



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 21, 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 Fire Management Association (CMFMA), 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 Council Member Monahan

MOMENT OF SOLEMN EXPRESSION Elder Robert Van Sweden, The Church of Jesus Christ of Latter-Day Saints

[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 – Ed Baume and Chuck Perry

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 11.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

- 2 Regular meeting minutes of July 6, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2335, funding Payroll No. 10-18 for \$2,235,023.91 and City operating expenses for \$408,729.14 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2336, funding City operating expenses for \$459,933.51

Recommendation: Approve

Administrative Actions

5. [Amendment to the agreement with Western Transit Services, 1619 East Lincoln Avenue, Anaheim, for Costa Mesa Senior Mobility Program driver services, to extend the term for one \(1\) year.](#)

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

6. [Professional Services Agreement with CivilSource, Inc., 500 Wald, Irvine, for design and environmental services for Broadway Improvement Project, in the amount of \\$79,540.](#)

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

- (a) Budget Adjustment No. 11-004 for \$19,540.

Recommendation: Approve; authorize Mayor to sign

7. [Award Formal Bid Item No. 1139, for the purchase of four \(4\) mid-size, four \(4\)-door, five \(5\)-passenger hybrid sedans \(2011 Nissan Altima\), to Cardinale Nissan, Inc., 1661 Del Monte Avenue, Seaside, in the amount of \\$105,139.70.](#)

Recommendation: Approve

CONSENT CALENDAR – continued

8. [Adopt plans and specifications, and working details for Joann Street Bike Trail Improvements, Federal Project No. RPSTPLE-5312 \(075\), City Project No. 09-17, and award a construction contract to MG Construction and Development, Inc., 8900 Eton Avenue, #C, Canoga Park, in the amount of \\$1,229,435.48 \(base bid plus Additive Bid Item A-2\).](#)

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

- (a) Budget Adjustment No. 11-003 for \$179,668.

Recommendation: Approve; authorize Mayor to sign

9. [Adopt plans and specifications, and working details for American Recovery and Reinvestment Act, Title 24 Cool Roof Replacement at City Hall, 77 Fair Drive, Costa Mesa, City Project No. 10-11, and award a construction contract to F. Rodgers Corporation, 2817 East Cedar Street, #100, Ontario, in the amount of \\$427,480.](#)

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

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PLANTING PROJECT, and authorize the Director of Public Services to act as the City's representative.](#)

Recommendation: Adopt resolution; and authorize the Director of Public Services to act as the City's representative

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: Adoption of the 2010 Editions of the California Codes and Related Model Codes with Appendices and Amendments.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING FORTH FINDINGS FOR REQUIRED AMENDMENTS TO THE 2010 CALIFORNIA BUILDING CODE AND TO THE 2010 CALIFORNIA RESIDENTIAL CODE, AND TO THE 2010 CALIFORNIA FIRE CODE RELATIVE TO LOCAL CLIMATIC AND GEOGRAPHIC CONDITIONS.

Recommendation: Adopt resolution

- (b) From the meeting of September 7, 2010, second reading and adoption of ORDINANCE NO. 10-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-1.3, 5-3, AND 5-95 OF TITLE 5 AND SECTIONS 7-14 AND 7-15 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO; the codes include the California Building Code, Fire Code, Residential Code, Green Building Standards Code, Plumbing Code, Mechanical Code, Electrical Code, and the Model Codes related to International Property Maintenance Code, Uniform Code for Abatement of Dangerous Buildings, and the Orange County Grading Code.

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

VIII OLD BUSINESS

1. [Request for rehearing by Sandra L. Genis regarding the City Council adoption on August 24, 2010 of Resolution No. 10-62: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING THE PROPOSED LEASE AGREEMENT FOR THE ORANGE COUNTY FAIR AND EVENT CENTER TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.](#)

Recommendation: Provide direction

IX NEW BUSINESS

1. [Review of Neighborhood Stabilization Program](#)

Recommendation: Receive and file

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting: October 5, 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.