



City of Costa Mesa Council Agenda

TUESDAY, JUNE 2, 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 Council Member Gary Monahan

MOMENT OF SOLEMN EXPRESSION Associate Pastor Frank Custer, Lighthouse Coastal Community 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 Employee of the Month – Reserve Officer Dan Guth

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

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 10.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Adjourned Regular Meeting of April 14, 2009; Regular Meeting of April 21, 2009 and May 19, 2009.

Recommendation: Approve

Warrants

3. Warrant Resolution 2267, funding Payroll No. 910 for \$2,613,964.98, and City operating expenses for \$939,400.02 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2268, funding City operating expenses for \$547,958.39.

Recommendation: Approve

Administrative Actions

5. [Solar Power Purchase Agreement with SolarCity Corporation, 393 Vintage Park Drive, Suite #140, Foster City, to install and operate photovoltaic electric generators on the roof of the Neighborhood Community Center \(NCC\) and the Downtown Recreation Center \(DRC\) for the production of electrical energy, for a term of 15 years with an option to renew for additional term of five years.](#)

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

6. [Professional Services Agreement with CNC Engineering, 1 Corporate Park, Suite 101, Irvine, for preliminary engineering services for Harbor Boulevard-Adams Avenue Improvements, in the amount of \\$187,925.](#)

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

- (a) Budget Adjustment No. 09-029 for \$187,925

Recommendation: Approve; authorize Mayor to sign

7. ~~Agreement with Mesa Verde Partners (MVP), 1701 Golf Course Drive, Costa Mesa, to extend the term to August 31, 2029, and additional amendments for the continued operation of the Costa Mesa Public Golf Course and Country Club.~~

Recommendation: Moved to New Business (IX-4)

8. [Substantial amendment to the 2008-2009 Annual Action Plan for the application and receipt of Community Development Block Grant \(CDBG-R\) funds.](#)

Recommendation: Approve; authorize the City Manager to act as the official representative of the City and to execute all certifications and forms related to the application and receipt of CDBG-R funds

9. [Authorize refund in the amount of \\$22,297.03 to CFRI/Greenlaw Triangle Square, LLC, 4440 Von Karman Avenue, Suite 150, Newport Beach, for unexpended funds in Developers' Trust Account No. 215520-701 for the Triangle Square Mid-Rise Residential project located at 1870 Harbor Boulevard and 1875 Newport Boulevard.](#)

Recommendation: Approve

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECREATION DIVISION AND HUMAN RESOURCES DIVISION RISK MANAGEMENT SECTION OF THE ADMINISTRATIVE SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

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

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

1. [PUBLIC HEARING: From the meeting of May 5, 2009, Fiscal Year 2009-2010 Fire Prevention User Fees and Charges.](#)

Additional material: [Memo and PowerPoint Presentation](#)

Recommendation: Approve

- (a) [Fiscal Year 2009-2010 Fire Prevention Apartment Inspection Fee Schedule.](#)

Recommendation: Approve

PUBLIC HEARINGS – continued

- (b) [Fiscal Year 2009-2010 Fire Prevention Hazardous Material Disclosure Late Filing Fee.](#)

Recommendation: Approve

- (c) [Fiscal Year 2009-2010 Fire Department Business Inspection Fee.](#)

Recommendation: Approve

VIII OLD BUSINESS

- 1. From the meeting of May 5, 2009, rehearing request by Council Member Eric Bever relating to the determination for modifying the Emergency Medical Services (EMS) to provide that all patients are billed equally without regard to residency, which initiated billing of Costa Mesa residents for paramedic services.

Recommendation: Provide direction

IX NEW BUSINESS

- 1. [Neighborhood Stabilization Program \(NSP\) 1](#)
 - (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING JOINT AGREEMENT FOR THE NEIGHBORHOOD STABILIZATION PROGRAM PARTICIPATION AMONG THE CITY OF FULLERTON, THE CITY OF COSTA MESA, AND THE CITY OF LA HABRA.

Recommendation: Adopt resolution

- (b) Sub-Recipient Agreement with the City of Fullerton

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

NEW BUSINESS – continued

- (c) Request for Proposal for a foreclosure acquisition and/or down payment assistance and rehabilitation program

Recommendation: Approve; authorize staff to release

- (d) Residential Anti-Displacement and Relocation Assistance Plan in connection with the Neighborhood Stabilization Program (NSP).

Recommendation: Approve

- 2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING THE PROPOSAL TO SELL DESIGNATED STATE PROPERTY - ORANGE COUNTY FAIR AND EVENT CENTER.](#)

[Attachment 1](#)
[Attachment 2](#)

Recommendation: Adopt resolution

- 3. ~~Request by Council Member Katrina Foley for the placement of a measure before the electorate in November 2009 to increase the Transient Occupancy Tax (T.O.T.).~~

Recommendation: Withdrawn

- 4. [Agreement with Mesa Verde Partners \(MVP\), 1701 Golf Course Drive, Costa Mesa, to extend the term to August 31, 2029, and additional amendments for the continued operation of the Costa Mesa Public Golf Course and Country Club.](#)

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

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to June 9, 2009, 4:30 p.m., for a Study Session. Next Regular City Council Meeting June 16, 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.