



City of Costa Mesa Council Agenda

TUESDAY, JULY 17, 2012

Eric R. Bever
Mayor

Jim Righeimer
Mayor Pro Tem

Stephen Mensinger
Council Member

Wendy Leece
Council Member

Gary Monahan
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

Economic and Development
Services Director Peter Naghavi

Public Services Director
Ernesto Munoz

Interim City Clerk
Brenda Green

Council Chambers, 77 Fair Drive 5 p.m. – Closed Session and 6 p.m. – Regular Meeting of the City Council and Successor Agency to the Costa Mesa Redevelopment Agency

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 are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers 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].

CLOSED SESSION 5 p.m.

Please note that if there are not any closed session items listed, the City Council will convene at its regular meeting time of 6 p.m. If there are closed session items, the City Council will recess to Conference Room 1B for Closed Session at the conclusion of public comments.

ROLL CALL

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 minutes to speak.

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 Association (CMPA), 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 anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one case.

3. Request for Special Leave of Absence: Public Employee, pursuant to California Government Code Section 54957.

**RECONVENE REGULAR MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY
6 p.m.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Wendy Leece

**MOMENT OF SOLEMN
EXPRESSION**

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker. To view a copy of the policy or to volunteer to provide the moment of solemn expression at a future meeting, please contact the City Clerk's office.]

ROLL CALL

CLOSED SESSION REPORT

ANNOUNCEMENTS

There's always something happening in Costa Mesa!

The mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

Please refer to the last page of the agenda for a detailed list of announced events and activities.

PRESENTATIONS

Employees of the Month – Dane Bora and Brad Long

Certificate of Recognition – Meah Collins

"Salute to Heroes" Video-OC Fair

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 minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three minute per speaker time limit may be extended for good cause by the mayor or by majority vote of City Council.

Questions and comments made by public speakers may be addressed by the City 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.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 8

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Request for Alcohol Beverage Control license: ARC Restaurant, 3321 Hyland Avenue, Suite F, Costa Mesa, California; Thai Tastee, 560 West 19th Street, Unit C, Costa Mesa, California.

Minutes

2. [Regular Adjourned Meeting/Study Session of January 11, 2011](#); and [Regular Adjourned Meeting/Study Session of March 8, 2011](#).

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2428: 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 \\$1,135,672.59.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2429: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-14 AND PAYROLL REGISTER NO. 12-13A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-14 for \\$2,078,985.73 and Payroll No. 12-13A for \\$1,059.89, and City operating expenses for \\$728,882.11, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

5. [Traffic Mitigation Agreement with Newport Banning Ranch, LLC, 1300 Quail Street, Suite 100, Newport Beach, California, for mitigation of traffic impacts associated with the proposed Newport Banning Ranch Project within the sphere of influence of the City of Newport Beach.](#)

Recommendation: Approve; authorize the City Chief Executive Officer to sign

6. [Adopt plans and specifications, and working details for Corporation Yard Fire Damage Restoration at 2310 Placentia Avenue, Costa Mesa, City Project No. 12-11, and award a construction contract to St. George Construction, Inc., 7839 Adwen Street, Downey, California, in the amount of \\$177,699 \(base bid plus additive bid item No. A-1\).](#)

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

- (a) Budget Adjustment No. 13-003 in the amount of \$177,699.

Recommendation: Approve

7. [Cooperative Agreement No. D11-066 with the County of Orange; the Orange County Flood Control District; the Cities of Irvine, Laguna Hills, Laguna Woods, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin; the Irvine Water Ranch District; the Irvine Company; and Lennar Homes of California, Inc., for funding of Nutrient, Fecal, Coliform and Toxics Total Maximum Daily Load \(TMDL\) studies in the Newport Bay Watershed for a three-year term with the option of extending for one additional three-year term.](#)

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

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADJUSTING THE RATES OF PAY FOR POLICE RESERVE OFFICER.](#)

Recommendation: Adopt resolution

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

SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY

No items scheduled.

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

1. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTING DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS.](#)

Recommendation: Adopt resolution

OLD BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER III OF TITLE 4 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE BICYCLE PARKING REGULATIONS.](#)

Recommendation: Adopt Ordinance No. 12-5, to be read by title only, and waive further reading

NEW BUSINESS

1. [Annual performance audit work plan](#)

Recommendation: Provide direction

2. [“Go Green Program” for permit fee waivers for solar systems and electric vehicle charging stations](#)

Recommendation: Provide direction

3. [Telecommunication Technical Services \(Emergency Services Equipment\)](#)

Recommendation: Receive and file; maintain current delivery of service

4. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 2-301\(9\), 2 2-302, AND 2-304\(1\) OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE](#)

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

5. [Discussion Regarding Possible Business License Tax Increase](#)

Recommendation: Provide direction to staff regarding Council’s desire to establish and propose a Business License Tax Ballot Measure for the November 6, 2012 general election at a July 24, 2012 Special Meeting

REPORT – City Attorney

ADJOURNMENT – Adjourn to July 24, 2012 at 4:30 p.m. for a Special Meeting. Next Regular City Council Meeting: August 7, 2012 6:00 p.m.

Note regarding agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection during normal business hours at the City Clerk’s Office at City Hall, located at 77 Fair Drive, 1st Floor, Costa Mesa. In addition, such writings and documents may be posted—whenever possible or as part of the agenda—on the city’s website at www.costamesaca.gov.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

JULY 2012

- Concerts in the Park will be held each Tuesday in July at Fairview Park. The event takes place from 5:30 to 7:45 p.m.
- Free movie Mondays are back at Segerstrom Center for the Arts through August 6. Set-up begins at 5:30 and movie begins at dusk. Guests should bring portable seating.
- Free 80’s Movie Nights at The Camp taking place during July at The Treehouse. Dressing in 80’s attire is requested.
- The 2012 OC Fair runs Wednesday through Sunday until August 12.
- SOBEGA Summer Sounds Series begins July 1 at The Lab. There will be two stages featuring live music. For details, e-mail janet@thelab.com or mark@planetrecords.com.

City Council Agenda – July 17, 2012

- The Fair Housing Foundation will host a Landlord Workshop on Tuesday, July 31st, 3 – 5 p.m. at the Neighborhood Community Center. RSVP to (800) 446-3247, free workbook for those that RSVP.