



# City of Costa Mesa Council Agenda

## TUESDAY, JULY 21, 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**      David William Lester, U.S. Army (Retired), World War II and Battle of the Bulge Combat Veteran, and Bronze Star with V for Valor and Purple Heart Medal.

**MOMENT OF SOLEMN EXPRESSION**      Pastor Mark Wiley, Mesa Verde United Methodist 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**      The Offices of South Coast Plaza – LEED-EB Gold Certification 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. Council Member Eric Bever
2. Mayor Pro Tem Wendy Leece
3. Mayor Allan Mansoor
4. Council Member Katrina Foley
5. Council Member Gary Monahan

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 Adjourned Meeting/Study Session of June 9, 2009; Regular Meeting of June 16, 2009 and July 7, 2009.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2274, funding City operating expenses for \$703,925.76.

**Recommendation: Approve**

4. Warrant Resolution 2275, funding Payroll No. 914 for \$2,519,357.19 and Payroll No. 913A for negative \$40.00 and City operating expenses for \$1,502,009.90 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Lease Agreement with Global Tower Assets, LLC, a Delaware LLC, 750 Park of Commerce Boulevard, #300, Boca Raton, Florida, for placement of a monopine cell tower at the Costa Mesa Golf Course, for five \(5\) years with an option to renew with five \(5\) years options.](#)

Attachments:

[Communications Site Lease Agreement](#)

Exhibit A - Legal Description of the Premises Exhibit B - Depiction of Premises

Exhibit C - Tech. Requirements for Third Party

[Memorandum of Lease](#)

[Minor Conditional Use Permit ZA-07-50](#)

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

6. [Revision of Substantial Amendment to the 2008-2009 Annual Action Plan for the application of Community Development Block Grant \(CDBG-R\) funds.](#)

**Recommendation: Approve**

7. [Sole Source Purchase of a 100-foot Tractor Drawn Aerial Ladder Truck \(TDA\), from South Coast Fire Equipment, Inc., 2020 South Baker, Ontario, in the amount of \\$1,135,659.80.](#)

**Recommendation: Approve**

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AUTHORIZE A SOLE SOURCE PURCHASE TRACTOR DRAWN AERIAL LADDER TRUCK (TDA).

**Recommendation: Adopt resolution**

8. [Reduction of Maintenance Bond \(Certificate No. SU 5014567\), from \\$321,500 to \\$64,300, to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, in connection with the Coastal Sage Scrub Restoration Project at Fairview Park.](#)

**Recommendation: Approve**

9. [Adopt plans, specifications, and working details for “Proposition 1B” Street Maintenance Project, City Project No. 09-05, and award construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \\$993,993.](#)

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

10. [Adopt plans, specifications, and working details for the rehabilitation of Orange Avenue \(from Del Mar Avenue to Mesa Drive\), City Project No. 09-13, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$524,750.](#)

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

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPOINTING AN AUTHORIZED AGENT FOR OBTAINING GRANT MONIES, EQUIPMENT, OR SERVICES UNDER THE 2008 HOMELAND SECURITY GRANT PROGRAM.](#)

**Recommendation: Adopt resolution**

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

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

1. PUBLIC HEARING: Review of the decision of the Parks and Recreation Commission to allow a facility use permit for a private basketball league to use the Downtown Recreation Center Gymnasium (1860 Anaheim Avenue) on Sundays beginning July 25, 2009.

**Recommendation: Provide direction**

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE MESA WEST BLUFFS URBAN PLAN SP-05-08 RELATED TO ADDITIONAL MIXED-USE, LIVE/WORK, AND RESIDENTIAL DEVELOPMENT PROVISIONS IN THE WESTSIDE MIXED-USE OVERLAY ZONE.

**Recommendation: Adopt resolution**

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, FOR CODE AMENDMENT CO-09-06 TO AMEND TITLE 9, CHAPTER V, FILMING ACTIVITIES, OF THE COSTA MESA MUNICIPAL CODE REGARDING FILM PERMIT RULES AND REGULATIONS.

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

VIII OLD BUSINESS

1. From the meeting of July 7, 2009, second reading and adoption of Ordinance 09-8: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING TITLE 15, CHAPTER 1, ARTICLE I OF THE COSTA MESA MUNICIPAL REGARDING SHOPPING CART CONTAINMENT REQUIREMENTS, requiring the installation of a shopping cart containment system at retail stores which provide shopping carts for customers.

**Recommendation: Adopt Ordinance No. 09-8, to be read by title only, and waive further reading**

IX NEW BUSINESS

1. [Presentation by Jonathan Kramer, City Technical Advisor, Kramer Firm Inc., and Ron Boyer, Corporate Senior Network Engineer, Time Warner Cable, regarding the inspection of Time Warner Plant Systems and Facilities.](#)
  
2. [Amendment to the Contract with the Board of Administration of the California Public Employees Retirement System \(CalPERS\):](#)

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AMEND THE CONTRACT FOR SAFETY MEMBERS BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS) AND THE CITY COUNCIL OF THE CITY OF COSTA MESA.

**Recommendation: Adopt resolution**

- (b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS).

**Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading; and authorize the City Clerk to execute required CalPERS certifications and documents (for Safety and Miscellaneous groups)**

- (c). Notice of Costs Disclosure to provide two (2) years additional service credit for Safety and Miscellaneous members.

**Recommendation: Receive and file**

X REPORTS

City Attorney:

City Manager:



XI ADJOURNMENT – Next Regular City Council Meeting August 4, 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](http://www.ci.costa-mesa.ca.us).