City Manager to sign

18. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE ADOPTION OF A LOCAL SIGNAL SYNCHRONIZATION PLAN FOR THE CITY OF COSTA MESA.](#)

Recommendation: Adopt resolution

19. [A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, TO OBTAIN COMMERCIAL CREDIT CARD ACCOUNTS, and authorizing accounts payable agreement with Commerce Bank, N.A.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADOPTING ZONING CODE AMENDMENT CO-10-03, AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING THE PARKING AND STORAGE OF INOPERABLE VEHICLES ON RESIDENTIAL PROPERTIES.](#)

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

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF AND THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; EXTENDING THE TIME LIMIT FOR PAYMENT OF INDEBTNESS AND RECEIPT OF PROPERTY TAXES UNDER THE REDEVELOPMENT PLAN FOR THE DOWNTOWN REDEVELOPMENT PROJECT AREA; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH.](#)

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

3. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING THE CITY'S FEE SCHEDULE AS TO PENALTIES FOR PARKING VIOLATIONS; pursuant to Senate Bill 857 which will increase the parking fines by \\$3.00.](#)

VIII OLD BUSINESS

1. [From the meeting of October 19, 2010, Ordinance No. 10-14: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING THE COSTA MESA MUNICIPAL ZONING CODE, \(CODE AMENDMENT CO-10-07, SECTIONS 13-6 \(DEFINITIONS\) AND 13-16 \(ENFORCEMENT\) REGARDING MEDICAL MARIJUANA DISPENSARIES.](#)

Recommendation: Adopt Ordinance No. 10-14, to be read by title only, and waive further reading

2. [From the meeting of August 17, 2010, Administrative Services Fiscal Year 2010-2011 budget reductions.](#)

- (a) Downtown Community Pool operations.

Recommendation: Provide direction to continue or for that of closure

- (b) Recreation on Campus (ROCKS) Program.

Recommendation: Provide direction to continue or eliminate the ROCKS Program at school sites were school matching funds have not been obtained

- (c) First Amendment to the City of Costa Mesa’s CDBG-R Substantial Amendment to fund a portion of the Whittier School site ROCKS Program.

Recommendation: Approve; authorize staff to submit the 1st Amendment to the U.S. Department of Housing and Urban Development

3. [From the meeting of October 19, 2010, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO UPHOLD THE PLANNING COMMISSION’S ACTION TO REVOKE ZONING APPLICATIONS ZA-89-25 AND ZA-92-10.](#)

Recommendation: Adopt resolution

4. [From the meeting of October 19, 2010: Membership in the Association of California Cities – Orange County](#)

Recommendation: Determine whether the City of Costa Mesa should support, join and pay membership dues to the Association of California Cities – Orange County

IX NEW BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING SECTION 12-20 “DISORDERLY CONDUCT” OF ARTICLE 1 “GENERALLY” OF CHAPTER II “USE REGULATED” OF TITLE 12 “PARKS AND RECREATION” OF THE COSTA MESA MUNICIPAL CODE TO PROHIBIT FISHING AND FEEDING OF WILD FOWL IN CITY PARKS.](#)

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

2. [Options for filling anticipated vacancy on the City Council.](#)

Recommendation: Consider options and direct staff

3. [Consider appointment of Arlene Schafer as Costa Mesa’s representative to the Board of the Orange County Vector Control District \(OCVCD\) for the next two years.](#)

Recommendation: Consider appointment

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting: December 7, 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.