



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 20, 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 Mayor Gary Monahan

MOMENT OF SOLEMN EXPRESSION Elder Robert Van Sweden, The Church of Jesus Christ of Latter-day Saints

[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 1/5 Marines Status Update

Recognition to Sharon Day

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

- (a) Claim received by the City Clerk: Kimberly Aldridge.
- (b) Requests for Alcohol Beverage Control licenses: Tabu Shabu Restaurant LLC, and The Boulevard.

Minutes

2. Regular meeting of September 6, 2011.

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2386: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-18 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-18 for \$2,085,126.66 and Payroll No. 11-17A for \$5,349.30, and City operating expenses for \$307,816.89, including payroll deductions.

Recommendation: Approve

4. WARRANT RESOLUTION 2387: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$1,164,391.

Recommendation: Approve

Administrative Actions

5. Professional Services Agreement with Michael Balliet Consulting, 26351 Tarrasa Lane, Mission Viejo, for the administration of the city's Source Reduction and Recycling Element (SRRE), in the amount of \$33,500, for a term beginning October 1, 2011 through September 30, 2012, and with an option to extend the Professional Services Agreement on October 1st of each fiscal year for up to a maximum of five (5) years if the contract adjustment is equal to or less than the annual Consumer Price Index (CIP).

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

6. Professional Services Agreement with Western Transit Services, 1619 East Lincoln Avenue, Anaheim, for driver services for the Costa Mesa Senior Mobility Program, in the amount of \$219,218, for a three-year (3) term with one (1) optional two-year (2) extension.

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

7. [Amendment of Professional Services Agreement, with Carl Warren & Company, to extend the term beginning January 1, 2011 and ending no later than December 31, 2012, in an amount not to exceed \\$75,000.](#)

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

8. [Completion of American Recovery and Reinvestment Act \(ARRA\) Rehabilitation of Wilson Street \(from Harbor Boulevard to Anaheim Avenue\), Federal Project No. ESPL-5312\(081\), City Project No. 10-10, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

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

9. [Memorandum of Understanding between the cities of Costa Mesa, Huntington Beach, Westminster, and Fountain Valley for the administration of awarded grant funding via Southern California Edison.](#)

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

10. [Request for Proposal \(RFP\) for Jail Services.](#)

Recommendation: Authorize staff to release the RFP

11. [Request for Proposal \(RFP\) for Video Production Services.](#)

Recommendation: Authorize staff to release the RFP

12. [Request for Proposal \(RFP\) for Building Inspection Services.](#)

Recommendation: Authorize staff to release the RFP

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

**RECESS THE REGULAR CITY COUNCIL MEETING AND CONVENE TO
THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE
REDEVELOPMENT AGENCY (RDA)**

ROLL CALL

CLERK'S STATEMENT The Redevelopment Agency Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Thursday, September 15, 2011.

PUBLIC COMMENTS

AGENCY MEMBERS' COMMENTS AND SUGGESTIONS

[City and Agency Actions under 2011 Redevelopment Legislation](#)

OLD BUSINESS

1. From the meeting of September 6, 2011, Ordinance No. 11-09: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ELECTING TO COMPLY WITH AND PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM CONTAINED IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

Recommendation: Adopt Ordinance No. 11-09, to be read by title only, and waive further reading

NEW BUSINESS

2. A RESOLUTION OF THE COSTA MESA REDEVELOPMENT AGENCY, CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE, TRANSMITTING SUCH SCHEDULE TO THE CITY, AS SUCCESSOR AGENCY, APPROVING AN AGREEMENT TO TRANSFER TAX INCREMENT BETWEEN THE AGENCY AND THE CITY OF COSTA MESA, AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Recommendation: Adopt resolution

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ACCEPTING TRANSMITTAL OF THE AGENCY'S INITIAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE; APPROVING AN AGREEMENT TO TRANSFER TAX INCREMENT BETWEEN THE CITY AND THE AGENCY; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Recommendation: Adopt resolution

REPORTS

Agency Attorney

Executive Director

**ADJOURN THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE
REDEVELOPMENT AGENCY
AND RECONVENE REGULAR CITY COUNCIL MEETING**

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, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-10-06, AMENDING TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS, GRANNY UNITS, AND ACCESSORY APARTMENTS.](#)

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

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AMEND TITLE 13, CHAPTER VII, ARTICLE 2, GENERAL PROVISIONS AND ARTICLE 3, SIGN REGULATIONS, OF THE COSTA MESA MUNICIPAL CODE RELATED TO SIGN REGULATIONS.](#)

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

3. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO ADOPTING AN ON-LINE RECREATION REGISTRATION SYSTEM USE FEE.](#)

Recommendation: Adopt resolution

- (a) Product and Services Agreement with The Active Network, Inc., 10182 Telesis Court, San Diego, for a web-based recreation management solution that would provide on-line recreation program registration, in the amount of \$22,057.28, for a three-year (3) term with the option of two (2) three-year (3) extensions.

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

OLD BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 3.7-ACRE PARCEL FROM C1 \(LOCAL BUSINESS DISTRICT\) AND P \(PARKING\) TO R2-MD \(MULTIPLE FAMILY RESIDENTIAL\) FOR PROPERTY LOCATED AT 2626 HARBOR BOULEVARD.](#)

Recommendation: Adopt Ordinance No. 11-08, to be read by title only, and waive further reading

NEW BUSINESS

1. [Naming a city park after prominent citizen Jack Hammett, and selecting and approving the new name if a park location is chosen.](#)

Recommendation: Provide direction

2. [General Plan Screening Request Amendment to GPS-11-03, to allow greater development flexibility for Sakioka Lot 2 located at 14850 Sunflower Avenue.](#)

Recommendation: Accept City-initiated General Plan Screening request for processing

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to Government Code Section 54956.9(a).
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.

CLOSED SESSION REPORT

ADJOURNMENT – Next Regular City Council Meeting: October 4, 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.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

SEPTEMBER/OCTOBER 2011

- On Saturday, September 24, the OC Fair & Events Center will host the 12th Annual Cruisin' for a Cure. This is the largest one-day charity car show supporting City of Hope's Prostate Cancer Program. The event is will run all day until 5:00 p.m.
- On Wednesday, October 5, Walk to School Day programs will take place at various elementary schools in Costa Mesa.
- On Thursday, October 6, the Public Safety Personnel Recognition BBQ will take place at the Orange County Fair and Event Center from 11:00 a.m. to 1:00 p.m. Join community businesses in honoring and recognizing Fire, Police and 911 personnel. The BBQ lunch is \$10 per person. To RSVP for the BBQ, donate a raffle prize, or for sponsorships call (714) 885-9090.
- On Sunday, October 9, the American Cancer Society's 2nd Annual Orange County Event 5K Walk will take place starting at the Segerstrom Center for the Arts, 600 Town Center Drive. For further information, you may pick up a brochure in the City Hall lobby or sign-up online at <http://makingstrides.acsevents.org/orange-county>
- Costa Mesa Restaurant Week was a success and we will now show you a short clip of the events.