



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 18, 2011

Gary Monahan
Mayor

Jim Rigeimer
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 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].

PLEDGE OF ALLEGIANCE Council Member Eric Bever

MOMENT OF SOLEMN EXPRESSION Reverend Doctor Sarah Halverson, Fairview Community 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 Southern California Edison – Partnership Plaque

County of Orange, Environmental Health – 2011 Lead Week Proclamation

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 of the home page.

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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Jose Gonzalez.
- (b) Requests for Alcohol Beverage Control licenses: Albertsons Store 6532, 2300 Harbor Boulevard, Suite C, and Fresh & Easy Neighborhood Market, 1835 Newport Boulevard, Suite C140.

Minutes

2. Regular meeting of September 6, 2011 and October 4, 2011.

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2390: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-20 AND PAYROLL REGISTER NO. 11-19A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-20 for \$2,114,889.64 and Payroll No. 11-19A for \$442.43, and City operating expenses for \$690,012.11, including payroll deductions.

Recommendation: Approve

4. WARRANT RESOLUTION 2391: 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 \$1,001,565.37.

Recommendation: Approve

Administrative Actions

5. Professional Services Agreement with CNC Engineering, 1 Corporate Park, Suite 101, Irvine, for engineering services for the design of the Harbor Boulevard Rehabilitation Project between 240' south of Baker Street and 100' north of South Coast Drive (Project A), and preparation of street base maps only for Canyon Drive between Wilson Street and Victoria Street (Project B), in the amount of \$81,910.

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

6. [Professional Services Agreement with Case Land Surveying, Inc., 641 N. Eckhoff Street, Orange, for topographic survey services for the 2011-2012 citywide street maintenance and parkway maintenance programs, in an amount not to exceed \\$278,500.](#)

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

7. [Professional Services Agreement with Paragon Partners Ltd., 5762 Bolsa Avenue, Suite 201, Huntington Beach, for right-of-way appraisal and acquisition services for Harbor Boulevard Widening Project \(Project A\) and Harbor Boulevard and Adams Avenue Intersection Improvement Project \(Project B\), in an amount not to exceed \\$100,364.](#)

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

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COSTAL PROTECTION BOND ACT OF 2006 \(PROPOSITION 84\), for the Fairview Park Wetlands and Riparian Habitat Project Phase III, Outdoor Interpretive Center Project and designating the Interim Public Services Director as the City's representative.](#)

Recommendation: Adopt resolution

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

10. [Request for Proposal \(RFP\) for Signs and Marking Services.](#)

Recommendation: Authorize staff to release the RFP

11. [Request for Proposal \(RFP\) for Street Sweeping Services.](#)

Recommendation: Authorize staff to release the RFP

12. [Request for Proposal \(RFP\) for Emergency Services Equipment.](#)

Recommendation: Authorize staff to release the RFP

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

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

1. [Annual review of the Citywide Traffic Impact Fee Program](#)

- (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the recommendations by staff and the Traffic Impact Fee Ad Hoc Committee to continue the current traffic impact fee of \$181 per Average Daily Trip (ADT), continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips, and approve the annual accounting of the Citywide Traffic Impact Fee Program.

Recommendation: Approve; authorize the Mayor to sign

OLD BUSINESS

1. From the meeting of September 6, 2011, Ordinance No. 11-8: 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: Adopt Ordinance No. 11-8, to be read by title only, and waive further reading

NEW BUSINESS

1. [Appointments to various Council-appointed committees.](#)

Attachment 1: [List of committees and applicants](#)

Attachment 2: [Committee rosters and applications](#)

Attachment 3: [Council Policy 000-2](#)

a. Cultural Arts Committee

Recommendation: Appoint member(s)

b. Historical Preservation Committee

Recommendation: Appoint member(s)

c. Investment Oversight Committee

Recommendation: Appoint member(s)

d. Redevelopment and Residential Rehabilitation (3R) Committee

Recommendation: Appoint member(s)

e. Costa Mesa Senior Center Board of Directors

Recommendation: Appoint member(s)

2. [City Council meeting action minutes.](#)

Recommendation: Provide direction

3. [Responses to financial review conducted by Harvey M. Rose Associates, LLC.](#)

Recommendation: Provide direction

4. [Results of payroll audit conducted by Lance, Soll, Lunghard, LLP.](#)

Recommendation: Receive and file

5. Police helicopter program presentation.
6. [Staff hiring procedures.](#)

Recommendation: Receive and file

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

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 existing litigation: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.

4. Conference with legal counsel regarding existing litigation: Asociacion de Jornaleros de Costa Mesa, et al., v. City of Costa Mesa, United States District Court Case No.: SACV 10-00128-CJC (RNBx), pursuant to Government Code Section 54956.9(a).

CLOSED SESSION REPORT

ADJOURNMENT – Next Regular City Council Meeting: November 1, 2011.

UPCOMING MEETING REMINDERS:

- 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/NOVEMBER 2011

- 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 e-mail to Clinton.soffer@asm.ca.gov

City Council Agenda – October 18, 2011

- 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 and the show, and can be purchased at the Costa Mesa Senior Center or at the door. For further information, call (949) 645-2356. Please note that this event may be cancelled if there is not enough interest.
- The Costa Mesa High School Foundation presents “An Evening Under the Stars” an 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
- On Friday, October 28, the 1st Battalion, 5th Marine Support Group are hosting a pre-release showing of the documentary “Patrol Base Jaker” at the Triangle Square Cinemas in Costa Mesa at 7:00 p.m. on Oct. 28. “Patrol Base Jaker” follows the deployment of the 1st Battalion 5th Marines (1/5) during its tour of duty in Afghanistan. Tickets for the movie are \$25 with a popcorn and soda included or \$20 for film only. Proceeds will go to support the “Socks for Heroes” programs as well as the 1/5 Support Group. For more information, please visit www.costamesaca.gov/patrolBaseJaker.htm
- On Saturday, October 29th from 11:00-5:00 join the fun at the Halecrest Park’s Fall Festival. Costa Mesa High School and Estancia High School will be hosting food and game booths as well as crafts and a chili contest. Bring your children in their Halloween costumes to trick or treat. Location is 3124 College Avenue. For further information, call 714-557-7234.
- On Sunday, October 30th from 8:00-11:00 South Coast Plaza presents Pumpkins and Pancakes to benefit Orange County children’s charities. The event will feature characters, holiday crafts, a petting zoo and more! To RSVP and for further information visit www.southcoastplaza.com/pumpkins
- On Wednesday, November 2nd from 9:00 a.m. to 3:00 p.m., the City will hold an American Red Cross Blood Drive in the Police Department Emergency Operations Center (EOC). To schedule your appointment or for further information, call (714) 754-5156 or sign-up online at www.RedCrossBlood.org and use sponsor code: cmpolice. Donors must show photo ID to donate blood.
- On Sunday, November 6th at 8:30 a.m. at Fairview Park, there will be a 2 Million Dogs Puppy Up! Walk to raise money for canine cancer research. There will be presentations, games, a bazaar and a Vet on site. Pre-register for the walk by November 3rd for \$20 or on the day of the event for \$25. Register online at www.2milliondogs.org.