



City of Costa Mesa Council Agenda

TUESDAY, MAY 16, 2006

Allan Mansoor
Mayor

Gary Monahan
Council Member

Eric Bever
Mayor Pro Tem

Katrina Foley
Council Member

Linda Dixon
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Donald Lamm

Director of Public Services
William Morris

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 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--Existing Litigation: Jiminez v City of Costa Mesa, Orange County Superior Court Case No. 04CC05838, in accordance with Government Code Section 54956.9.
2. Conference with Legal Counsel--Existing Litigation: Jiminez v. City of Costa Mesa, United States District Court for the Central District of California, Case Nos. CV-02-02482-RGK, CV-03-02596-RGK, and CV-03-04869-RGK, pursuant to Government Code Section 54956.9.

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. 05-8, each member of the public will be given an opportunity to speak for one (1) minute on Study Session agenda items. A maximum overall time of ten (10) 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 Pro Tem Eric Bever

**MOMENT OF SOLEMN
EXPRESSION**

Father Tashgian, St. Mary Armenian Church

[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

Acknowledgment of Donation to Purchase Trees to Plant at Fairview Park and Recognition of Donors

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-minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Gary Monahan

2. Mayor Allan Mansoor
3. Council Member Katrina Foley
4. Council Member Linda Dixon
5. Mayor Pro Tem 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 10.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meetings of May 2, 2006.

Recommendation: Approve

Warrants

3. Warrant Resolution 2108, funding City operating expenses for \$1,181,684.

Recommendation: Approve

Administrative Actions

4. Warrant Resolution 2109, funding Payroll No. 609 for \$2,181,090.94 and Payroll No. 608A for \$235.94, and City operating expenses for \$827,310.68 including payroll deductions.

Recommendation: Approve

5. [Award Bid Item No. 1090, the purchase of 57 new automated external defibrillators and accessories, to Philips Medical Systems, 2301 Fifth Avenue, Suite 200, Seattle, Washington, in the amount of \\$96,125.07.](#)

Recommendation: Approve

6. [Award Construction Contract, for the CCTV Phase III Project, Project No. 06-01, to Steiny and Company, Inc., 12907 East Garvey Avenue, Baldwin Park, in the amount of \\$150,930.](#)

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

7. [Professional Services Agreement, for the design of Wilson Street Bus Turnout Improvements, to KFM Engineering, Inc., 26672 Town Centre Drive, Suite 300, Foothill Ranch, in the amount of \\$37,855.](#)

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

8. [Agreement with Friends of the Costa Mesa Libraries, for Temporary Installation of Portable Bookstore Building at the Mesa Verde Library, 2969 Mesa Verde Drive East, Costa Mesa.](#)

Recommendation: Approve; authorize the City Manager to sign

9. [Request to extend Measure M Grant deadline, to the Orange County Transportation Authority \(OCTA\), for expenditure of grant allocations from Fiscal Year 2005-2006 to Fiscal Year 2007-2008, for the Intersection Improvement Program \(IIP\) and Growth Management Area \(GMA\), to initiate improvements on East 17th Street/Orange Avenue and East 17th Street/Santa Ana Avenue.](#)

Recommendation: Approve

Administrative Actions

10. [Completion of Tewinkle Lakes Renovation, Project No. 04-17, by Pima Corporation, d.b.a. Advanced Construction, 2001 S. Barrington Avenue, Suite 204, Los Angeles.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond six (6) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

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

VII PUBLIC HEARINGS

No public hearings scheduled this date.

VIII OLD BUSINESS

1. [From the meeting of May 2, 2006, second reading and adoption of Ordinance No. 6-12: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING ARTICLE 22 OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS AND PRACTITIONERS.](#)

Recommendation: Adopt Ordinance No. 06-12, to be read by title only and waive further reading

IX NEW BUSINESS

1. [Report on Broadway and Eastside Area Traffic Concerns.](#)

Recommendation: Receive and provide direction

NEW BUSINESS—continued

2. [Approve and file the Business Improvement Area \(BIA\) annual report for Fiscal Year 2006-2007.](#)

Recommendation: Approve

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2006-2007 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

Recommendation: Adopt resolution; reauthorize District boundaries; approve BIA budget; and set a Public Hearing for June 20, 2006, 7:00 p.m.

3. Police Department update on Auto Theft and Graffiti Activity.

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next regular meeting June 6, 2006