



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 7, 2011

**Gary Monahan**  
Mayor

**Jim Righeimer**  
Mayor Pro Tem

**Wendy Leece**  
Council Member

**Eric Bever**  
Council Member

**Stephen Mensinger**  
Council Member

City Attorney  
Thomas Duarte

Chief Executive Officer  
Thomas R. Hatch

Interim Development Services  
Director Khanh Nguyen

Public Services Director  
Peter Naghavi

City Clerk  
Julie Folcik

**Council Chambers, 77 Fair Drive  
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].

**PLEDGE OF ALLEGIANCE** Council Member Stephen Mensinger

**MOMENT OF SOLEMN EXPRESSION** Reverend Doctor Richard Kannwischer, Presbyterian Church of Covenant

*[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

**ANNOUNCEMENTS** There's always something happening in Costa Mesa!

The Mayor will announce upcoming events and activities in the community which are sponsored by or affiliated with the City.

Please refer to the last page of the agenda for a detailed list of announced events and activities. These may also be found on the City's website.

## PRESENTATIONS

**SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.**

**PLEASE NOTE:**

- **YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR SPECIFIC AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

**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.

**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 meeting of May 17, 2011.

**Recommendation: Approve**

Warrants

3. [Warrant Resolution 2370, funding Payroll No. 11-10 for \\$2,182,537.90, and Payroll No. 11-09A for negative \\$3,546.46, and City operating expenses for \\$610,844.36, including payroll deductions.](#)

**Recommendation: Approve**

4. [Warrant Resolution 2371, funding City operating expenses for \\$1,782,502.44.](#)

**Recommendation: Approve**

5. [Warrant Resolution 2372, funding Payroll No. 11-11 for \\$2,157,004.47, and Payroll No. 11-10A for \\$139.47, and City operating expenses for \\$522,561.57, including payroll deductions.](#)

**Recommendation: Approve**

Administrative Actions

6. [Amendment to Professional Services Agreements with Scott Fazekas and Associates, 9 Corporate Park, #200, Irvine; Bureau Veritas, 1565 MacArthur Boulevard, Costa Mesa; and CSG Consultants Inc., 801 Park Center Drive #230, Santa Ana, extending the contracts for one \(1\) year for contract fire system plan check and inspection services in addition to contract building plan check and inspection services, in an amount not to exceed \\$313,000.](#)

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

7. [Adopt plans and specifications, and working details for American Recovery and Reinvestment Act, Energy Efficient Chiller Compressor Replacement, City Hall and Police Facility, City Project No. 11-03, and award a construction contract to Liberty Climate Control, Inc., 2447 North Chico Avenue, South El Monte, in the amount of \\$545,600.](#)

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

8. [Authorize refund in the amount of \\$10,000 to Universal Waster Systems, Inc., Post Office Box 3028, Whittier, for the overpayment of Waste Hauler Franchise Fees paid on their first quarter 2011 payment.](#)

**Recommendation: Approve**

9. [Authorize refund of cash deposit in the amount of \\$8,246 to Rincon Real Estate Group, Inc., 614 Club House Drive, Newport Beach, in connection with Encroachment Permit No. PS08-00056 for street improvements located at 285 East 16<sup>th</sup> Street, Costa Mesa.](#)

**Recommendation: Approve**

10. [Authorize refund of cash deposit in the amount of \\$7,648 to Savant Construction 13830 Mountain Avenue, Chino, in connection with Encroachment Permit No. 10-00433 for street improvements located at 185 E 17<sup>th</sup> Street, Costa Mesa.](#)

**Recommendation: Approve**

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS, for the Costa Mesa Athletic Fields Development Project, and designate 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 BRENTWOOD PARK DEVELOPMENT PROJECT; and designate the Director of Public Services as the City's representative.](#)

**Recommendation: Adopt resolution**

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

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

1. [PUBLIC HEARING: 2011-2012 Community Development Block Grant Public Service Grant Allocations.](#)

**Recommendation: Approve**

2. [PUBLIC HEARING: From the meeting of May 3, 2011, Fiscal Year 2011-2012 Funding Priorities for Community Development Block Grant \(CDGB\) and Home Investment Partnership Program \(HOME\).](#)

- (a) Recommended allocation for the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Application.

**Recommendation: Approve**

- (b) Recommended allocation for the Fiscal Year 2011-2012 HOME Investment Partnership Grant.

**Recommendation: Approve**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2011-2012 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 Chief Executive Officer 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 Chief Executive Officer 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**

- 3. PUBLIC HEARING: From the meeting of May 17, 2011: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING SCHEDULES OF RATES, FEES, AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA POLICE DEPARTMENT FOR SPECIAL/COMMUNITY EVENTS.

**Recommendation: Continue the public hearing to June 21, 2011.**

- 4. [PUBLIC HEARING: Reauthorization of the Business Improvement Area \(BIA\) Assessment of three percent \(3%\) for certain Costa Mesa hotels and motels for Fiscal Year 2011-2012.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2011-2012 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

**Recommendation: Adopt resolution**

OLD BUSINESS

- 1. CEO Update on the Budget and RFP Process for Outsourcing.

NEW BUSINESS

1. [Alternatives for Helicopter services:](#)

(a) Contract with the City of Huntington Beach, for helicopter support services from July 1, 2011 to December 31, 2011, in an amount not to exceed of \$100,000;

**Recommendation: Approve, in a form approved by the City Attorney; authorize the CEO and the Clerk to sign**

(b) Public-private partnership model for helicopter services.

**Recommendation: Direct staff to explore with any interested parties**

(c) Discontinuing the Airborne Law Enforcement Program

**Recommendation: Direct staff to continue the process and to not sell any equipment until authorized by the City Council.**

2. [Discontinuance of City Council Working Groups](#)

**Recommendation: Discontinue the Economic Development and Development, the Sports and Recreation, Policies, Procedures, and General Plan/Circulation, Budget and Capital Improvements and Motel Issues Working Groups.**

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Gary Monahan
2. Mayor Pro Tem Jim Righeimer
3. Council Member Eric Bever
4. Council Member Wendy Leece
5. Council Member Stephen Mensinger

REPORTS

City Attorney:

Chief Executive Officer:

CLOSED SESSION:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator 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), Costa Mesa Fire Fighters Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6.
2. Conference with legal counsel, regarding existing litigation: Taylor Willis, Dillan Vilan, by and through his Guardian Ad Litem, Marcella Hickman, v. Scott Dibble, City of Costa Mesa, Costa Mesa Police Department, CNC Puma Corporation: Orange County Superior Court Case No. ED CV 09-00855-SGL(OPx), pursuant to subdivision (a) of Government Code Section 54956.9.
3. Conference with legal counsel, regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No.30-2011 00468876, pursuant to subdivision (a) of Government Code Section 54956.9.
4. Conference with legal counsel, regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 – (two case).

CLOSED SESSION REPORT

ADJOURNMENT – ADJOURNMENT – Adjourn to June 14, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: June 21, 2011.

**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).

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

### JUNE 2011

- Friday and Saturday, June 10<sup>th</sup> & 11<sup>th</sup> from 9:00 a.m. to 4:00 p.m. OCC has partnered with the Costa Mesa Chamber of Commerce to offer a free collection E-Waste event. Orange Coast Computers and Recycling will be donating a percentage of the TV and computers collected at the event to the Chamber for their support, please come out and help clean up Costa Mesa. For further information, call 800-574-5944
- Friday, June 10<sup>th</sup> at 6:00 p.m. the Orange County Skateboarding League Competition begins at Volcom Skate Park
- Saturday, June 11<sup>th</sup> at 10:00 a.m. the 2011 Relay for Life Costa Mesa begins at the Orange Coast College Track. For further information or to sign up visit [www.relayforlife.org/costamesaca](http://www.relayforlife.org/costamesaca)
- We are please to announce the launch of AlertCM, a Citywide mass notification system that will keep Costa Mesa residents and businesses informed during emergencies. The new system also will allow information to be streamlined only to affected neighborhoods.  
The City is asking the community to register on the City's website, <http://www.ci.costa-mesa.ca.us/resident/safety/AlertCM.htm>

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### ***These announcements have short videos that will play after the announcements***

- Friday, June 24 to Sunday, June 26<sup>th</sup> the Barrett-Jackson Collector-Car Auction will be held at the Orange County Fair and Event Center. For further information visit [www.barrett-jackson.com](http://www.barrett-jackson.com)
- The City of Costa Mesa is proud to announce that Costa Mesa Television Channel 24 (CMTV 24) was honored with three first place awards at the 15th Annual STAR Awards. Costa Mesa Television earned top honors in the categories of Talk Show, Magazine Show and Overall Excellence. City Talk received the first place Talk Show STAR Award for the fourth time in the past five years. The Community Report was recognized as the best magazine show for the second time and CMTV 24 was honored for the third

time for overall excellence with a budget of less than \$400,000. The STAR Awards are presented by SCAN NATOA, which is the States of California and Nevada chapter of the National Association of Telecommunications Officers and Advisors. The STAR Awards recognize excellence in government programming by facilities serving California and Nevada communities. Entries are judged on the basis of creativity in achieving stated objectives, technical proficiency and diversity of programming.