



# City of Costa Mesa Council Agenda

## TUESDAY, SEPTEMBER 15, 2009

**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

Acting 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. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Gryde v. City of Costa Mesa, Superior Court of the State of California, Orange County, Case No. 30-2008 00101068, pursuant to Government Code Section 54956.9 (a).

**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**      Francis L. Flacks, U.S. Air Force Staff Sergeant (Retired),  
World War II Veteran

**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 - Taylor Voss, Firefighter/Paramedic

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

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**

Minutes

2. Regular Meeting of September 1, 2009, and Regular Adjourned/Study Session Meeting of September 8, 2009.

**Recommendation: Approve**

CONSENT CALENDAR – continued

Warrants

3. Warrant Resolution 2282, funding City operating expenses for \$789,179.53.

**Recommendation: Approve**

4. Warrant Resolution 2283, funding Payroll No. 918 for \$2,420,012.64 and City operating expenses for \$520,364.78 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Memorandum of Understanding with Newport-Mesa Unified School District \(NMUSD\) for a two \(2\) year extension of the School Resource Officer Program](#)

**Recommendation: Approve**

6. ~~Legal Services Agreement with law firm of Liebert Cassidy Whitmore, 6033 W. Century Boulevard, Suite 500, Los Angeles, for providing legal services pertaining to employment relation matters, not to exceed \$50,000.~~

**Recommendation: Withdrawn**

7. [Accept donation of a 2001 Ford Eldorado, Paratransit, 19-Passenger Bus from the Orange County Transportation Authority \(OCTA\) Senior Mobility Program.](#)

**Recommendation: Approve**

8. [Acceptance and allocation of the Recovery Act Edward Byrne Memorial Justice Assistance Grant \(JAG\) funds for fiscal year 2009-2010.](#)

**Recommendation: Approve**

CONSENT CALENDAR – continued

- (a) Budget Adjustment No. 10-007 for \$111,684.

**Recommendation: Approve; authorize Mayor to sign**

- 9. [Completion of rehabilitation of Century Place, Howard Way, and East 16<sup>th</sup> Street, City Project No. 09-01, 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**

- 10. [Completion of 2008-2009 Slurry Seal Project, City Project No. 09-02, by Bond Blacktop, Inc., Post Office Box 616, Union City.](#)

**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. ~~A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A RECORDS RETENTION SCHEDULE FOR THE CITY CLERK'S OFFICE.~~

**Recommendation: Withdrawn**

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

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

No Public Hearings scheduled.

VIII OLD BUSINESS

1. [From the meeting of September 1, 2009; Approval of Homeless Prevention and Rapid Re-Housing Program \(HPRP\) funds distribution.](#)

**Recommendation:** Approve; authorize the City Manager to act as the official representative of the City and to execute all the Professional Services Agreement with the selected sub-grantees related to the receipt of HPRP funds

2. [From the meeting of September 1, 2009, Nestor Red Light Camera Enforcement Program determination of action regarding program and contract.](#)

**Recommendation:** Provide direction

IX NEW BUSINESS

1. [2010-2014 Consolidated Plan](#)

**Recommendation:** Receive and file

2. [Request a waiver of the Special Event Application Fee for the Vanguard University Cross Country Team and the Orange Coast College Cross Country Team for cross country meets and for teams to provide in-kind services at Fairview Park.](#)

**Recommendation:** Consider request

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Next Regular City Council Meeting October 6, 2009.

**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).