



City of Costa Mesa Council Agenda

TUESDAY, MAY 15, 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

Economic and Development
Services Director Peter Naghavi

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 comments, the City Council will recess to Conference Room 1B for Closed Session. If there are not any closed session items listed, the 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 minutes to speak.

CLOSED SESSION:

1. Conference with legal counsel regarding existing litigation: Orange County Directors Association, Herban Elements, Inc., Susan Lester, Medmar Patient Care Collective, Afshin Sharifi v. Julie Folcik, Kimberly Hall Barlow, City of Costa Mesa, Orange County Superior Court Case Number 30-201000364374, pursuant to Government Code Section 54956.9(a).

- 2. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, Government Code Section 54956.9(a).

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 Council Member Stephen Mensinger

MOMENT OF SOLEMN EXPRESSION Pastor Phil Eyskens, The Lighthouse in Costa Mesa Church of the Nazarene

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker. To view a copy of the policy or to volunteer to provide the moment of solemn expression at a future meeting, 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 Achievement – Jake Knapp

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 minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three minute per speaker time limit may be extended for good cause by the mayor or by majority vote of City Council.

Questions and comments made by public speakers may be addressed by the City 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. Council Member Stephen Mensinger
2. Council Member Gary Monahan
3. Mayor Eric R. Bever
4. Mayor Pro Tem Jim Righeimer
5. Council Member Wendy Leece

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 9

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Brian Steel; Kyle Taylor
- (b) Requests for Alcohol Beverage Control licenses: Rance's Chicago Pizza, 1420 Baker Street, Suite B; Vitaly, 2937 Bristol Street, Suite B100B.
- (c) Letter of Notification: Southern California Gas Company's Notice of Proposed Rate Decreases Cost of Capital Proceeding, Application No. A.12-04-017.

Minutes

2. Continued from the meeting of May 1, 2012: [Special Meeting of March 27, 2012](#); [Special Meeting of July 13, 2010](#); [Special Meeting of September 27, 2010](#); [Special Study Session of February 28, 2012](#); and [Regular Adjourned Meeting/Study Session of April 10, 2012](#); and [Regular Meeting of March 6, 2012](#).

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2419: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-09 AND PAYROLL REGISTER NO. 12-08A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-09 for \\$2,038,026.58 and Payroll No. 12-08A for \\$0, and City operating expenses for \\$586,167.87, including payroll deductions.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2420: 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 \\$674,022.91.](#)

Recommendation: Approve

Administrative Actions

5. [Professional Services Agreement with Mayer Hoffman McCann, 2301 Dupont Drive, Suite 200, Irvine, California, for annual independent financial audit services for fiscal years 2012, 2013 and 2014 in the amount of \\$135,128 with an option to extend the contract in one-year periods for a minimum of two fiscal years.](#)

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

6. [Renewal of the Memorandum of Understanding \(MOU\) with the State of California, Department of Developmental Services, Fairview Developmental Center, Office of Protective Services, for mutual aid policing beginning March 20, 2012 and for a term not to exceed five years.](#)

Recommendation: Approve; authorize the Police Chief to sign

7. [Completion of Lions Park \(Davis Field\) Sports Lighting Project at 570 West 18th Street, Costa Mesa, City Project No. 11-09, by RMF Contracting, Inc., dba R&M Electrical Contracting, 26301 Dimension Drive, Lake Forest, California.](#)

Recommendation: Accept work; authorize Acting Deputy City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven months thereafter; and exonerate the Faithful Performance Bond 12 months thereafter

8. [Continued from the meeting of May 1, 2012: 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

- 9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS OR SUBSEQUENT FEDERAL TRANSPORTATION ACT FOR BICYCLE PROJECTS IN COSTA MESA.](#)

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: Appeal and review of Planning Commission's determination regarding Zoning Application ZA-12-10, for Burnham USA, for a minor conditional use permit to modify a former credit union building with a drive-thru lane to allow a multi-tenant building with a drive-thru coffee shop and other food use, located at 450 East 17th Street in a C1 \(Local Business District\) zone. Environmental Determination: Exempt.](#)

- [ATTACHMENT 1](#)
- [ATTACHMENT 2](#)
- [ATTACHMENT 3](#)
- [ATTACHMENT 4](#)

- [ATTACHMENT 5](#)
- [ATTACHMENT 6](#)
- [ATTACHMENT 7](#)

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

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ALLEY NO. 54A RIGHT-OF-WAY.](#)

Recommendation: Adopt resolution ordering the vacation and authorize the Mayor and Acting Deputy City Clerk to sign the Quitclaim Deed; authorize Acting Deputy City Clerk to record the Quitclaim Deed

OLD BUSINESS

1. [From the meeting of May 1, 2012, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-05, AMENDING TITLE 13, CHAPTER VI, OFF-STREET PARKING STANDARDS, ARTICLE 2, NONRESIDENTIAL DISTRICTS, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED.](#)

Recommendation: Adopt Ordinance No. 12-4, to be read by title only, and waive further reading

NEW BUSINESS

1. [Business Improvement Area \(BIA\) Reauthorization.](#)

Recommendation: Provide direction

- (a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2012-2013.

Recommendation: Approve

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

Recommendation: Adopt resolution to reauthorize the BIA assessment district boundaries, approve the BIA budget, and set the public hearing date and time for June 5, 2012 at 7 p.m.

2. [Costa Mesa Foundation request to use a portion of Fairview Park and to sell beer and wine at the 2012 Concerts in the Park series.](#)

Recommendation: Approve

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

- (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) Extend the term expiration date to April 2015 for all Access, Building, Fire and Housing Board of Appeal members who were appointed at the June 21, 2011 City Council meeting.

Recommendation: Approve

- (e) Extend the term expiration date to April 2013 for all regular and alternate committee members whose term expires in October 2012.

Recommendation: Approve

- (f) Revised minutes of the October 18, 2011 City Council meeting.

Recommendation: Approve

- 4. [Jail services Request for Proposal.](#) (Staff report + Attachment 1)

[ATTACHMENT 2](#)

- (a) Professional Services Agreement with G4S Secure Solutions (USA), Inc., 2300 East Katella Avenue, Suite 150, Anaheim, California, for the management and administration of jail services in the amount of \$743,329.60 annually, fixed for 18 months and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of three years with two one-year extensions.

Recommendation: Approve; authorize the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints

- 5. [Street Sweeping services Request for Proposal.](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

[ATTACHMENT 3](#)

- (a) Professional Services Agreement with Arakelian Enterprises, Inc. dba Athens Services, 14048 Valley Boulevard, Post Office Box 60009, City of Industry, California, for street sweeping services in the amount of \$478,800 annually for the first two years and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of five years with the option to renew for three one-year terms.

Recommendation: Approve; authorize the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints

6. [Building Inspection services Request for Proposal.](#)

[ATTACHMENT 1](#)

[ATTACHMENTS 2 & 3](#)

Recommendation: Receive and file; reject all bids for building inspection services; direct staff to implement a “hybrid model” for building inspection services and eliminate two vacant inspector positions; authorize staff to rescind layoff notices for Building Inspection and Code Enforcement personnel

7. [Animal Control services Request for Proposal.](#)

[ATTACHMENT 1](#)

Recommendation: Receive and file; reject bid for animal control services; direct staff to explore measures to increase dog licensing compliance rates either through the County of Orange or a non-profit organization; authorize staff to rescind layoff notices

8. [Video Production services Request for Proposal.](#)

[ATTACHMENT 1](#)

Recommendation: Receive and file; reject all bids for video production services; authorize staff to rescind layoff notices

REPORT – City Attorney

ADJOURNMENT – Next Regular City Council Meeting: June 5, 2012.

UPCOMING SPECIAL MEETINGS:

- Special Study Session: Thursday, May 17, 2012 at 4:30 p.m. in the Council Chambers, 77 Fair Drive.
- Special Study Session: Thursday, May 24, 2012 at 4:30 p.m. in the Council Chambers, 77 Fair Drive.
- Special Study Session: Tuesday, May 29, 2012 at 4:30 p.m. in the Council Chambers, 77 Fair Drive.

Note regarding agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection during normal business hours at the City Clerk’s Office at City Hall, located at 77 Fair Drive, 1st Floor, Costa Mesa. In addition, such writings and documents may be posted—whenever possible or as part of the agenda—on the city’s website at www.costamesaca.gov.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

MAY/JUNE 2012

- Every first and third Tuesday from 7:30 to 10:30 p.m. - Costa Mesa Senior Center offers ballroom dancing. Join the fun, make new friends and enjoy live music with the Bob Warren Trio. For more information, visit www.costamesaseniorecenter.org or call (949) 645-2356.
- Thursday, May 17 from 5 to 8:30 p.m. - Save Our Youth (SOY)'s 4th annual SOY Fiesta at the Halecrest Park Clubhouse, 3107 Killybrooke Lane. Participate as a sponsor or come to the event and enjoy a great evening with friends, food, cocktails, silent auction, opportunity drawing and more. For more information, call (949) 548-3255.
- Friday, May 18 at 6 p.m. - National Scholastic Skateboarding League's 2012 Awards Night and Fundraising Dinner at Hurley, 1945 Placentia Avenue. Tickets are \$25 per person. Buy four tickets and the fifth ticket is free. RSVP or find out more at info@nskateboardingleague.org or call (949) 502-8800 x205.
- Saturday, May 19 from 8 a.m. to 2 p.m. - 21st annual Mesa Verde neighborhood garage sale, hosted by Torelli Realty. Call (714) 540-7355 or visit www.torellirealty.com to participate.
- Sunday, May 20 at 2:30 p.m. - Costa Mesa Historical Society event, featuring Hal Horrocks who will speak on "Preserving Your Heirlooms," at the Historical Society, 1870 Anaheim Avenue. Admission is free. For further information, call (949) 631-5918 or visit www.costamesahistory.org.
- June 1-2 – St. John the Baptist Festival, also known as the Baker Street Bash - Enjoy rides, games, live music, rummage sale, face painting and more. For information, visit www.sjbfestival.com.
- June 2 and 3 – Costa Mesa-Newport Lions Club 65th annual Fish Fry at Fairview Park. Come enjoy \$10 fish dinners, opportunity drawing, carnival rides, vendors, and entertainment. Admission is free. Visit <http://www.cmnhlions.com/fish-fry/> for more information.
- Saturday, June 2 from 8 a.m. to 3 p.m. – "Junk in the Trunk" parking lot sale, hosted by the Costa Mesa Senior Center. Cost to reserve a space is \$10 for members and \$15 for non-members. For further information, call (949) 645-2356.
- Saturday, June 2 from 8 a.m. to 2 p.m. - The city's Neighbors for Neighbors program will hold its Large Item Disposal (L.I.D.) program in various neighborhoods throughout the city's redevelopment target area. For specific locations, call (714) 754-4892 or visit the city's website.

- On Saturday, June 2 - 8th annual Bub-A-Que, in honor of the late Estancia grad Brian "Bubba" Kapko. Event begins with a tailgate barbecue at Angel Stadium in the late afternoon followed by an Angels game. Your \$40 donation includes one ticket to the game, commemorative t-shirt, food and drinks. The money raised will go to community organizations, causes and individuals that Brian cared about deeply. Visit <http://www.briankapko.com/> for more information.
- Monday, June 4 at 6 p.m. - Orange County Transportation Authority (OCTA) public hearing at Orange Coast College to discuss the 405 Freeway Improvement project. The agency favors an option that will expand the 405 through Costa Mesa by two lanes, moving the freeway closer to homes, and causing each bridge over the freeway to be demolished and rebuilt to accommodate the extra lanes.
- Thursday, June 7 at 9 a.m. - "Get on Target Accelerate Your Business" workshop at the Chuck Jones Center for Creativity, 3321 Hyland Avenue. For more information, contact Norm Bour at norm@opismail.com or call (949) 495-6162.
- Saturday, June 9 from 10 a.m. through Sunday, June 10 at 10 a.m. - American Cancer Society's Relay for Life at Estancia High School. For details, visit www.relayforlife.org/costamesaca or contact the event chair or co-chair at (714) 472-6391 or (714) 717-2377, or by e-mail at gumscrape@aol.com or cmrelay@gmail.com.
- June 22-24 - 3rd annual Barrett-Jackson Orange County Collector Car Auction at the OC Fair & Event Center. For more information and to purchase tickets, visit www.barrett-jackson.com/orangecounty.