



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 4, 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 Chambers during the meeting. 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 Pro Tem Jim Righeimer

MOMENT OF SOLEMN EXPRESSION Pastor Dave Manne, Calvary Chapel

[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 Costa Mesa Community Run Committee Recognition

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 right corner of the home page.

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) Claim received by the City Clerk: David Haragan on behalf of EAN Holdings, LLC; Raymond Gregory.
- (b) Requests for Alcohol Beverage Control licenses: Tastebuds, 130 E. 17th Street, Suite M-P and Z Café, 3333 Bear Street, Suite 316.

Minutes

2. Regular meeting of September 6, 2011.

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2388: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-19 AND PAYROLL REGISTER NO. 11-18A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-19 for \\$2,128,843.60 and Payroll No. 11-18A for \\$1,313.79, and City operating expenses for \\$671,691.16, including payroll deductions.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2389: 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 \\$364,136.72.](#)

Recommendation: Approve

Administrative Actions

5. [Professional Services Agreement with Kabbara Engineering, 121 North Harwood Street, Orange, for design services for Alley No. 122 \(Project "A"\) and Alleys Nos. 28, 29, 30, 31 \(Project "B"\) Rehabilitation Project, in the amount of \\$61,413.](#)

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

6. [Completion of 2010-2011 Community Development Block Grant \(CDBG\) Alley Improvement Project – Bay Street Alley No. 40 \(Project “A”\) and Ford Road Alley No. 41 \(Project “B”\), City Project No. 11-02, by Golden State Constructors, Inc., 6162 Galipean Drive, Huntington Beach.](#)

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

7. ~~A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE “SELECTIVE TRAFFIC ENFORCEMENT PROGRAM.”~~

Recommendation: Withdrawn

- (a) ~~Budget Adjustment No. 12-004 for \$262,000.~~

Recommendation: Withdrawn

8. [Participation in the Orange County Chapter Trauma Intervention Program \(TIP\).](#)

Recommendation: Approve; authorize the Chief Executive Officer or his designee to sign

- (a) Budget Adjustment No. 12-005 for \$10,000.

Recommendation: Approve; authorize the Mayor to sign

9. [Request for Proposal \(RFP\) for Animal Control Services.](#)

Recommendation: Authorize staff to release the RFP

10. [Request for Proposal \(RFP\) for Street and Storm Drain Maintenance Services.](#)

Recommendation: Authorize staff to release the RFP

11. [Request for Proposal \(RFP\) for Graffiti Abatement Services.](#)

Recommendation: Authorize staff to release the RFP

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS OF THE CITY COUNCIL MEETINGS, to move the CEO Report to occur after Public Comments.](#)

Recommendation: Adopt resolution

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

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

No Public Hearings scheduled.

OLD BUSINESS

1. [From the meeting of September 20, 2011, Ordinance No. 11-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-10-06, AMENDING TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS, GRANNY UNITS, AND ACCESSORY APARTMENTS.](#)

Recommendation: Adopt Ordinance No. 11-10, to be read by title only, and waive further reading

2. [From the meeting of September 20, 2011, Ordinance No. 11-11: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AMEND TITLE 13, CHAPTER VII, ARTICLE 2, GENERAL PROVISIONS AND ARTICLE 3, SIGN REGULATIONS, OF THE COSTA MESA MUNICIPAL CODE RELATED TO SIGN REGULATIONS.](#)

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

NEW BUSINESS

1. [Statements of Qualifications for the possible selection of a qualified firm for the upgrade, operation and maintenance of the TeWinkle Park Athletic Complex.](#)

Recommendation: Provide direction

- (a) Formation of the TeWinkle Park Athletic Complex Task Force.

Recommendation: Approve

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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).

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to October 11, 2011 at 4:30 p.m. for a Study Session.

UPCOMING MEETING REMINDERS:

- Next Regular City Council Meeting: October 18, 2011.
- Special Joint Meeting of the City Council, Planning Commission and the Parks and Recreation Commission: Thursday, October 20, 2011, at 4:30 p.m., in the EOC, 99 Fair Drive.
- Special Study Session: Tuesday, October 25, 2011, at 4:30 p.m.

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

OCTOBER 2011

- October is Walk to School Month and International Walk to School Week takes place around the world the first week in October. It's an international week that raises awareness about the positive ways walking to school helps children and communities.
- On Thursday, October 6th the Public Safety Personnel Recognition BBQ will take place at the Orange County Fair & Event Center from 11:00 to 1:00 p.m. Join community businesses in honoring and recognizing Fire, Police and 911 personnel. The BBQ lunch is \$10 per person. To RSVP for the BBQ, donate a raffle prize or for sponsorships, call (714) 885-9090.
- On Sunday, October 9, the American Cancer Society 2nd Annual Orange County Event 5K Walk takes place starting at the Segerstrom Center for the Arts at 600 Town Center

Drive. For further information you may pick up a brochure in our City Hall lobby or sign up online at makingstrides.acsevents.org/orange_county

- The Costa Mesa Historical Society will host Phil Brigandi with a presentation on his book, “On My Honor: A Century of Scouting in Orange County” on Sunday, October 16. Program starts at 2:30 pm at the Historical Society’s location at 1870 Anaheim Avenue. Admission is free and refreshments will be served.
- On Saturday, October 22nd join Assemblyman Allan Mansoor for a Newport Mesa Community Coffee from 9:30 to 11:00 a.m. at the Costa Mesa Neighborhood Community Center. For questions or RSVP’s call Clinton Soffer at 714-668-2100 or email to Clinton.soffer@asm.ca.gov
- On Saturday, October 22nd at 5:30 p.m. The Costa Mesa Senior Center will host a Magic Show Fundraiser featuring Nolan the Magician. Tickets are \$25 for dinner & the show and can be purchased at the Costa Mesa Senior Center or at the door. For further information, call (949) 645-2356.
- The Costa Mesa High School Foundation presents “An Evening Under the Stars” inaugural gala on Saturday, October 22 at the Noguchi Gardens located at 633 Anton Blvd. The gala starts at 6:00 pm and will feature dining, entertainment and silent auctions items. For more information please visit their website at www.cmhs.nmusd.us/cmhsfoundation
- Please subscribe to the City of Costa Mesa’s CEO E-Briefing, a free weekly newsletter providing news and information from City Hall. You can sign up on the City’s website home page or text the word “EBRIEFING” to 22828
- And tune in each weekday for the City’s new daily video show, the “Costa Mesa Minute” available on the City’s website, Facebook page, Channel 24 for Time Warner subscribers and Channel 99 for AT&T U-Verse customers. A short clip from the Costa Mesa Minute will be shown.