



City of Costa Mesa Council Agenda

TUESDAY, MARCH 16, 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

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 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.
2. 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).

CLOSED SESSION – continued

3. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).

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 Robert Dugan, U.S. Marine Corps Staff Sergeant (Retired),
Korean War Veteran

**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 MADD Deuce Awards - Officer Jared Shurley and Officer
Crystal Rodriguez

[City Hall Wise Water Gardens](#) – Village Nurseries and
Landscape Designers Brooke Dietrich, Cherie Ciotti-Roco,
Laura Dalton and Katie Cool

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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Adjourned Meeting/Study Session of February 9, 2010, Regular Meeting of February 16, 2010, and Regular Meeting of March 2, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2308, funding City operating expenses for \$362,897.23.

Recommendation: Approve

4. Warrant Resolution 2309, funding Payroll No. 10-05 for \$2,234,643.09 and Payroll No. 10-04A for \$1,085.08 and City operating expenses for \$495,194.86 including payroll deductions.

Recommendation: Approve

Administrative Actions

5. [Cooperative Agreement and Memorandum of Understanding for the next phase of SR-55 Access Study.](#)

- (a) Cooperative Agreement C-9-0385 with Orange County Transportation Authority (OCTA).

Recommendation: Approve and authorize the City Manager and/or City Attorney to accept minor revisions based on final discussions with OCTA, Caltrans, and other cities involved; authorize the Mayor and City Clerk to sign

CONSENT CALENDAR – continued

- (b) Memorandum of Understanding C-0-1306 with OCTA, State of California Department of Transportation (Caltrans), and Cities of Costa Mesa, Newport Beach and Huntington Beach.

Recommendation: Approve and authorize the City Manager and/or City Attorney to accept minor revisions based on final discussions with OCTA, Caltrans, and other cities involved; authorize the Mayor and City Clerk to sign

- 6. [Acceptance of grant funds from Fireman's Fund Insurance Company, for the purchase of Dosimeters, Kev Air Bags, and a Rescue 42 System, in the amount of \\$9,408.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 10-020 for \$9,408.

Recommendation: Approve; authorize the Mayor to sign

- 7. [Acceptance of grant funds from the Federal Emergency Management Agency \(FEMA\) for the Fire Department to continue construction on the ventilation prop for training operations at Fire Station #4, in the amount of \\$9,282.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 10-021 for \$9,282.

Recommendation: Approve; authorize Mayor to sign

- 8. [Acceptance of donation from the American Youth Soccer Organization \(AYSO\) Region 120 for the lighting of Fields No. 5 and No. 6 at the Costa Mesa Farm Sports Complex, in the amount of \\$182,000.](#)

Recommendation: Approve; direct staff to initiate the preparation of construction

- (a) Budget Adjustment No. 10-022 for \$182,000.

Recommendation: Approve; authorize Mayor to sign

CONSENT CALENDAR – continued

- 9. [2009 Annual review of the Costa Mesa 2000 General Plan.](#)

Recommendation: Receive and file

- 10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE TECHNICAL BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

- 11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COSTAL PROTECTION BOND ACT OF 2006 \(PROPOSITION 84\), for the Fairview Channel Multipurpose Trail Project, and designates the Director of Public Services as the City's representative.](#)

Recommendation: Adopt resolution

- 12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COSTAL PROTECTION BOND ACT OF 2006 \(PROPOSITION 84\), for the Fairview Park Wetlands and Riparian Habitat Project Phase II, and designates the Director of Public Services as the City's representative.](#)

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 11 \(OFFENSES – MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE REGARDING GRAFFITI.](#)

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

VIII OLD BUSINESS

1. [Continued from the meeting of March 2, 2010, request to waive Planning Application fee for Coast Motel for the conversion of a motel property into Single Room Occupancy \(SRO\) or Family Room Occupancy \(FRO\) units.](#)

Recommendation: Consider request

IX NEW BUSINESS

1. [Amendment No. 4 to Cooperative Agreement No. D99-026, and full reinstatement of the Newport Bay Watershed and the Central Watershed Management Area Cooperative Agreement No. D08-104, to expand the scope of cooperation and responsibility.](#)

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

- (a) Appoint a designated City Council Member to the Newport Bay Watershed Executive Committee.

Recommendation: Appoint member

- (b) Appointment of the Public Services Director to the Newport Bay Watershed Management Committee.

Recommendation: Approve

2. [Partnership Policy for Recreation Programs, Facilities and Services](#)

Recommendation: Approve

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT – Next Regular City Council Meeting April 6, 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.