



# City of Costa Mesa Council Agenda

## TUESDAY, SEPTEMBER 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

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 Augustine Puchner, Saint John the Baptist Catholic 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** Recognition to James Zillman – Costa Mesa Summer Junior Tennis Classic Boys' 16 singles winner

Recognition to the Costa Mesa Cobras Girls Soccer Team

**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 13.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

- (a) Claims received by the City Clerk: Darryl J. Paul on behalf of Dennis D'Alessio and D'Alessio Investments, LLC; Nancy DeAinza; Jaime Dexter; Edward M. Murphy, II on behalf of Mark D. Olson; Edward M. Murphy, II on behalf of Karen E. Sullivan-Olson.
- (b) Requests for Alcohol Beverage Control licenses: Hamamori Restaurant & Sushi Bar, Shark Club, Vons, Romans Market & Mexican Food, and Iron Press Incorporated.

- (c) Letters of Notification: Southern California Edison Company (U-338-E)'s Application for Approval of its Forecast 2012 Energy Resource Recovery Account (ERRA) Proceeding Revenue Requirement (Application No. 11-04-002); Southern California Edison Company's Application for Approval of 2009 Energy Efficiency Incentive and Funding Requests, A.11-06-027; Southern California Gas Company Notice of Proposed Change in Gas Rates, Pipeline Safety Rulemaking Implementation Plans, Rulemaking No. R.11-02-019.

Minutes

- 2. Regular Adjourned/Study Session meetings of May 11, 2010 and February 8, 2011, and regular meeting of November 16, 2010.

**Recommendation: Approve**

Warrants

- 3. [WARRANT RESOLUTION 2381: 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 \\$711,670.34.](#)

**Recommendation: Approve**

- 4. [WARRANT RESOLUTION 2382: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-16 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-16 for \\$2,253,683.68, and City operating expenses for \\$435,007.48, including payroll deductions.](#)

**Recommendation: Approve**

- 5. [WARRANT RESOLUTION 2383: 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 \\$647,680.64.](#)

**Recommendation: Approve**

6. [WARRANT RESOLUTION 2384: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-17 AND PAYROLL REGISTER NO. 11-16A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-17 for \\$2,150,310.99, and Payroll No. 11-16A for \\$1,075.15, and City operating expenses for \\$528,328.49, including payroll deductions.](#)

**Recommendation: Approve**

7. [WARRANT RESOLUTION 2385: 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 \\$320,122.41.](#)

**Recommendation: Approve**

Administrative Actions

8. [Professional Services Agreement with All City Management Services \(ACMS\), 10440 Pioneer Boulevard, Suite #5, Santa Fe Springs, for crossing guard services at an hourly compensation rate of \\$13.49, for a one \(1\)-year term beginning September 6, 2011 through September 6, 2012, with the option of four \(4\) additional one \(1\)-year extensions.](#)

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

9. [Adopt plans and specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 11-08, and award a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, in the amount of \\$338,145.](#)

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

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY \(DHS\).](#)

**Recommendation: Adopt resolution**

- (a) Budget Adjustment No. 12-003 for \$255,556.

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

- 11. [Amendment of Substantial Amendment for Community Development Block Grant \(CDBG-R\) Program.](#)

- (a) Amendment to the 2008-2009 Annual Action Plan Substantial Amendment for the reprogramming of \$20,300 in CDBG-R funds for the Large Item Disposal Program.

**Recommendation: Approve**

- 12. [Engagement Letter with Jones Day for legal services in connection with Costa Mesa Employees Association v. City of Costa Mesa \(Case No. 30-201100475281\).](#)

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

- 13. [Engagement Letter with HansonBridgett for legal services in connection with the outsourcing of certain municipal services.](#)

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

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

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

- 1. [PUBLIC HEARING: Planning Application PA-11-03, for Kevin Coleman, for a conditional use permit to install a 40-foot long by 40-foot wide helipad/helistop on the roof of an existing industrial building located at 3132 Airway Avenue. Environment determination: Exempt.](#)

**Recommendation: Continue public hearing to October 4, 2011**

2. [PUBLIC HEARING: General Plan Amendment GP-11-01/Rezone R-11-01/Planning Application PA-11-06/Tentative Tract Map No. 17423 for a 33-Unit Residential Common Interest Development at 2626 Harbor Boulevard.](#)

**Recommendation: Approve**

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT GP-11-01 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 2626 HARBOR BLVD.

**Recommendation: Adopt resolution**

- (b) 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: Introduce ordinance for first reading, to be read by title only, and waive further reading**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP 17423 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BOULEVARD.

**Recommendation: Adopt resolution**

3. [PUBLIC HEARING: Recommended allocation of funds for the 2011-2012 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Fund \(COPS/SLESF\).](#)

**Recommendation: Approve**

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

1. [Urban Master Plan UMP-11-02 screening request for six \(6\) detached single-family residences at 2070 Maple Avenue.](#)

**Recommendation: Provide direction**

2. [Participation in Voluntary Alternative Redevelopment Program.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ELECTING TO SERVE AS A SUCCESSOR AGENCY UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN THE EVENT THE AGENCY IS REQUIRED TO BE DISSOLVED; AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, DECLARING ITS INTENTION TO ENACT AN ORDINANCE WHEREBY THE CITY ELECTS TO PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM SET FORTH IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

**Recommendation: Adopt resolution**

- (c) AN ORDINANCE OF THE CITY OF COSTA MESA, ELECTING TO COMPLY WITH AND PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM CONTAINED IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH & SAFETY CODE.

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

3. [Public Employees Retirement System \(PERS\) update presentation](#)

**Recommendation: Receive and file**



4. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADDING CHAPTER XII OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EX PARTE COMMUNICATION DISCLOSURES AND TRANSPARENCY.](#)

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

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. 4:

**Received September 6, 2011:**

1. [Ex parte contact disclosure form for Council](#)

5. [Homeless Task Force Update.](#)

**Recommendation:** Receive and file

6. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DIRECTING THE CITY CEO TO PLACE SIGNS AT CERTAIN CITY-OWNED PROPERTIES WARNING AGAINST THE ENVIRONMENTAL DANGERS OF AMALGAM DENTAL FILLINGS.](#)

**Recommendation:** Adopt resolution

7. [Request from KOCI Radio for \\$5,655 to purchase and install an Emergency Alert System.](#)

**Recommendation:** Approve

8. [Approval of Request for Proposal \(RFP\) Evaluation Process with regards to outsourcing.](#)

**Recommendation:** Approve

9. [Status Update on Contracting Committees.](#)

**Recommendation:** Receive and file

10. [Departmental Reorganization](#)

**Recommendation: Approve the following staff recommended changes to the organizational structure:**

1. Information Technology Division become a division within the Finance Department;
2. Recreation Division become a division within the Public Services Department;
3. Human Resources/Risk Management Division become of a division within the CEO Department;
4. A new Communications and Marketing Division be created within the CEO Department;
5. The Central Services Section become a section within the Communications, Marketing and Community Affairs Division of the CEO Department;
6. The Housing and Community Development Division become a Division of the Development Services Department;
7. Eliminate the current vacant positions of Administrative Services Director, Human Resources Administrator - Risk Management, and Budget and Research Officer;
8. Reclassify the following existing positions:
  - a. Finance Director to Finance and Information Technology Director
  - b. Human Resources Administrator in Human Resources to Human Resources Manager
  - c. Human Resources Analyst IN Risk Management to Principal Human Resources Analyst in Risk Management; and
9. Create and fund the following new positions:
  - a. Public Affairs Manager - Communications and Marketing in the CEO Department
  - b. Public Affairs Manager – Community Affairs and Special Events in the CEO Department
  - c. Budget Analyst in the Finance Department
  - d. Executive Secretary (Confidential) - City Council Office to support workload and communications of five City Council members
  - e. Executive Secretary (Confidential) - the CEO Department to support the workload of the Assistant CEO, Communication & Marketing staff, Community Affairs and Special Events staff, Management Analyst and support for City Attorney’s Office.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
4. Pursuant to California Government Code Section 54957, Public Employment: Senior Engineer; Request for Special Leave of Absence.

5. Pursuant to California Government Code Section 54957, Public Employment: Firefighter; Request for Special Leave of Absence.

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to September 13, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: September 20, 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**

**SEPTEMBER 2011**

Costa Mesa Remembers - A memorial event to mark the 10th anniversary of the September 11, 2001, terrorist attacks will be held from 9:00 a.m. to 11:00 a.m. , Sunday, September 11, 2011, at the Army Reserve Base at 2651 Newport Blvd., in Costa Mesa.

- The day will feature local police officers, firefighters and military personnel, speakers, patriotic music by Dan Krikorian and a banner to sign that will be sent to 1/5 Afghanistan and Firehouse in New York City. Items will also be collected and sent to our troops overseas. For more information please visit the city's website.

Woodbridge Invitational at Estancia High School , to be held Friday, September 16, 2011, at 5:00 p.m. and on Saturday, September 17, 2011, at 4:00 p.m. - 10,000 High School Cross Country Runners competing for regional championship.

Early California Days at the Adobe - Costa Mesa Historical Society  
Sunday, September 18, 2011, from 12:00 p.m. to 4:00 p.m. \*Free Admission\*Tamales from TACO MESA. Located at Diego Sepulveda Adobe Estancia Park, 1900 Adams Avenue at Mesa Verde Drive West, Costa Mesa, CA 92626.

## City Council Agenda – September 6, 2011

Costa Mesa Senior Center Fundraiser – Spaghetti Dinner - \$10.00. Friday, September 9, 2011, from 5:30 p.m. to 7:00 p.m. and Friday, September 9, 2011, from 5:30 p.m. to 7:00 p.m., at 659 W. 19<sup>th</sup> Street, Costa Mesa.