



City of Costa Mesa Council Agenda

TUESDAY, AUGUST 7, 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
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 or other electronic devices 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

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

CALL TO ORDER Mayor Eric R. Bever

PLEDGE OF ALLEGIANCE Council Member Stephen Mensinger

**MOMENT OF SOLEMN
EXPRESSION** Senior Pastor Rod Randall, Harbor Trinity Baptist Church

[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

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 not listed on the agenda. The three minute per speaker time limit may be extended for good cause by the mayor or by a majority vote of City Council.

Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the Chief Executive Officer during the CEO's Report. 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>.

SPEAKERS: FOR THE PURPOSE OF ACCURATE RECORDING OF THE OFFICIAL MINUTES, PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND SUBMIT TO THE CITY CLERK.

PLEASE NOTE:

- YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.
- GREEN FORM IS FOR ITEMS LISTED ON THE AGENDA. PLEASE FILL OUT A SEPARATE SPEAKER CARD FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 15

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Toufan Blinsly Hedjazi.
- (b) Requests for Alcohol Beverage Control licenses: Surf as Orange County Inc. dba Surf as Culinary District, 3309 Hyland Avenue, Suite E; Mastros Restaurants LLC dba Mastros Steakhouse, 633 Anton Boulevard; Andre Boudin Bakeries Inc. dba Boudin Bakery, 901 South Coast Drive, Suite N-100; Ashford TRS CM LLC dba Costa Mesa Hilton, 3050 Bristol Street; Shandilya Enterprise Inc. dba Jons Liquor, 2790 Harbor Boulevard, Suite 101 and 102.
- (c) Letter of Notification: Southern California Edison, Application for Approval of Energy Efficiency and Demand Response for Integrated Demand Side Management Programs and Budgets for 2013-2014, Application No. A.12-07-004.

Minutes

- 2. [Special Joint Meeting of June 12, 2012; Regular Meeting of July 3, 2012; Regular Adjourned Meeting/Study Session of July 10, 2012; Special Meeting of July 25, 2012; Regular Meeting of July 17, 2012; and Special Meeting of July 31, 2012.](#)

Recommendation: Approve

Warrants

- 3. [WARRANT RESOLUTION 2430: 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 \\$2,203,354.83.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2431: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-15 AND PAYROLL REGISTER NO. 12-14A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-15 for \\$2,122,630.56 and Payroll No. 12-14A for \\$2,137.04, and City operating expenses for \\$1,005,427.14, including payroll deductions.](#)

Recommendation: Approve

5. [WARRANT RESOLUTION 2432: 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 \\$1,066,227.71.](#)

Recommendation: Approve

Administrative Actions

6. [Professional Services Agreement with West Coast Arborists, Inc., 2200 East Via Burton Street Anaheim, California, for tree maintenance services for a term of five years in an amount not to exceed \\$420,000 annually.](#)

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

7. [Professional Services Agreement with Legacy Inmate Communications, 10833 Valley View Street, Suite 150, Cypress, California, for the inmate telephone system in the jail for a term of five years in an amount based on the commission rate of 55 percent.](#)

Recommendation: Approve

8. [Cooperative Agreement with the County of Orange, OC Community Resources, OC Public Libraries, 1501 East Saint Andrew Place, Santa Ana, California, for the funding of the Beam Replacement Project at Costa Mesa Donald Dungan Library, 1855 Park Avenue.](#)

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

9. [Authorize refund of cash deposit in the amount of \\$7,000 to PMC Concrete Contractors, 1730 Pomona Avenue, #13, Costa Mesa, California, in connection with Encroachment Permit No. PS12-00059 for street improvements at 2945 Airway Avenue.](#)

Recommendation: Approve

10. [Authorize refund of cash deposit in the amount of \\$9,457 to J G Construction, 15362 East Prado Road, Chino, California, in connection with Encroachment Permit No. PS12-00206 for street improvements at 290 Bristol Street.](#)

Recommendation: Approve

11. [Authorize refund of cash deposit in the amount of \\$14,077 to PGMC Inc., Post Office Box 5183, Culver City, California, in connection with Encroachment Permit No. PS11-00506 for street improvements at 1512 Bristol Street.](#)

Recommendation: Approve

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE BRENTWOOD PARK PHASE III DEVELOPMENT PROJECT.](#)

Recommendation: Adopt resolution

13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE SOUTH FAIRVIEW PARK IMPROVEMENT PROJECT.](#)

Recommendation: Adopt resolution

14. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ANAHEIM/SUPERIOR STORM WATER MITIGATION PROJECT.](#)

Recommendation: Adopt resolution

15. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK NORTH BLUFF HABITAT RESTORATION AND SLOPE STABILIZATION PROJECT.](#)

Recommendation: Adopt resolution

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

SUCCESSOR AGENCY TO THE 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, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 164 FLOWER STREET.](#)

Recommendation: Adopt resolution ordering the vacation and authorize the Mayor and Interim City Clerk to sign the Quitclaim Deed; authorize Interim City Clerk to record the Quitclaim Deed

OLD BUSINESS

1. [Continued from the meeting of July 17, 2012, 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

2. [Request for rehearing by Council Member Leece of the determination made at the meeting of July 17, 2012 regarding the Newport Beach Banning Ranch traffic mitigation agreement.](#)

Recommendation: Approve or deny request

NEW BUSINESS

1. [Urban Master Plan UMP-12-03 screening request for five \(5\) detached single-family residences at 1856 Placentia Place and 791 Center Street.](#)

- [Supplemental memo](#)

Recommendation: Provide direction

2. [Appointment for vacancy on the Planning Commission.](#)

Recommendation: Appoint member

3. [Military Banner Program.](#)

Recommendation: Provide direction

REPORT – City Attorney

ADJOURNMENT – Adjourn to August 14, 2012 at 4:30 p.m. for a Regular Adjourned Meeting/Study Session. Next Regular City Council Meeting: August 21, 2012.

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

AUGUST 2012

- 2012 OC Fair runs Wednesday through Sunday until August 12.
- Costa Mesa Police Department and Target Store are hosting the 2012 National Night Out on Tuesday, August 7 from 5 to 9 p.m. at the Target parking lot at 3030 Harbor Blvd.
- Free Tax Seminar for nonprofit and exempt organizations, hosted by Vice Chair of the California State Board of Equalization Michelle Steel and the City of Costa Mesa will be held on Thursday, August 16, from 9 a.m. to 4 p.m. at the Costa Mesa Neighborhood Community Center located at 1845 Park Avenue. To register and for more information, visit www.boe.ca.gov/sutax/nonprofitsched.htm or call (888) 847-9652.
- 2012 Costa Mesa Restaurant Week – August 17 through 24 at various restaurants throughout the city. For more information and a list of participating restaurants, www.travelcostamesa.com/costa-mesa-restaurant-week/.
- Costa Mesa Cultural Arts Committee is hosting a free art show on Saturday, August 25 at Estancia Park from 10 a.m. to 2 p.m. Come and enjoy youth and family activities, as well as Costa Mesa nonprofit youth visual and performing arts.