



# City of Costa Mesa Council Agenda

## TUESDAY, APRIL 6, 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**

**4:00 p.m. – Special 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**

### **4:00 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. Request for Special Leave of Absence - Public Employment: Police Officer, pursuant to California Government Code Section 54957.
2. 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).

3. Conference with Real Property Negotiators – Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.
  
4. Conference with Legal Counsel – Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), 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**

**MOMENT OF SOLEMN  
EXPRESSION**

*[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 – Jim Liu, Senior Programmer Analyst

**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**

Minutes

2. Regular Meeting of February 16, 2010, Special Joint Study Session of March 9, 2010, and Regular Meeting of March 16, 2010.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2310, funding City operating expenses for \$797,302.68.

**Recommendation: Approve**

4. Warrant Resolution 2311, funding Payroll No. 10-06 for \$2,341,004.08 and Payroll No. 10-05A for \$511.84 and City operating expenses for \$625,758.38 including payroll deductions.

**Recommendation: Approve**

5. Warrant Resolution 2312, funding City operating expenses for \$365,336.38.

**Recommendation: Approve**

Administrative Actions

6. [Completion of Rehabilitation of Orange Avenue \(from Del Mar Avenue to Mesa Drive\), City Project No. 09-13, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

**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

7. [Completion of Rehabilitation of Vehicle Parking District No. 1, City Project No. 09-20, by Terra Pave, Inc., 11925 Los Nietos Road, 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

8. [Completion of Rehabilitation of Vanguard Way \(from Fair Drive to Newport Boulevard\), City Project No. 09-21, 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

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN THE SOUTHERN CALIFORNIA GAS COMPANY AND THE CITY OF COSTA MESA.](#)

**Recommendation:** Adopt resolution

- (a) Agreement with Southern California Gas Company for 2010-2012 Orange County Cities Energy Efficiency Partnership Program.

**Recommendation:** Approve; authorize City Manager to sign

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

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

No Public Hearings scheduled.

VIII OLD BUSINESS

No Old Business scheduled.

IX NEW BUSINESS

1. [Proposal to use a portion of Fairview Park for a Civil War Reenactment on May 14 through 16, 2010, by the American Civil War Society \(ACWS\).](#)

**Recommendation:** Approve

2. [Amendment to the Contract between CalPERS and the City of Costa Mesa regarding 3% @ 50 Formula for Safety-Fire Group:](#)

- (a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.

**Recommendation:** Adopt resolution

- (b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, 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.

**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-Fire Group)

NEW BUSINESS – continued

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

- a. Child Care and Youth Services Committee

**Recommendation: Appoint member(s)**

- b. Cultural Arts Committee

**Recommendation: Appoint member(s)**

- c. Historical Preservation Committee

**Recommendation: Appoint member(s)**

- d. Investment Oversight Committee

**Recommendation: Appoint member(s)**

- e. Redevelopment and Residential Rehabilitation (3R) Committee

**Recommendation: Appoint member(s)**

- 4. ~~Request of Council member Bever for adoption of a resolution in support of denying driving privileges for convicted graffiti offenders.~~

**Recommendation: Withdrawn.**

- 5. ~~AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE I (GENERAL PROVISIONS) OF THE COSTA MESA MUNICIPAL CODE REGARDING ADMINISTRATIVE CITATIONS.~~

**Recommendation: Withdrawn.**



X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Adjourn to April 13, 2010, 4:30 p.m. for a Study Session. Next Regular City Council Meeting April 20, 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).