



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 15, 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. Conference with Legal Counsel – Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
2. 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).

CLOSED SESSION – continued

3. 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.
  
4. Conference with Legal Counsel – Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), 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**      Council Member Eric Bever

**MOMENT OF SOLEMN  
EXPRESSION**                  Calvary Chapel of Costa Mesa

*[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 – Community Emergency Response Team (CERT) Instructor Staff

Proclamation – Paularino 2010 California Distinguished School Award

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

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 9.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Regular Meeting of May 4, 2010, and Regular Meeting of May 18, 2010.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2321, funding Payroll No. 10-11 for \$2,300,560.48 and Payroll No. 10-11A for \$649.54 and City operating expenses for \$631,810.15 including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2322, funding City operating expenses for \$412,358.40.

**Recommendation: Approve**

Administrative Actions

5. [Professional Services Agreement with Albert Grover & Associates, 211 East Imperial Highway, Suite 208, Fullerton, for traffic signal timing and traffic signal system review services, in the amount of \\$85,000.](#)

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

CONSENT CALENDAR – continued

6. [Adopt plans and specifications, and working details for Rehabilitation of Mendoza Drive \(from Lorenzo Avenue to Mission Drive\), City Project No. 10-02, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$606,983.44.](#)

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

7. [Adopt plans and specifications, and working details for Rehabilitation of Alley No. 63 and Alley No. 64 \(between Knox Place and Knox Street from Orange Avenue to east of Westminster Avenue\), City Project No. 10-04, and award a construction contract to Ron Brehm Construction, Inc., 833A South Main Street #343, Fallbrook, in the amount of \\$134,954.20.](#)

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

8. [Adopt plans and specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 10-05, and award a construction contract to D.P. Mangan, Inc. dba Pave West, 551 South Harbor Boulevard, La Habra, in the amount of \\$282,565.](#)

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

9. [Measure M Eligibility](#)

(a) City's Maintenance of Effort for Fiscal Year 2010-2011.

**Recommendation: Approve**

(b) City's Seven (7)-Year Capital Improvement Program for Fiscal Year 2010-2011 through Fiscal Year 2016-2017.

**Recommendation: Approve**

(c) City's Pavement Management Program.

**Recommendation: Approve**

CONSENT CALENDAR – continued

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

**Recommendation: Adopt resolution**

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

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

- 1. [PUBLIC HEARING: Reauthorization of the Business Improvement Area \(BIA\) Assessment of two percent \(2%\) for certain Costa Mesa hotels and motels for Fiscal Year 2010-2011.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

**Recommendation: Adopt resolution**

- 2. [PUBLIC HEARING: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, EXTENDING FOR A PERIOD OF ONE YEAR, AN EXISTING MORATORIUM ON THE APPROVAL OF ANY BUSINESS LICENSE, USE PERMIT, OR ANY APPLICABLE APPLICATION RELATED TO MASSAGE ESTABLISHMENTS AND/OR MASSAGE PRACTITIONERS.](#)

**Recommendation: Introduce and adopt urgency ordinance, to be read by title only, and waive further reading; direct staff to review the amended State laws governing massage practitioners for recommended amendments to the Municipal Code**

PUBLIC HEARING – continued

3. PUBLIC HEARING: City Budget for Fiscal Year 2010-2011.

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-2011, 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 2010-2011.](#)

**Recommendation: Adopt resolution**

- (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 2010-2011, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.](#)

**Recommendation: Adopt resolution**

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).

[June 14, 2010 Memo Information to Council](#)

[June 15, 2010 Memo – Responses to CMCEA](#)

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).

VIII OLD BUSINESS



No Old Business has been scheduled.

IX NEW BUSINESS

1. [Notice of Costs Disclosure to provide two \(2\) years additional service credit for local Fire Safety members.](#)

**Recommendation: Receive and file**

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting: July 6, 2010.

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