



City of Costa Mesa Council Agenda

TUESDAY, MAY 4, 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
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 – Existing Litigation: Marla James, Wayne Washington, James Armantrout, Charles Daniel DeJong v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00402 AG (MLGx), pursuant to Government Code Section 54956.9 (a).
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 – Existing Litigation: Orange County Directors Association, Herban Elements, Inc., Susan Lester, Medmar Patient Care Collective, Afshin Sharifi v. Julie Folcik, Kimberly Hall Barlow, City of Costa Mesa, Orange County Superior Court Case Number 30-201000364374 pursuant to Government Code Section 54956.9(a).

4. 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.

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 – Holly Carver

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 8.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of April 6, 2010, Study Session of April 13, 2010, and Regular Meeting of April 20, 2010

Recommendation: Approve

Warrants

3. Warrant Resolution 2315, funding Payroll No. 10-08 for \$2,282,611.71 and Payroll No. 10-07A for negative \$3,397.80 and City operating expenses for \$1,318,103.63 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2316, funding City operating expenses for \$428,783.13.

Recommendation: Approve

Administrative Actions

5. [Award Formal Bid Item No. 1133, for asphalt grinding/cold planing to Lindy's Cold Planing, P.O. Box 385, La Habra, CA 90931, for a term of three \(3\) years with three \(3\) additional one \(1\)-year extensions, in an amount not to exceed \\$52,500 per year.](#)

Recommendation: Approve; authorize the City Manager and City Clerk to sign; authorize the City Manager to sign for any justified rate increase and to extend the contract for three (3) additional one (1)-year terms upon recommendation

CONSENT CALENDAR – continued

6. [Professional Services Agreement with Mike Linares, Inc., P.O. Box 3913, San Clemente, CA 92672, for a contract renewal for Community Development Block Grant/Home Contract Staff, in an amount not to exceed \\$87,000 per fiscal year, with the option to renew for up to four \(4\) one \(1\)-year terms.](#)

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

7. [Agreement with 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, 2010 through March 31, 2011, in the amount not to exceed \\$70,000.](#)

Recommendation: Approve; and authorize the City Manager or his designee to sign

8. [Completion of Community Development Block Grant – Recovery Act \(CDBG-R\) Street Improvements Project \(Ralcam Place from Thurin Avenue to Cul-De-Sac and Knowell Place from Meyer Place to Maple Avenue\), City Project No. 09-27, by Hardy and Harper, Inc., 1312 East Warner Avenue, Santa Ana, CA 92705.](#)

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: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING ARTICLE 8 OF THE COSTA MESA MUNICIPAL CODE REGULATING FIREWORKS, relative to the extension of the hours for the sale of fireworks, and the permitted use of handheld devices.](#)

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

PUBLIC HEARINGS – continued

2. [PUBLIC HEARING: 2010-2011 Community Development Block Grant Public Service Grant Allocations.](#)

Recommendation: Approve

3. [PUBLIC HEARING: Fiscal Year 2010-2011 Funding Priorities for Community Development Block Grant \(CDGB\) and Home Investment Partnership Program \(HOME\).](#)

- (a) Recommended allocation for the Fiscal Year 2010-2011 Community Development Block Grant (CDBG) Application.

Recommendation: Approve

- (b) Recommended allocation for the Fiscal Year 2010-2011 HOME Investment Partnership Grant.

Recommendation: Approve

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, authorizing the City Manager to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Manager to act in connection with the submission of the Annual Action Plan, and to provide such additional information as may be required.

Recommendation: Adopt resolution

4. [PUBLIC HEARING: 2010-2014 Consolidated Plan.](#)

Recommendation: Approve

PUBLIC HEARINGS – continued

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING SUBMISSION OF THE 2010-2014 CONSOLIDATED PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO ACT AS THE OFFICIAL REPRESENTATIVE OF THE CITY IN ORDER TO SUBMIT THE 2010-2014 CONSOLIDATED PLAN.

Recommendation: Adopt resolution

VIII OLD BUSINESS

- 1. [From the meeting of April 6, 2010: 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: Adopt Ordinance No. 10-4, to be read by title only, and waive further reading

- 2. [From the meeting of April 20, 2010: 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: Adopt Ordinance No. 10-5, to be read by title only, and waive further reading

- 3. [Continued from the meeting of April 20, 2010, Summer Concert Season Planning](#)
 - (a). Authorization of up to ten (10) hours of City staff time to work with the Costa Mesa Community Foundation Board of Directors to plan up to four concerts to be held at Fairview Park in July, 2010.

Recommendation: Approve

OLD BUSINESS – continued

- (b) Authorization of up to an additional forty (40) hours of City staff time to administer the 2010 Concert Series should the Costa Mesa Community Foundation secure donated funds to cover the direct costs.

Recommendation: Approve

- (c) Authorize the Administrative Services Director to approve up to four (4) contracts with Reality Entertainment, not to exceed \$7,000 total, to provide bands and sound services for up to four (4) concerts if funding is secured by the Costa Mesa Community Foundation sufficient to cover the full direct costs of the concerts.

Recommendation: Approve

IX NEW BUSINESS

1. [Business Improvement Area \(BIA\) Reauthorization](#)

- (a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2010-2011.

Recommendation: Approve

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

Recommendation: Adopt resolution reauthorizing the BIA Assessment District boundaries; approval of the BIA Budget; and setting the Public Hearing date for June 1, 2010 at 7:00 p.m.

NEW BUSINESS – continued

- 2. [Status Report on Potential Acquisition of the Orange County Fairgrounds](#)
 - (a) Presentation of Ownership and Financing Strategy
 - (b) Presentation of Fairgrounds Management Proposals
 - (c) [Consideration of Modification of Standard Professional Services Agreement for Volunteer Expert Advice and Consultation](#)

Recommendation: Provide direction

- 3. [Agreement with Costa Mesa Senior Corporation to operate the Costa Mesa Senior Center for an initial five \(5\) year term, effective July 1, 2010, with an option to extend the term for up to three \(3\) additional five \(5\) year terms.](#)

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

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 New Business Item No. IX-3:

Received April 29, 2010

- 1. [Supplemental staff report](#)

X REPORTS

City Attorney:

City Manager:

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.