



# City of Costa Mesa Council Agenda

## TUESDAY, AUGUST 4, 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. CONFERENCE WITH LEGAL COUNSEL – Pending Litigation: Hudson v. City of Costa Mesa; Orange County Superior Court Case Number 30-2008 00114694, pursuant to Government Code Section 54956.9(a).

**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**

Frank Orzio, U.S. Marine Corp Sergeant (Retired), Vietnam Veteran

**MOMENT OF SOLEMN EXPRESSION**

Chaplain/Pastor Frank Orzio, Freedom Committee of Orange County and Wounded Warrior Ministry

*[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**

Employee of the Month – George Nichols, Code Enforcement Officer

**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 Gary Monahan
2. Council Member Eric Bever
3. Mayor Pro Tem Wendy Leece
4. Mayor Allan Mansoor
5. Council Member Katrina Foley

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 9.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

CONSENT CALENDAR—continued

Minutes

2. Regular Adjourned Meeting/Study Session of June 9, 2009; Special Meetings of June 9, 2009, and July 28, 2009, and Regular Meeting of July 21, 2009.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2276, funding City operating expenses for \$2,834,840.87.

**Recommendation: Approve**

4. Warrant Resolution 2277, funding Payroll No. 915 for \$2,561,430.78 and City operating expenses for \$806,722.61 including payroll deductions.

**Recommendation: Approve**

Administrative Actions

5. [Professional Services Agreement with Central Coast Surface Grinding, Inc., 8335 Del Rio Road, Atascadero, for concrete sidewalk and gutter grinding services per Formal Bid Item No. 1132, for the period of three \(3\) years with the option of renewing for three \(3\) additional one \(1\) year extensions, in the amount not to exceed \\$49,500 per year.](#)

**Recommendation: Approve; authorize Mayor and City Clerk to sign; and authorize the City Manager to sign for any justified rate increase and to extend the contract upon recommendation from the Public Services Department**

CONSENT CALENDAR—continued

Administrative Actions

6. [Adopt plans, specifications, and working details for the storm drain repair at 755-785 West 17<sup>th</sup> Street, City Project No. 08-19, and award construction contract to RePipe-California, Inc., 5525 East Gibraltar Street, Ontario, in the amount of \\$87,975.](#)

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

- (a) Budget Adjustment No. 10-002 for \$87,975.

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

7. [Authorize refund of cash deposit in the amount of \\$9,621 to Hanna Construction \(contractor\), 1203 West Shelley Court, Orange, in connection with Encroachment Permit No. PS09-00140 for street improvements located at 722 Baker Street.](#)

**Recommendation: Approve**

8. [Completion of Police Facility Expansion and Renovation Project, City Project No. 06-08, by USS Cal Builders, Inc., 8051 Main Street, Stanton.](#)

**Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter, less any withholding required to satisfy any outstanding Stop Notices; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter**

9. [Completion of Roadway Rehabilitation of Sunflower Avenue from Avenue of the Arts to Anton Boulevard, City Project No. 08-16, by All American Asphalt, Post Office Box 2229, Corona.](#)

**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**

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

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

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.](#)

**Recommendation: Adopt resolution**

VIII OLD BUSINESS

1. [From the meeting of July 21, 2009, second reading and adoption of Ordinance 09-10: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING 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: Adopt Ordinance No. 09-10, to be read by title only, and waive further reading**

2. [Budget Management Strategy Implementation/Employee Salaries & Benefits](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A MANDATORY UNPAID FURLOUGH AND BENEFIT SUSPENSION FOR FULL-TIME UNREPRESENTED CITY EMPLOYEES DURING AUGUST 2, 2009 – AUGUST 29, 2010.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE RESPECTIVE EMPLOYEE ASSOCIATION SIDE LETTER AGREEMENTS AND A MANDATORY UNPAID FURLOUGH FOR THE COSTA MESA POLICE ASSOCIATION, COSTA MESA POLICE MANAGEMENT ASSOCIATION AND COSTA MESA CITY EMPLOYEES ASSOCIATION DURING AUGUST 2, 2009 - AUGUST 29, 2010.

**Recommendation: Adopt resolution including side letter agreements and implement a mandatory furlough plan for full-time employees**

OLD BUSINESS - continued

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A MANDATORY SALARY REDUCTION FOR PART-TIME AT-WILL CITY EMPLOYEES.

**Recommendation: Adopt resolution**

Budget Adjustment No. 10-004 for \$567,000.

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

- (d). [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT UNDER THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, for Miscellaneous members of the California Public Employees' Retirement System \(CalPERS\).](#)

**Recommendation: Adopt resolution**

- (e). [Memorandum of Understanding \(MOU\) 2007 – 2013 with the Costa Mesa Firefighters Association \(CMFA\).](#)

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).

- 1) [Supplemental Staff report.](#)
- 2) [Supplemental Memo](#)



IX NEW BUSINESS

1. [Report on City Staff action under the massage moratorium](#)

**Recommendation:** Receive and file; grant relief to the following two (2) businesses from the current moratorium

- Golden Lavender Spa and Therapy
- Tek Salon and Spa

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2009-2010 STATEMENT OF INVESTMENT POLICY FOR THE CITY, 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:** Adopt resolution

3. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RESETTING THE COMPENSATION POLICY FOR PLANNING COMMISSIONERS.](#)

**Recommendation:** Adopt resolution

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to August 11, 2009, 4:30 p.m., for a Study Session. Next Regular City Council Meeting August 18, 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).