



# City of Costa Mesa Council Agenda

## TUESDAY, OCTOBER 5, 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. – Special Joint Closed Session with the Orange County**  
**Fairgrounds Authority 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].

**SPECIAL JOINT MEETING OF THE ORANGE COUNTY  
FAIRGROUNDS AUTHORITY  
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 (involving the City of Costa Mesa).
2. Conference with Legal Counsel – Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - one case (involving the Orange County Fairgrounds Authority).

3. 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).
  
4. 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 Mansoor

**MOMENT OF SOLEMN EXPRESSION** Chaplain Lloyd Sellers, Hoag Memorial Presbyterian Hospital

*[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** Mesa Consolidated Water District 50<sup>th</sup> Anniversary  
Proclamation

**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 6.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

- 2 Regular meeting of July 20, 2010.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2337, funding Payroll No. 10-19 for \$2,218,242.45 and Payroll No. 10-18A for \$2,597.05 and City operating expenses for \$945,428.29 including payroll deductions.

**Recommendation: Approve**

4. Warrant Resolution 2338, funding City operating expenses for \$995,990.61.

**Recommendation: Approve**

Administrative Actions

5. [Release of Performance and Labor and Material Bonds \(Certificate No. 4369673\), in the amount of \\$8,054 to Bahman and Farideh Bahrami, 24722 Mandeville Drive, Laguna Hills, in connection with Encroachment Permit No. PS08-00362 for street improvements for Parcel Map 2007-150 located at 150 Rochester Street, Costa Mesa.](#)

**Recommendation: Approve**

6. [Amendments to the Professional Services Agreements with Scott Fazekas & Associates, 9 Corporate Park, #200, Irvine, Bureau Veritas, 1565 MacArthur Blvd, Costa Mesa, and CSG Consultants Inc., 801 Park Center Dr # 230 Santa Ana, for contract plan check and inspection services, in an amount not to exceed \\$175,000.](#)

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

- (a) Budget Adjustment for \$125,000.

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

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

**RECESS THE CITY COUNCIL MEETING. CONVENE THE SPECIAL JOINT MEETING OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY AND THE CITY COUNCIL**

I ROLL CALL

II CLERK'S STATEMENT                      The Costa Mesa City Council and Orange County Fairgrounds Authority Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, on Thursday, September 30, 2010 at 1:00 p.m.

III MEETING MINUTES

IV PUBLIC COMMENT

V OLD BUSINESS

1. [Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority adoption on September 7, 2010 of Resolution No. 10-2: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, A JOINT POWERS AUTHORITY 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

2. [Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority approval on September 7, 2010 lease agreement between the Orange County Fairgrounds Joint Powers Authority \(JPA\) and the OC Fair and Event Center, L.P., for the 150-acre property located at 88 Fair Drive, Costa Mesa.](#)

**Recommendation: Provide direction**

VI NEW BUSINESS

VII BOARD MEMBER/COUNCIL MEMBER COMMENTS

ADJOURNMENT OF THE SPECIAL JOINT MEETING OF ORANGE COUNTY FAIRGROUNDS AUTHORITY AND THE CITY COUNCIL

**RECONVENE THE REGULAR CITY COUNCIL MEETING**

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

1. [PUBLIC HEARING: Continued from the meeting of September 7, 2010, Request for Review by Mayor Pro Tem Leece of the Planning Commission's approval of Zoning Application ZA-10-39, for an amendment to an existing planned signing program for Triangle Square \(ZA-00-28\) to allow two \(2\) signs with electronic Light Emitting Diode \(LED\) screens on the northeast \(former Niketown dome\) and southwest \(Sutra Lounge\) sides of the building, approximately 10-ft. high by 96-ft. long, and 20-ft. high by 150-ft. long, respectively, at the property located at 1870 Harbor Blvd. and 1875 Newport Blvd, in a PDC \(Planned Development Commercial\) zone. Environmental determination: exempt.](#)

**Recommendation: Receive and file (application withdrawn)**

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 1 OF TITLE 8 OF THE COSTA MESA MUNICIPAL CODE REQUIRING THE USE OF CITY PERMITTED SOLID WASTE HAULERS FOR COLLECTION SERVICES IN THE CITY OF COSTA.](#)

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

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. [Appointments to various Council-appointed committees](#)

a. Cultural Arts Committee

**Recommendation: Appoint member(s)**

b. Historical Preservation Committee

**Recommendation: Appoint member(s)**

c. Redevelopment and Residential Rehabilitation (3R) Committee

**Recommendation: Appoint member(s)**

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).

[- Additional application](#)

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 11 \(OFFENSES - MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI, and graffiti vandalism.](#)

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

X REPORTS

City Attorney:

City Manager:



- XI ADJOURNMENT – Adjourn to October 12, 2010 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: October 19, 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).



# CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

## NOTICE AND CALL OF A

### SPECIAL JOINT MEETING OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY AND THE CITY OF COSTA MESA CITY COUNCIL

**NOTICE IS HEREBY GIVEN** that a Special Joint Meeting of the Costa Mesa City Council and the Orange County Fairgrounds Authority will be held on Tuesday, October 5, 2010, at 5:00 p.m., in the City Council Chambers, 77 Fair Drive, Costa Mesa. The purpose of the Special Joint Meeting is to conduct a Closed Session to discuss the following items:

#### 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 (involving the City of Costa Mesa).
2. Conference with Legal Counsel – Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - one case (involving the Orange County Fairgrounds Authority).

The purpose of the Special Meeting of the Orange County Fairgrounds Authority, which will be held on Tuesday, October 5, 2010, at 6:00 p.m., in the City Council Chambers, 77 Fair Drive, Costa Mesa, is to discuss the following items:

1. Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority adoption on September 7, 2010 of Resolution No. 10-2: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, A JOINT POWERS AUTHORITY 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**

2. Request for rehearing by Sandra L. Genis regarding the Joint Powers Authority approval on September 7, 2010 lease agreement between the Orange County Fairgrounds Joint Powers Authority (JPA) and the OC Fair and Event Center, L.P., for the 150-acre property located at 88 Fair Drive, Costa Mesa.

**Recommendation: Provide direction**

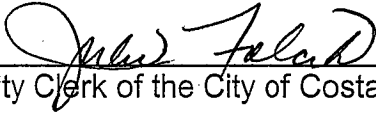
---

DATED this 4<sup>th</sup> day of October, 2010.



\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:



\_\_\_\_\_  
City Clerk of the City of Costa Mesa