



City of Costa Mesa Council Agenda

TUESDAY, MAY 17, 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 Wendy Leece

MOMENT OF SOLEMN EXPRESSION Pastor Michael Decker, Palm Harvest 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 Mayor's Award – Mary Ellen Goddard

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 8.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Special Study Session of April 26, 2011 and regular meeting of May 3, 2011.

Recommendation: Approve

Warrants

3. [Warrant Resolution 2368, funding Payroll No. 11-09 for \\$2,161,211.68, and Payroll No. 11-08A for negative \\$265.95, and City operating expenses for \\$471,849.95, including payroll deductions.](#)

Recommendation: Approve

4. [Warrant Resolution 2369, funding City operating expenses for \\$523,709.66.](#)

Recommendation: Approve

Administrative Actions

5. [Agreement with Orange County Transportation Authority \(OCTA\) for the Senior Mobility Program.](#)

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

6. [Amendment to the lease agreement with the Newport-Mesa Unified School District for waiver of the lease agreement payment for Fiscal Year 2010-2011 relative to the use of the Balearic Community Center.](#)

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

7. [Completion of Construction on I-405 Freeway and Fairview Road at the I-405/Fairview Road Interchange, Federal Project No. ESPLE-5312 \(071\), City Project No. 09-18, by Sierra Landscape Company, Inc., 73771 Dinah Shore Drive, Suite 200, Palm Desert.](#)

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

8. [Amendment to the Public Services Agreement with Management Partners for the term ending March 1, 2012, for additional interim management services work and to provide for an Interim Administrative Services Director, in an amount not to exceed \\$145,000.](#)

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

[- Amendment to PSA](#)

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

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

1. [PUBLIC HEARING: From the meeting of April 5, 2011, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING FEES FOR THE RECREATION ON CAMPUS FOR KIDS PROGRAM.](#)

Recommendation: Adopt resolution

2. [PUBLIC HEARING: From the meeting of April 19, 2011: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING SCHEDULES OF RATES, FEES, AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA POLICE DEPARTMENT FOR SPECIAL/COMMUNITY EVENTS.](#)

Recommendation: Continue public hearing to June 7, 2011 at 7:00 p.m.

3. [PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-31 A1, located at 1151 Gleneagles Terrace, for an amendment to minor conditional use permit for a previously-approved bedroom/bathroom addition and a covered deck that encroaches into the required setback from the bluff crest \(10 ft. setback required; up to 10 ft. extending past bluff crest approved\) to allow: \(1\) 18 in. deep eaves on the sides of the patio cover that extends past the bluff crest \(no eaves previously shown\); \(2\) the bedroom/bathroom addition to encroach further into bluff crest setback \(5 ft. setback from the bluff crest approved; 4 ft. 3 in. setback proposed\); \(3\) fireplace and solid wall \(including support post\) to extend past the bluff crest \(4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved\); and \(4\) additional roof height for both the patio cover \(14 ft. 6 in. proposed; 12 ft. 6 in. approved\) and bedroom/bathroom addition \(13 ft. 6 in. proposed; 12 ft. 6 in. approved\). Environmental Determination: Exempt.](#)

[Letter from EGA Consultants](#)

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

4. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ORDERING THE VACATION OF SAINT CLAIR STREET RIGHT-OF-WAY AT 766 SAINT CLAIR STREET.](#)

OLD BUSINESS

1. [From the meeting of May 3, 2011, AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING FIREWORKS SALES; by extending the days for selling and discharging Fireworks within the City.](#)

Recommendation: Adopt Ordinance No. 11-6, to be read by title only, and waive further reading

NEW BUSINESS

1. [I-405 Improvement Project.](#)

Recommendation: Provide direction

2. ~~Reward Policy for information leading to the apprehension, arrest, and conviction of person(s) making threats of physical harm to the City, its residents, its employees, officials (both elected and appointed), and City property~~

Recommendation: Withdrawn

3. [Business Improvement Area \(BIA\) Reauthorization](#)

- (a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2011-2012.

Recommendation: Approve

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2011-2012 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

Recommendation: Adopt resolution reauthorizing the BIA Assessment District boundaries; approval of the BIA Budget; and setting the Public Hearing date for June 7, 2011 at 7:00 p.m.

4. [Costa Mesa Community Foundation Request to sell Wine and Beer at the 2011 Concerts in the Parks Series.](#)

Recommendation: Approve request

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 anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 – (one case).

CLOSED SESSION REPORT

ADJOURNMENT – Next Regular City Council Meeting: June 7, 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

MAY/JUNE 2011

- Thursday, May 19th at 5:30 p.m. a Grand Opening and ribbon cutting event will be held for the opening of Costa Mesa's newest branch of UnionBank in the Mesa Verde Shopping Center
- Friday, May 20th at 6:00 p.m. the Orange County Skateboarding League Competition opens at Volcom Skate Park
- Saturday, May 21st, from 9:00 – 10:30 a.m. Assemblyman Allan Mansoor will hold a Newport Mesa Community Coffee at the Neighborhood Community Center
- Saturday, May 21st the Epilepsy Support Network of Orange County will hold its annual awareness walk for Epilepsy at TeWinkle Park. The will include a non-competitive walk around the carnival beginning at 8:30 a.m. followed by a fun carnival for children, silent auction and a BBQ lunch. For further information visit their website at www.EpilepsySupportNet.org or call 714-916-0456
- Saturday & Sunday, May 28th & 29th, The United Scottish Society will hold their annual Scotsfest 2011 at the Orange County Fair & Event Center. For further information, please call (310) 370-1797
- Monday, May 30th at 11:00 a.m. the 57th Annual Memorial Day Observance will be held at Harbor Lawn Memorial Park located at 1625 Gisler Avenue
- Saturday, June 4th and Sunday, June 5th, 11:00 – 8:30 p.m. the 64th Annual Lions Club Fish Fry will be held at Lions Park. For vendor and specific event information, visit their website at www.cmnhlions.com
- Saturday, June 4th and Sunday, June 5th the Work at Home Business Expo will be held at the Orange County Fair & Event Center. For further information, visit their website at www.wahbexpo.com