



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 1, 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 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 Wendy Leece

MOMENT OF SOLEMN EXPRESSION Father Tashjian, St. Mary Armenian 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 OC Skateboard League

I-405 Freeway Improvement Project - OCTA Update

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 10

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Jose Oscar Cano; Marc Lazarus on behalf of Madeline Hansen; Alison Nguyen; Theresa Thomas

Minutes

2. Regular meeting of October 18, 2011.

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2392: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-21 AND PAYROLL REGISTER NO. 11-20A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-21 for \\$2,077,007.72 and Payroll No. 11-20A for \\$308.49, and City operating expenses for \\$1,203,090.20, including payroll deductions.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2393: 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 \\$1,608,955.13.](#)

Recommendation: Approve

Administrative Actions

5. [Amendment to Professional Services Agreement with Siemens Building Technologies, Inc., 10775 Business Center Drive, Cypress, to extend the contract from November 1, 2011 through January 31, 2012, for an amount not to exceed \\$50,000.](#)

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

6. [Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant \(JAG\) funds for fiscal year 2011-2012.](#)

Recommendation: Approve

- (a) Budget Adjustment No. 12-007 for \$25,102

Recommendation: Approve; authorized the Mayor to sign.

- 7. [Request for Proposal \(RFP\) for Fleet Maintenance.](#)

Recommendation: Authorize staff to release the RFP

- 8. [Request for Proposal \(RFP\) for Reprographics.](#)

Recommendation: Authorize staff to release the RFP

- 9. [Request for Proposal \(RFP\) for Graphic Design.](#)

Recommendation: Authorize staff to release the RFP

- 10. [Request for Proposal \(RFP\) for Dispatch Services.](#)

Recommendation: Authorize staff to release the RFP

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

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

- 1. [PUBLIC HEARING: Continued from the meeting of September 6, 2011, Planning Application PA-11-03, for Kevin Coleman, for a conditional use permit to install a 40-foot long by 40-foot wide helipad/helistop on the roof of an existing industrial building located at 3132 Airway Avenue. Environment determination: Exempt.](#)

Recommendation: Continue to the meeting of March 6, 2012, as requested by the applicant

2. [PUBLIC HEARING: Review of Planning Commission’s determination regarding Planning Application PA-11-22, for Peak West Development LLC, for a design review with a variance from maximum number of stories and building height \(2 stories/27 ft. max. allowed; 3 stories/44 ft. proposed\) and deviation from the city’s residential design guideline for 2nd and 1st floor ratio \(80% maximum recommended; 86% proposed\) for a new 23,109 square-foot community building with below-grade parking for tenants of both Villa Venetia and Pine Brook Village Apartments in an R3 \(Multiple-Family Residential District\) Zone. This is a revised submittal from the previously proposed building height of 61 ft. under Planning Application PA-11-15. Environmental Determination: Exempt.](#)

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

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER V OF TITLE 8 AND SECTION 12-20 OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SMOKING IN CITY PARKS, SPORTS FACILITIES AND COMMUNITY GARDENS.](#)

Recommendation: Introduce ordinance for first reading, to be read by title only, and waive further reading. Second reading scheduled for November 15, 2011.

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

No Old Business scheduled.

COUNCIL MEMBERS’ REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Eric Bever
2. Council Member Wendy Leece
3. Council Member Stephen Mensinger
4. Mayor Gary Monahan

5. Mayor Pro Tem Jim Righeimer

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).

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to November 8, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: November 15, 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.costamesaca.gov

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

NOVEMBER 2011

- On Wednesday, November 2nd, The City of Costa Mesa and the American Red Cross will be sponsoring a Blood Drive from 9:00 AM - 3:00 PM at the Police Department's E.O.C

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Room. Bring your ID. For more information, please call 714-754-5156 or register online at www.RedCrossBlood.org use sponsor code: **cmpolice**

- 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
- On Saturday, November 5th at 8:00 a.m. the Costa Mesa Senior Center will host a “Junk in the Trunk” Flea Market and Pancake Breakfast event at the Costa Mesa Senior Center Parking Lot. Purchase tickets for the breakfast and/or to participate in the Flea Market by November 3rd at the Senior Center or call (949) 645-2356 for further information.
- The IKEA Soft Toy Campaign annual event to raise money to educate children around the world will take place from November 1st through December 24th. For every soft toy, children’s book and kid’s meal combo purchased, IKEA will donate \$1 to UNICEF and Save the Children. You can also purchase the soft toy and donate it to the Costa Mesa Fire Department in collaboration with Toys for Tots and Sparks of Love Organization. The donation bin will be located by the IKEA store exit.
- On Sunday, November 20th the Costa Mesa Historical Society will proudly present Pearl Harbor survivor Jack Hammett. Mr. Hammett will show a video about the attack on Pearl Harbor followed by a short talk and discussion. Doors open at 2:00 p.m. and the program will begin at 2:30. Admission is free and refreshments will be available. The Historical Society is located at 1870 Anaheim Avenue at the northwest corner of Lion’s Park. For further information call (949) 631-5918 or visit www.costamesahistory.org