



City of Costa Mesa Council Agenda

TUESDAY, APRIL 17, 2012

Eric R. Bever
Mayor

Jim Righeimer
Mayor Pro Tem

Stephen Mensinger
Council Member

Wendy Leece
Council Member

Gary Monahan
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

Interim Development Services
Director Khanh Nguyen

Public Services Director
Ernesto Munoz

Acting Deputy City Clerk
Christine Cordon

**Council Chambers, 77 Fair Drive
5 p.m. – Closed Session and
6 p.m. – City Council and City of Costa Mesa City Council Acting as
Successor Agency to the Redevelopment Agency 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 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 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: Julie Folcik, vs. Orange County Registrar of Voters and Neal Kelley, Registrar of Voters, Orange County Superior Court Case No. 30-2012 00553905 pursuant to Government Code Section 54956.9(a).~~

Withdrawn

4. ~~Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one case.~~

Withdrawn

RECONVENE REGULAR MEETING

REGULAR CITY COUNCIL AND CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA 6 p.m.

PLEDGE OF ALLEGIANCE Mayor Pro Tem Jim Righeimer

**MOMENT OF SOLEMN
EXPRESSION** Dr. Mike Decker, Lead Pastor, 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

CLOSED SESSION REPORT

ANNOUNCEMENTS

There’s always something happening in Costa Mesa!

The Mayor will play a video clip of the “Costa Mesa Minute,” featuring 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.

PRESENTATIONS

Certificate of Recognition – Ethan Cochran

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.

COUNCIL MEMBERS’ REPORTS, COMMENTS, AND SUGGESTIONS

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

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) Claims received by the City Clerk: William K. Britten; Joe Cubeiro; Alexander Daniel; Gretchen Fry-Harvey; Roger Talbert Hammarlund, II; Jenny Milliken-Ricks; Southern California Edison; Kay Edgcomb on behalf of State Farm Insurance Companies for insured James Cole; Kay Edgcomb on behalf of State Farm Insurance Companies for insured Jenny Ricks.
- (b) Request for Alcohol Beverage Control license: Marie Callenders, 353 East 17th Street; Skosh Monahan's, 2000 Newport Boulevard.

Minutes

2. [Study Session of June 8, 2010](#); [Study Session of October 11, 2011](#); [Special meeting of March 27, 2012](#); and [Regular Meeting of April 3, 2012](#).

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2415: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-07 AND PAYROLL REGISTER NO. 12-06A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-07 for \$2,082,556.79 and Payroll No. 12-06A for \$295.20, and City operating expenses for \$665,894.21, including payroll deductions.

Recommendation: Approve

4. WARRANT RESOLUTION 2416: 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 \$1,133,758.18.

Recommendation: Approve

Administrative Actions

5. Agreement with 32nd District Agricultural Association, 88 Fair Drive, Costa Mesa, for traffic management services for the Orange County Fair from July 13, 2012 through August 12, 2012 in an amount not to exceed \$380,000.

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

6. Agreement with 32nd District Agricultural Association, 88 Fair Drive, Costa Mesa, for traffic management services for all designated interim events of the Orange County Fair and Exposition Center from April 1, 2012 through March 31, 2013 in an amount not to exceed \$70,000.

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

7. [Professional Services Agreement with Liebert Cassidy Whitmore, 6033 West Century Boulevard, 5th Floor, Los Angeles, for special legal services pertaining to employment relations matters.](#)

Recommendation: Approve; authorize the City Attorney to sign

8. [Adopt plans and specifications, and working details for Baker Street and Bear Street Intersection Improvements, City Project No. 11-10, and award a construction contract to C.T. & F., Inc., 7228 Scout Avenue, Bell Gardens, in the amount of \\$194,356.65.](#)

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

- (a) Budget Adjustment No. 12-017 for \$242,500.

Recommendation: Approve

- (b) Supplemental agreement in the amount of \$40,000.

Recommendation: Approve; authorize the City Chief Executive Officer to execute change order

9. [Orange County Transportation Authority \(OCTA\) Federal Transit Administration \(FTA\) Title VI Plan for grant funding compliance related to the construction of the Fairview Channel Multipurpose Trail project.](#)

Recommendation: Approve

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF ALLEY NO. 54A BETWEEN SANTA ANA AVENUE AND TUSTIN AVENUE, setting a public hearing on May 15, 2012 at 7 p.m.](#)

Recommendation: Adopt resolution

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

CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

No items scheduled.

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

1. [PUBLIC HEARING: Review of Planning Commission’s determination regarding Development Review DR-99-22 A3, for Pacific Land Services, to amend the condition of approval for Target Costa Mesa’s non-holiday store hours as requested: 8 a.m. to 11 p.m., seven days a week. The current approved hours are 8 a.m. to 10 p.m., seven days a week. Environmental Determination: Exempt.](#)

[Supplemental Memo](#)

Communications received:

[E-mail from Al Morelli dated April 4, 2012](#)

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

2. [PUBLIC HEARING: Amendment to Master Plan PA-02-11A, for Fairfield Residential Company, for the development of 113 for-rent residential units and a five-level parking garage \(four levels above grade, one level below grade\) on 2.46 acres of the 7.79-acre site \(Phase 3 of the previously approved 145-unit project\), located at 421 Bernard Street. Environmental Determination: Addendum to Final Environmental Impact Report \(FEIR\) No. 1050.](#)

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

[Attachment 4](#)

[Attachment 5](#)

- (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE ADDENDUM TO THE FEIR NO. 1050 AND AMENDMENT TO MASTER PLAN PA-02-11A FOR DEVELOPMENT OF 113-UNIT FOR-RENT RESIDENTIAL PROJECT AT 421 BERNARD STREET IN A PDC ZONE.

Recommendation: Adopt resolution

OLD BUSINESS

1. [From the meeting of March 6, 2012, Implementation of an annual performance audit process.](#)

Recommendation: Approve

NEW BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER XIII \(SEX OFFENDERS PROHIBITED FROM ENTERING PARKS AND SPORTS FACILITIES\) OF TITLE 11 \(OFFENSES – MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE RELATING TO SEX OFFENDERS.](#)

Recommendation: Introduce ordinance for first reading, to be read by title only, and waive further reading

2. [Rescission of layoff notices for Fire personnel.](#)

Recommendation: Receive and file; direct staff to schedule a review of the proposed fire services restructuring model at an upcoming study session; authorize staff to rescind layoff notices

REPORT – City Attorney

ADJOURNMENT – Next Regular City Council Meeting: May 1, 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

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

APRIL 2012

- Thursday, April 19, from 6 to 7:30 p.m. - OC Fair & Event Center Community Open House/Discussion at the administration building. The discussion will include the master plan for the Pacific Amphitheatre renovation. If you cannot attend, you may submit a question or comment to ocfinfo@ocfair.com.
- Friday, April 20 through Sunday, April 22 - America's Family Pet Expo at the OC Fair & Event Center. For information on admission and hours, visit petexpoc.com or call (626) 447-2222.
- Saturday, April 21 from 6 to 9 p.m. - Artist Showcase XV at Whittier Law School. Admission is free.
- Saturday, April 21 from 8 a.m. to noon - Spring Neighbors for Neighbors Community Clean-up. To donate or volunteer, contact Jacquie Reeves at (714) 754-4870.
- Saturday, April 21 at 8:30 a.m. to 1 p.m. – Re-Launch Your Business in 2012 at Chuck Jones Center for Creativity, 3321 Hyland Avenue. For more information or to RSVP, visit www.help100days.com
- The 5th annual Costa Mesa Community Run is on Saturday, April 28 with festivities starting on Friday, April 27. On Saturday the day begins with a pancake breakfast, 2K fun run, 5K run and the highly anticipated 10K run. Proceeds from this huge community effort benefit Tewinkle Middle School, Costa Mesa Middle School, Estancia High School, Costa Mesa High School and Costa Mesa Community foundations. Visit www.costamesacommunityrun.com for more information.
- Saturday, April 28 from 6 to 10 p.m. - 38th Annual Roman Feast and Charity Auction at the Oasis Senior Center in Corona Del Mar. Proceeds from the event will support Youth Employment Service of the Harbor Area, located in Costa Mesa. To learn more about the organization, please visit www.yesworks.org or for information on buying tickets to this event, call (949) 642-6474.