



# City of Costa Mesa Council Agenda

## TUESDAY, JANUARY 17, 2012

**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].

## **CLOSED SESSION**

### **5:00 p.m.**

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6:00 p.m.

#### 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 (3) 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 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: Trinity Herbal Cooperative v. City of Costa Mesa (Case No. 30-2011 00479478); City of Costa Mesa v. D'Alessio Investments LLC (Case No. 30-2011 00468876); Orange County Directors Association v. City of Costa Mesa (Case No. 30-2010-00364374); and 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.

## RECONVENE REGULAR MEETING

### REGULAR CITY COUNCIL AGENDA

6:00 p.m.

**PLEDGE OF ALLEGIANCE** Council Member Eric Bever

**MOMENT OF SOLEMN EXPRESSION** Pastor Dale Fitch, The Lighthouse Costa Mesa

*[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

**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 7**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

- (a) Claim received by the City Clerk: David Holbrook.
- (b) Request for Alcohol Beverage Control license: El Corazon, 1875 Newport Boulevard, Suite 210.

Minutes

- 2. Regular meeting of January 3, 2012.

**Recommendation: Approve**

Warrants

- 3. WARRANT RESOLUTION 2402: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-26 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-26 for \$2,088,338.25, and City operating expenses for \$1,853,421.45, including payroll deductions.

**Recommendation: Approve**

- 4. WARRANT RESOLUTION 2403: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-01 AND PAYROLL REGISTER NO. 11-26A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-01 for \$3,799.22 and Payroll No. 11-26A for \$2,125,773.63, and City operating expenses for \$845,554.10, including payroll deductions.

**Recommendation: Approve**

Administrative Actions

- 5. [Amendment to Professional Services Agreement with Siemens Industry, Inc., 10775 Business Center Drive, Cypress, for heating ventilation and air conditioning maintenance services, and to extend the term through July 31, 2012.](#)

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

- 6. [Renewal of the Use Agreement with Harbor Soaring Society, Post Office Box 1673, Costa Mesa, for the use of a portion of Fairview Park for radio-controlled model aircraft, for a term of one \(1\)-year.](#)

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

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

**Recommendation: Receive and file**

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

**RECESS THE REGULAR CITY COUNCIL MEETING AND CONVENE TO  
THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND  
THE REDEVELOPMENT AGENCY (RDA)**

ROLL CALL

CLERK’S STATEMENT: The Redevelopment Agency Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Friday, January 13, 2012.

PUBLIC COMMENTS

AGENCY MEMBERS’ COMMENTS AND SUGGESTIONS

NEW BUSINESS

REDEVELOPMENT AGENCY

1. [A RESOLUTION OF THE COSTA MESA REDEVELOPMENT AGENCY, CITY OF COSTA MESA, CALIFORNIA, amending the Enforceable Obligation Payment Schedule \(“EOPS”\) pursuant to Section 34169\(g\) of the Health & Safety Code and the Initial Recognized Obligation Payment Schedule \(“IROPS”\) pursuant to Section 34169\(h\) of the Health & Safety Code; and transmitting the Initial Recognized Obligation Payment Schedule to the City, as successor agency.](#)

**Recommendation: Adopt resolution**

CITY COUNCIL

2. City Council of the City of Costa Mesa, California, acting as successor agency to the Redevelopment Agency, accepting transmittal of the amended Initial Recognized Obligation Payment Schedule from the Agency.

**Recommendation: Approve**

REPORTS

Agency Attorney

Executive Director

**ADJOURN THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND  
THE REDEVELOPMENT AGENCY**

**CONVENE TO THE SPECIAL JOINT MEETING OF  
THE CITY COUNCIL AND THE HOUSING AUTHORITY**

ROLL CALL

CLERK’S STATEMENT: The Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Friday, January 13, 2012.

PUBLIC COMMENTS

NEW BUSINESS

1. [Formation of Costa Mesa Housing Authority and related actions under AB X1 26 regarding Housing Assets and Functions.](#)

CITY COUNCIL

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING THAT THERE IS A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY, DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY AND DESIGNATING THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY.

**Recommendation: Adopt resolution**

HOUSING AUTHORITY

*(The actions of the Housing Authority will be considered if the Housing Authority is formed by Council action).*

- (b) A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY DESIGNATING OFFICERS OF THE HOUSING AUTHORITY, ADOPTING PERSONNEL RULES AND REGULATIONS AND A CONFLICT OF INTEREST CODE AND PROVIDING FOR THE TIME AND PLACE OF HOLDING REGULAR MEETING OF THE HOUSING AUTHORITY.

**Recommendation: Adopt resolution**

- (c) A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY, ADOPTING BYLAWS OF THE AUTHORITY.

**Recommendation: Adopt resolution**



CITY COUNCIL

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLINING TO ASSUME THE HOUSING ASSETS AND FUNCTIONS OF THE COSTA MESA REDEVELOPMENT AGENCY AND CONFIRMING THAT THE COSTA MESA HOUSING AUTHORITY WILL ASSUME THE HOUSING ASSETS AND HOUSING FUNCTIONS PREVIOUSLY PERFORMED BY THE AGENCY PURSUANT TO HEALTH & SAFETY CODE SECTION 34176.

**Recommendation: Adopt resolution**

HOUSING AUTHORITY

- (e) A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY ACCEPTING THE HOUSING ASSETS AND FUNCTIONS OF THE COSTA MESA REDEVELOPMENT AGENCY.

**Recommendation: Adopt resolution**

**ADJOURN THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND  
THE HOUSING AUTHORITY AND RECONVENE REGULAR CITY COUNCIL MEETING**

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

1. [PUBLIC HEARING: Continued from the meeting of December 6, 2011, Appeal of Planning Commission's determination regarding Development Review DR-99-22 A2, for Pacific Land Services, for the amendment of the condition of approval for Target Costa Mesa's Winter Holiday hours as follows: 12 midnight to 11 p.m. the day after Thanksgiving; and 7 a.m. to 12 a.m. thereafter until New Year's Day. Current approved holiday hours are 7 a.m. to 11 p.m. Mon. – Fri., and 8 a.m. to 11 p.m. Saturday and Sunday from the day after Thanksgiving to New Year's day. Environmental Determination: Exempt.](#)

**Recommendation: Withdrawn**

2. PUBLIC HEARING: Continued from the meeting of November 1, 2011, 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 2<sup>nd</sup> and 1<sup>st</sup> 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.

[Staff report: Part 1](#)

[Staff report: Part 2](#)

[Supplemental memo](#)

[Supplemental memo: Photos](#)

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

## OLD BUSINESS

No Old Business scheduled.

## NEW BUSINESS

1. [Request by appellant for waiver of City Council appeal fee for Development Review DR-99-22 A2 for the modification of winter holiday hours for Target Costa Mesa.](#)

**Recommendation: Consider request**

2. [Mayor's Charity Dinner.](#)

**Recommendation: Provide direction**

## 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

ADJOURNMENT – Adjourn to January 31, 2012 at 4:30 p.m. for a Special Study Session. Next Regular City Council Meeting: February 7, 2012.

**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](http://www.costamesaca.gov)

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

### JANUARY 2012

- The musical "Cats," winner of seven Tony Awards, is playing at the Segerstrom Center for the Arts and runs through January 22. For ticket information, call (714) 556-2787 or visit online at [www.scfta.org](http://www.scfta.org)
- Newport-Mesa Unified's Community Advisory Committee for Special Education is hosting a free Family Resource Fair on January 25 from 6:30 to 8:00 p.m. at Estancia High School. The event will bring together more than 40 vendors. Families are encouraged to bring their children, as the event promises to be a lot of fun. For further information, call Jacqueline Gonzalez at (949) 515-6769 or email at [jgonzalez@nmusd.us](mailto:jgonzalez@nmusd.us)
- "Topdog/Underdog" by Suzan Lori-Parks is playing at South Coast Repertory Theater through January 29. This electrifying drama about the gritty lives of street-savvy hustlers has won a Pulitzer Prize, Drama Desk Award and Tony Award. For ticket information, call (714) 708-5555 or email: [boxoffice@scr.org](mailto:boxoffice@scr.org)
- On Friday, January 20, the Costa Mesa Historical Society will host Orange County Assistant Archivist Chris Jepsen at its annual installation dinner beginning at 6 p.m. at the

Captain's Table at Orange Coast College. For ticket information, call (949) 631-5918 or visit online at [www.costamesahistory.org](http://www.costamesahistory.org)

- On Saturday and Sunday, January 21 and 22, the SoCal World Guitar Show will take place at the OC Fair & Event Center from 10 a.m. to 5 p.m. Admission is \$15 (free for children 11 and under) for what's billed as the world's largest consumer guitar show. For further information, call (714) 708-1500 or online at [www.ocfair.com](http://www.ocfair.com)