



City of Costa Mesa Council Agenda

TUESDAY, DECEMBER 6, 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

Interim Public Services Director
Ernesto Munoz

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.
6. **Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.**

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 Head Pastor Rod Randall, Harbor Trinity Baptist 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

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 Pop Warner Flag Football

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. Additional follow-up responses to questions and concerns may also be addressed in the weekly CEO e-Briefing newsletter. To subscribe to the newsletter, please visit the City's website at <http://www.costamesaca.gov/> and enter your e-mail address in the box provided under "Sign up for latest City Hall news" at the top of the home page.

REPORT – CHIEF EXECUTIVE OFFICER (CEO)

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) Claims received by the City Clerk: Gary De La Rosa; Rosemary De La Rosa; Cecil Ray Davidson; Michael Hutton.
- (b) Requests for Alcohol Beverage Control licenses: Madee, 401 East 17th Street, Suite C; Café International, 3198 Airport Loop H2A; Marukai Market, 2975 Harbor Boulevard; Jons Liquor, 2790 Harbor Boulevard, 101 & 102; and Sushi Shunka, 369 East 17th Street, Suite 17.

- (c) Letter of Notification: Southern California Gas Company Notice of Proposed Rate Increases, Triennial Cost Allocation Proceeding (TCAP), Application No. A.11-11-002.

Minutes

- 2. Regular meeting of November 1, 2011.

Recommendation: Approve

Warrants

- 3. [WARRANT RESOLUTION 2396: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-23 AND PAYROLL REGISTER NO. 11-22A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-23 for \\$2,038,978.58 and Payroll No. 11-22A for \\$0, and City operating expenses for \\$1,552,600.86, including payroll deductions.](#)

Recommendation: Approve

- 4. [WARRANT RESOLUTION 2397: 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 \\$693,148.12.](#)

Recommendation: Approve

- 5. [WARRANT RESOLUTION 2398: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-24 AND PAYROLL REGISTER NO. 11-23A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-24 for \\$2,060,796.26 and Payroll No. 11-23A for \\$96.44, and City operating expenses for \\$611,000.76, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

6. [Amendments 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, for contract plan check and inspection services, in an amount not to exceed \\$634,000 in the aggregate.](#)

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

- (a) Budget Adjustment No. 12-009 for \$321,000.

Recommendation: Approve; authorize the Mayor to sign

7. [Completion of Alley Nos. 116, 75, and 76 Improvements, City Project No. 11-01, by Black Rock Construction, Inc., 282 North Saint Crispen Avenue, Brea.](#)

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

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2010-2011.](#)

Recommendation: Adopt resolution

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS OF THE CITY COUNCIL MEETINGS.](#)

Recommendation: Adopt resolution

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

Recommendation: Authorize staff to release the RFP

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 Consent Calendar Item No. 10:

Received December 6, 2011:

1. [Corrected Page to Attachment 1: Payroll Comparative Data](#)

11. [Request for Proposal \(RFP\) for Information Technology.](#)

Recommendation: Authorize staff to release the RFP

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 Consent Calendar Item No. 11:

Received December 6, 2011:

1. [Corrected Version of Attachment 3: Draft RFP](#)

12. [Costa Mesa Redevelopment Agency 2011 Annual Report](#)

Recommendation: Receive and file

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

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

1. [PUBLIC HEARING: Continued from the meeting of November 1, 2011, Review of Planning Commission's determination regarding Planning Application PA-11-22, for Peak West Development LLC, for a design review with a variance from maximum number of stories and building height \(2 stories/27 ft. max. allowed; 3 stories/44 ft. proposed\) and deviation from the city's residential design guideline for 2nd and 1st floor ratio \(80% maximum recommended; 86% proposed\) for a new 23,109 square-foot community building with below-grade parking for tenants of both Villa Venetia and Pine Brook Village Apartments in an R3 \(Multiple-Family Residential District\) Zone. This is a revised submittal from the previously proposed building height of 61 ft. under Planning Application PA-11-15. Environmental Determination: Exempt.](#)

Recommendation: Continue public hearing to January 17, 2012 at 7:00 p.m.

2. [PUBLIC HEARING: Appeal of Planning Commission's determination regarding Development Review DR-99-22 A2, for Pacific Land Services, for the amendment of the condition of approval for Target Costa Mesa's Winter Holiday hours as follows: 12 midnight to 11 p.m. the day after Thanksgiving; and 7 a.m. to 12 a.m. thereafter until New Year's Day. Current approved holiday hours are 7 a.m. to 11 p.m. Mon. – Fri., and 8 a.m. to 11 p.m. Saturday and Sunday from the day after Thanksgiving to New Year's day. Environmental Determination: Exempt.](#)

Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission's decision

3. PUBLIC HEARING: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES AND NEW FEE CATEGORIES FOR CONTRACT TOW OPERATORS.

Recommendation: Continue public hearing to January 3, 2012 at 7:00 p.m.

OLD BUSINESS

1. [Continued from the meeting of November 15, 2011, Appointments to the TeWinkle Park Athletic Complex Task Force](#)

[Committee Applications](#)

Recommendation: Appoint member(s); reorganize committee

NEW BUSINESS

1. [Information regarding proposed City Charter](#)

Recommendation: Provide direction

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. 1:

Received December 6, 2011:

2. [City Charters – Orange County Cities](#)

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

REPORT – City Attorney

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: Timothy M. Slappy, an individual v. Robert Harris in his official and individual capacities; City of Costa Mesa, a government entity, Case No. SACV11-00425 DOC (MLGx), pursuant to Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: Helyn May Elitzak, an individual v. the City of Costa Mesa; Arnell Management Company Inc., a California corporation, Orange County Superior Court Case No. Case No 30-2011-00439380, pursuant to Government Code Section 54956.9(a).

5. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 – (one case).

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to December 13, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: January 3, 2012.

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.costamesaca.gov

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

DECEMBER 2011

- On Friday, Dec. 9, the Horticulture Department at Orange Coast College will be selling beautiful poinsettias at bargain prices. The one-day sale takes place from 10 a.m. to 3 p.m. and prices range from \$5 to \$40. Enter the campus from Adams Street and follow the signs to the Horticulture Department.
- Dec. 9 - Dec. 12, the OC Fair and Event Center will host the Holiday Classic, a four-day dog show featuring more than 150 breeds of dogs. Breeders, handlers and vendors will be on hand. Instructors will be available to explain the workings of a dog show and answer questions. The event is free and will take place from 8 a.m. to 5 p.m. each day.
- On Friday, Dec 9 at 8 p.m., Saturday, Dec. 10 at 2 p.m. & 8 p.m. and Sunday, Dec. 11 at 2 p.m. and 8 p.m., Vanguard University will present "A Child's Christmas in Wales," a musical tale featuring Welsh music adapted from the Christmas classic by Dylan Thomas. General admission tickets are \$14. Seniors and students are \$12.
- On Friday, Dec. 9, Fight Club OC will feature a full card of boxing and mixed martial arts bouts starting at 7 p.m. at the OC Fair and Event Center. Tickets start at \$45.
- On Saturday, Dec. 10 the City of Costa Mesa Parks and Recreation Commission will hold a tour of eight City parks to get input from the public. The Commission will be at Suburbia Park at 9 a.m.; Moon Park at 9:35 a.m., Gisler Park at 10:10 a.m.; Smallwood

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Park at 10:45 a.m.; Mesa Verde Park at 11:20 a.m.; Tanager Park at 11:55 a.m.; Estancia Park at 12:30 p.m.; and Balearic Community Center at 1:05 p.m.

- Irving Berlin's "White Christmas," the stage adaptation of the beloved classic film is coming to Segerstrom Center for the Arts this holiday season. Bring your loved ones for a heart-warming celebration of Americana from December 13 through January 1 in Segerstrom Hall. Tickets start at \$20.
- Ring in the New Year at the OC Fair New Year's Eve Block Party from 7:30 p.m. to 1:30 a.m., featuring a courtyard full of gourmet food trucks, a casino, carnival rides and four stages of tribute bands covering four decades of music. Tributes to U2, The Cure, David Bowie, Elton John, Jim Morrison and more. You can get tickets online or at the gate.

City Hall will be closed for the holidays from December 26 through December 30.