



City of Costa Mesa Council Agenda

TUESDAY, JULY 7, 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

Jack Ray Hammett, U.S. Navy (Retired), World War II and Korean War Veteran, and Pearl Harbor Survivor.

**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 – Susan Santoro

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

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 15.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting June 2, 2009, and Regular Meeting of June 16, 2009.

Recommendation: Approve

CONSENT CALENDAR—continued

Warrants

3. Warrant Resolution 2271, funding Payroll No. 912 for \$2,533,909.32 and Payroll No. 911A for negative \$1194 and City operating expenses for \$863,681.60 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2272, funding City operating expenses for \$447,864.59.

Recommendation: Approve

5. Warrant Resolution 2273, funding Payroll No. 913 for \$2,488,924.52 and Payroll No. 912A for \$3,517.15 and City operating expenses for \$1,695,321.46 including payroll deductions.

Recommendation: Approve

Administrative Actions

6. [Professional Services Agreement with A.C.T. GIS, Inc., 19000 Grovewood Drive, Corona, for support services for the City's Geographic Information System \(G.I.S.\), from July 1, 2009 through June 30, 2010, in the amount of \\$100,704.](#)

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

7. [Professional Services Agreement with consultant Michelle Rudaitis, to provide hazardous materials disclosure services, with the option of renewing for two \(2\) additional one \(1\)-year terms, in an amount not to exceed \\$80,000.](#)

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

8. [Agreement with the County of Orange for the delivery of solid waste from the City to the County landfill disposal system, from July 1, 2010 through June 30, 2020.](#)

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

CONSENT CALENDAR—continued

9. [Adopt plans, specifications, and working details for 2008-2009 Community Development Block Grant \(CDBG\) Street Improvements Project, City Project No. 09-07, and award construction contract to ICE Engineering, Inc., 2574 Pepperdale Drive, Rowland Heights, in the amount of \\$407,473.50.](#)

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

10. [Adopt plans, specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 09-10, and award construction contract to C.J. Concrete Construction Inc., 10142 Shoemaker Avenue, Santa Fe Springs, in the amount of \\$771,020.](#)

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

11. [Adopt plans, specifications, and working details for Rehabilitation of South Coast Drive from Fairview Road to Carmel Drive and from San Leandro Lane to Bear Street, City Project No. 09-11, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$1,938,661.](#)

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

12. [Completion of Harbor Boulevard/I-405 Improvement Project, City Project No. 07-22, by Beador Construction Company, Inc., 26320 Lester Circle, 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 six (6) months thereafter

13. [Completion of Irvine Avenue Pedestrian Signal Project, Federal Project No. SRTSF-5312 \(069\), City Project No. 08-09, by Lincoln Pacific Builders, Inc., 4501 Littlejohn Street, Baldwin Park.](#)

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 seven (7) months thereafter

CONSENT CALENDAR—continued

14. [Completion of Baker/Mendoza Traffic Signal Modification, Federal Project No. SRTSF-5312 \(068\), City Project No. 08-10, by PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside.](#)

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 seven (7) months thereafter

15. [Completion of 2258 Orange Avenue Nuisance Abatement, City Project No. 09-08, by Meissner Construction, Inc., 1989 Continental Avenue, Costa Mesa.](#)

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 one (1) year 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 THE CITY OF COSTA MESA, AMENDING TITLE 15, CHAPTER 1, ARTICLE I OF THE COSTA MESA MUNICIPAL REGARDING SHOPPING CART CONTAINMENT REQUIREMENTS, requiring the installation of a shopping cart containment system at retail stores which provide shopping carts for customers.](#)

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

VIII OLD BUSINESS

1. Request of Mayor Pro Tem Leece and Council Member Foley for City Council consideration of the following programs for inclusion in the FY 2009-10 municipal budget:
 - a. Neighbors for Neighbors
 - b. Sister City Program
 - c. Grad night contributions
 - d. Mobile Recreation Program
 - e. Teen Programs-TeWinkle School/Downtown Recreation Center
 - f. Youth Sports programs
 - g. Concerts in the Park

Recommendation: Consider requests

IX NEW BUSINESS

1. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IMPOSING A 45-DAY CITY-WIDE MORATORIUM ON THE APPROVAL OF ANY BUSINESS LICENSE, USE PERMIT, OR ANY APPLICABLE APPLICATION RELATED TO MASSAGE ESTABLISHMENTS AND/OR MASSAGE PRACTITIONERS.

Recommendation: Introduce and adopt interim urgency ordinance, to be read by title only, and waive further reading

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS AND REDEVELOPMENT FUNDS.

Recommendation: Adopt resolution

3. Solicitation of Employment, Business, Contributions from Streets.

Recommendation: Provide direction as to whether to amend the existing solicitation ordinance

X REPORTS

City Attorney:

City Manager:

XI ADJOURNMENT –Next Regular City Council Meeting July 21, 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.