



# City of Costa Mesa Council Agenda

## TUESDAY, JULY 3, 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

Interim City Clerk  
Brenda Green

**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 are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers 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.**

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

#### 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 pursuant to Government Code Section 54956.9(a): Rieckhof vs. City of Costa Mesa, Orange County Superior Court Case No. 30-2011-00487826-CU-WM-CJCCASE.
2. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for two cases.

**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.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Pro Tem Jim Righeimer

**MOMENT OF SOLEMN  
EXPRESSION**

*[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.

Please refer to the last page of the agenda for a detailed list of announced events and activities.

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

### **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: Stephanie Ponce on behalf of William Cortez; Cary Foster.
- (b) [Request for Alcohol Beverage Control license: Mariner's Fund, LLC dba Kings Tavern, 436 East 17<sup>th</sup> Street, Costa Mesa, California.](#)
- (c) Letter of Notification: Southern California Gas Company, Notice of Filing of the Gas Cost Incentive Mechanism (GCIM), Application No. A.12-06-005.

Minutes

2. Special Meeting of April 10, 2012; Special Study Session of May 29, 2012; Regular Adjourned/Study Session of June 12, 2012.

**Recommendation: Approve**

Warrants

3. [WARRANT RESOLUTION 2426: 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 \\$2,049,112.71.](#)

**Recommendation: Approve**

4. [WARRANT RESOLUTION 2427: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-13 AND PAYROLL REGISTER NO. 12-12A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-13 for \\$2,053,932.40 and Payroll No. 12-12A for \\$439.52, and City operating expenses for \\$424,530.35, including payroll deductions.](#)

**Recommendation: Approve**

Administrative Actions

5. [Professional Services Agreement with A.C.T. GIS, Inc., 19000 Grovewood Drive, Corona, California, for the renewal of support services for the Geographic Information System \(GIS\) for a one-year term in the amount of \\$110,475.](#)

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

6. [Adopt plans and specifications, and working details for Hardscape and Landscape Improvements on Broadway \(Safe Route to School Program\) from Fullerton Avenue to Irvine Avenue, Federal Project No. SRTSL-5312 \(076\), City Project No. 12-10, and award a construction contract to Nobest, Inc., 7600 Acacia Avenue, Garden Grove, California, in the amount of \\$1,171,000.](#)

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

- (a) Budget Adjustment No. 13-002 in the amount of \$231,400.

**Recommendation: Approve**

7. [Authorize refund of cash deposit in the amount of \\$12,111.60 to D'Alessio Investments Inc., 440 Fair Drive, Costa Mesa, California, in connection with R-08-03/PA-08-26/GP-08-04.](#)

**Recommendation: Approve**

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE AT 164 FLOWER AVENUE, setting a public hearing on August 7, 2012 at 7 p.m.](#)

**Recommendation: Adopt resolution**

9. [Use of a portion of City Hall parking lot for monthly First Fridays Road Show car event.](#)

**Recommendation: Approve**

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

<b>CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY</b>
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No items scheduled.

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

1. [PUBLIC HEARING: Continued from the meeting of June 5, 2012, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE TOWER ON 19<sup>TH</sup>.](#)

**Recommendation: Adopt resolution**

2. [PUBLIC HEARING: General Plan Amendment GP-12-01 and Planning Application PA-12-04 from Foothill Project Management on behalf of Walgreens Co., for the demolition of an existing 11,000 sq. ft. building \(former Tower Records\) and construction of a new 14,310 sq. ft. Walgreens Store; variance from building and landscaped setbacks \(20 ft. req., 0-18 ft. proposed\); variance from interior parking area landscaping req. \(1,100 sq. ft. req., 0 sq. ft. proposed\); variance from maximum building height \(30 ft. allowed; 32 ft. proposed\); and site specific general plan amendment for floor area ratio \(0.30 max. allowed; 0.49 proposed\) in a C2 commercial zone. Environmental Determination: Exempt.](#)

[ATTACHMENT 1](#)

[ATTACHMENTS 2 & 3](#)

[ATTACHMENT 4](#)

- (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-12-01 FOR A SITE SPECIFIC 0.49 FLOOR AREA RATIO FOR PROPERTY LOCATED AT 1726 SUPERIOR AVENUE IN THE GENERAL COMMERCIAL LAND USE DESIGNATION.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-12-04 FOR PROPERTY LOCATED AT 1726 SUPERIOR AVENUE.

**Recommendation: Adopt resolution**

## OLD BUSINESS

No Old Business scheduled.

## NEW BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER III OF TITLE 4 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE BICYCLE PARKING REGULATIONS.](#)

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



2. [Dispatch Services Request for Proposal.](#)

[Attachment: Determination Book](#)

**Recommendation:** Receive and file; reject all bids for dispatch services services; direct staff to continue to explore shared service models with nearby communities; authorize staff to rescind layoff notices

REPORT – City Attorney

ADJOURNMENT – Adjourn to July 10, 2012 at 4:30 p.m. for a Regular Adjourned Meeting/Study Session, followed by a Special Meeting at 7 p.m. Next Regular City Council Meeting: July 17, 2012.

**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, 1<sup>st</sup> 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](http://www.costamesaca.gov).

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

### JULY 2012

- Saturday, July 7 from 9 a.m. to 3 p.m. - 17<sup>th</sup> Annual Bath'stille Day 2012 at the Bark Park, 890 Arlington Drive - Event includes a dog wash and vendor fair. For more information, visit [www.cmbarkpark.org](http://www.cmbarkpark.org), e-mail [mail@cmbarkpark.org](mailto:mail@cmbarkpark.org), or call (949) 733-4101.
- Concerts in the Park will be held each Tuesday in July at Fairview Park. The event takes place from 5:30 to 7:45 p.m.
- Free movie Mondays are back at Segerstrom Center for the Arts from July 9 through August 6. Set-up begins at 5:30 and movie begins at dusk. Guests should bring portable seating.
- Free 80's Movie Nights at The Camp taking place during July at The Treehouse. Dressing in 80's attire is requested.
- The 2012 OC Fair opens on July 13 and runs Wednesday through Sunday until August 12.

- SOBECA Summer Sounds Series begins July 1 at The Lab. There will be two stages featuring live music. For details, e-mail [janet@thelab.com](mailto:janet@thelab.com) or [mark@planetrecords.com](mailto:mark@planetrecords.com).