



City of Costa Mesa Council Agenda

TUESDAY, JUNE 16, 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. Pursuant to Government Code Section 54957.6., conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA).

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 Associate Pastor Frank Custer, Lighthouse Coastal Community 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 2009 Emergency Medical Services (EMS) Award Recipients – Airborne Law Enforcement Services (A.B.L.E.) Pilots Paul McCarthy, Rob Dimel, Vern Hupp, and Bob Rivers

Orange Coast College Men's Baseball Team – 2009 California Community College Athletic Association (CCCAA) State Baseball Champions

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 15.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Adjourned Meeting/Study Session of May 12, 2009; Special Joint Meeting of the Redevelopment Agency and City Council of May 12, 2009 and Regular Meeting of May 19, 2009 and June 2, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2269, funding Payroll No. 910A for negative \$364.46 and Payroll No. 911 for \$2,533,094.99 and City operating expenses for \$1,214,044.73 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2270, funding City operating expenses for \$739,526.78.

Recommendation: Approve

Administrative Actions

5. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for all designated Interim Events of the Orange County Fair and Exposition Center, beginning April 1, 2009 through March 31, 2010, in the amount not to exceed \\$50,000.](#)

Recommendation: Approve; authorize the Chief of Police to sign

6. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for the Orange County Fair, beginning July 10, 2009 through August 9, 2009, in an amount not to exceed \\$380,000.](#)

Recommendation: Approve; authorize the Chief of Police to sign

CONSENT CALENDAR—continued

7. [Amendment to Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, extending the term of service until June 30, 2010 for shopping cart retrieval services, in the amount of \\$48,000.](#)

Recommendation: Approve; authorize the City Manager to sign

8. [Authorize refund of cash deposit in the amount of \\$11,234.12 to Stephen Samuelian, 11 South Vista De Catalina, Laguna Beach, in connection with Encroachment Permit No. PS07-00270 for setting corner monuments for Parcel Map 2004-255 located at 330 East 15th Street, Costa Mesa.](#)

Recommendation: Approve

9. [Adopt plans, specifications, and working details for the reconstruction of West 18th Street from Newport Boulevard to Anaheim Avenue \(Project "A"\), and East 18th Street from Newport Boulevard to Orange Avenue \(Project "B"\), City Project No. 09-04, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$463,722.73 \(Project "A + B" Bid\).](#)

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

10. [Adopt plans, specifications, and working details for widening of Harbor Boulevard from South Coast Drive to Law Court, City Project No. 09-12, and award construction contract to Elite Bobcat Services, Inc., 1320 East 6th Street, Suite 100, Corona, in the amount of \\$298,775.](#)

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

- (a) Budget Adjustment No. 09-030 for \$129,719.

Recommendation: Approve; authorize Mayor to sign

11. [Completion of Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 08-15, by C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs.](#)

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

CONSENT CALENDAR—continued

12. [Completion of Construction of Slump Stone Block Wall on Adams Avenue along the property located at 2051 Calvert Avenue, City Project No. 08-20, by Y & M Construction, Inc., 17800 South Main Street, Suite #206, Gardena.](#)

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

13. [Measure M Eligibility](#)

(a) City's Maintenance of Effort (MOE) for Fiscal Year 2009-10.

Recommendation: Approve

(b) City's Seven-Year Capital Improvement Program for Fiscal Year 2009-2010 through Fiscal Year 2015-2016.

Recommendation: Approve

14. [Energy Efficiency and Conservation Block Grant \(EECBG\) Program Funding Allocation](#)

Recommendation: Approve; authorize the City Manager and City Clerk to sign; authorize the City Manager to sign all necessary documents related to energy efficiency upgrades and projects

(a) Budget Adjustment No. 09-031 for \$1,123,500.

Recommendation: Approve; authorize Mayor to sign

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, THE "GAP" GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL.](#)

Attachment 1: [Resolution](#)

Attachment 2: [Grant Approval Letter](#)

Attachment 3: [Department of Alcoholic Beverage Control Agreement](#)

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 2009-2010.](#)

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

Recommendation: Adopt resolution

2. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-12, for John Puente, authorized agent for June O'Connor, for a minor conditional use permit for IN-N-OUT Burger Restaurant open until 1 a.m. weekdays and 1:30 a.m. weekends with drive-through and outdoor seating within 10 feet of the drive-through lane; an administrative adjustment to allow a 12-foot landscape setback along Gisler Avenue \(20 feet required\); and a minor modification to allow a 16-foot setback along a portion of the Harbor Boulevard frontage \(20 feet required\), located at 3211 Harbor Boulevard, in a C1 zone \(Local Business District\). Environmental determination: exempt.](#)

Recommendation: Withdrawn

3. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-13, for John Puente, authorized agent for June O'Connor, for a Planned Signing Program for IN-N-OUT Burger Restaurant, located at 3211 Harbor Boulevard, in a C1 zone \(Local Business District\). Environmental determination: exempt.](#)

Recommendation: Withdrawn

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Public Hearing Item Nos. VII-2 and VII-3:

Received June 15, 2009

1. [Correspondence from John Puente of In-N-Out Burger.](#)

PUBLIC HEARING—continued

4. PUBLIC HEARING: City Budget for Fiscal Year 2009-2010.

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010, 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 2009-2010.](#)

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 2009-2010, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.](#)

Recommendation: Adopt resolution

- (d) ~~A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2009-2010 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2009-2010 STATEMENT OF INVESTMENT POLICY.~~

Recommendation: Withdrawn

VIII OLD BUSINESS

1. [From the meeting of June 2, 2009; Agreement with Mesa Verde Partners \(MVP\), 1701 Golf Course Drive, Costa Mesa, to extend the term to August 31, 2029, and additional amendments for the continued operation of the Costa Mesa Public Golf Course and Country Club.](#)

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

IX NEW BUSINESS

1. [Request by Mayor Allan Mansoor to consider adoption of a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECOGNIZING THE FLAG OF THE FORMER REPUBLIC OF VIETNAM AS THE OFFICIAL FLAG OF THE VIETNAMESE PEOPLE OVERSEAS.](#)

Recommendation: Adopt resolution

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA.](#)

Recommendation: Adopt resolution

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT –Next Regular City Council Meeting July 7, 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.