



City of Costa Mesa Council Agenda

TUESDAY, JUNE 19, 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 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 Association (CMPA), 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

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 Eric R. Bever

**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

1st Battalion, 5th Marines Update

Certificate of Recognition – Costa Mesa Girls Scout Troop
111

Barrett-Jackson Auction Company Proclamation

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

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 17

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Enterprise Rent-A-Car Company on behalf of EAN Holdings.
- (b) Requests for Alcohol Beverage Control licenses: Alper Caymaz dba Café Tria, 488 East 17th Street, Suite B 105.

Minutes

2. [Regular Adjourned Meeting/Study Session of July 13, 2010](#); [Special Study Session of May 17, 2012](#); [Special Study Session of May 24, 2012](#); and [Regular Meeting of June 5, 2012](#).

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2424: 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 \\$323,845.69.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2425: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-12 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-12 for \\$2,063,877.18, and City operating expenses for \\$375,062, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

5. [Award Request for Proposal No. 1147, Municipal Facility HVAC Maintenance at City Hall at 77 Fair Drive and Police Department at 99 Fair Drive, to Siemens Industry, Inc., 10775 Business Center Drive, Cypress, California, for Heating-Ventilation-Air Condition \(HVAC\) maintenance at City Hall and the Police facility, for a term of five years with the option of extending for three additional one-year terms, in the amount of \\$63,128 per year.](#)

Recommendation: Approve; authorize the City Chief Executive Officer and Interim City Clerk to sign; authorize the Public Services Director to approve repair and supplemental work not to exceed 10 percent of the annual contract amount

6. [Award Request for Proposal No. 1148, Municipal Facility HVAC Maintenance at Various Locations, to F.M. Thomas Air Condition, Inc., 231 Gemini Avenue, Brea, California, for Heating-Ventilation-Air Condition \(HVAC\) maintenance at 16 City facilities, for a term of five years with the option of extending for three additional one-year terms, in the amount of \\$55,200 per year.](#)

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

7. [Request for Proposal for Municipal Facilities Maintenance.](#)

- (a) Reject bid submitted by Deckside Pool Service, 1547 West Struck, Unit E, Orange, California, as nonresponsive.

Recommendation: Approve; authorize staff to modify and re-advertise the Request for Proposal

8. [Professional Services Agreement with Michelle Rudaitis, 2112 Colina del Arcos Iris, San Clemente, California, to provide hazardous materials disclosure services for a one-year term, in an amount not to exceed \\$80,000, and with the option of extending for four additional one-year terms with any justified rate increase.](#)

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

9. [Professional Services Agreements with Scott Fazekas and Associates, 9 Corporate Park, #200, Irvine, California; Bureau Veritas, 1565 MacArthur Boulevard, Costa Mesa, California; Interwest Consulting Group, 15061 Springdale Street, Huntington Beach, California; CSG Consultants Inc., 801 Park Center Drive #230, Santa Ana, California; and Melad & Associates, 8907 Warner Avenue, Suite 161, Huntington Beach, California, for building safety and fire prevention plan review and inspection services, in an aggregate amount not to exceed \\$536,120.](#)

[Attachment 1](#)

[Attachment 2 – Part 1](#)

[Attachment 2 – Part 2](#)

[Attachment 3 – Part 1](#)

[Attachment 3 – Part 2](#)

[Attachment 4 – Part 1](#)

[Attachment 4 – Part 2](#)

[Attachment 5](#)

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

10. [Lease Agreement with the Newport-Mesa Unified School District, 2985 Bear Street, Costa Mesa, California, for the use of the Balearic Center, for a three-year term with the option of extending for five additional three-year terms.](#)

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

11. [Amendment to the Professional Services Agreement with the City of Huntington Beach, 2000 Main Street, Huntington Beach, California, for the extension of helicopter support services from July 1, 2012 through June 30, 2015, in an amount not to exceed \\$300,000 annually.](#)

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

12. [Memorandum of Understanding with the County of Orange for the continued use of the Countywide Public Mass Notification System \(AlertOC\).](#)

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

13. [Authorize partial refund of civil citation fine in the amount of \\$21,000 to Enterprise Holdings, c/o Mark Buenzli, 4361 Birch Street, Newport Beach, California, in connection Civil Citation No. 009789.](#)

Recommendation: Approve

14. [Authorize refund of cash deposit in the amount of \\$10,000 to Hp Communications Inc., 13341 Temescal Canyon Road, Corona, California, in connection with Encroachment Permit No. PS11-00238 for street improvements at Red Hill Avenue and Pullman Street.](#)

Recommendation: Approve

15. [Authorize refund of cash deposit in the amount of \\$11,843 to Dannielle Schmidt, 201 North Star Lane, Newport Beach, California, in connection with Encroachment Permit No. PS11-00511 for street improvements at 942 Sunset Drive.](#)

Recommendation: Approve

16. [Renewed Measure M \(M2\) Eligibility.](#)

(a) City's Maintenance of Effort (MOE) for Fiscal Year 2012-2013.

Recommendation: Approve

(b) City's Seven (7)-Year Capital Improvement Program (CIP) for Fiscal Year 2012-2013 through Fiscal Year 2018-2019.

Recommendation: Approve

17. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE STATE-LOCAL PARTNERSHIP PROGRAM UNDER THE PROPOSITION 1B HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006 FOR THE RED HILL AVENUE REHABILITATION PROJECT.](#)

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: Continued from the meeting of March 6, 2012, 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: Withdrawn

2. [PUBLIC HEARING: 2012-2013 Community Development Block Grant \(CDBG\) Public Service Grant Allocations.](#)

Recommendation: Approve

3. [PUBLIC HEARING: Fiscal Year 2012-2013 Funding Priorities for Community Development Block Grant \(CDGB\) and Home Investment Partnership Program \(HOME\).](#)

- (a) Recommended allocation for the Fiscal Year 2012-2013 Community Development Block Grant (CDBG) Application.

Recommendation: Approve

- (b) Recommended allocation for the Fiscal Year 2012-2013 HOME Investment Partnership Grant.

Recommendation: Approve

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, authorizing the City Chief Executive Officer to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Chief Executive Officer to act in connection with the submission of the Annual Action Plan, and to approve minor changes and provide additional information as required.

Recommendation: Adopt resolution

- (d) Renaming and conversion of the Redevelopment and Residential Rehabilitation (3R) Committee to the Housing and Public Service Grant Committee.

Recommendation: Approve

- 4. [PUBLIC HEARING: Amendment to the 2011-2012 Annual Action Plan for the use of Community Development Block Grant \(CDBG\) funds to fund the proposed storm drain capital project, and submittal to the U.S. Department of Housing and Urban Development.](#)

Recommendation: Approve

- 5. PUBLIC HEARING: City Budget for Fiscal Year 2012-2013.

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-2013, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.](#)

Recommendation: Adopt resolution

- (b) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2012-2013.](#)

Recommendation: Adopt resolution

OLD BUSINESS

1. [Consideration to terminate contract for annual independent financial audit services with Mayer, Hoffman, McCann, P.C.](#)

Recommendation: Receive and file

NEW BUSINESS

1. [A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUPPORTING ALTERNATIVES 1 AND 2 AND OPPOSING ALTERNATIVE 3 IN THE SAN DIEGO FREEWAY \(I-405\) IMPROVEMENT PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT \(EIR/EIS\).](#)

Recommendation: Adopt resolution

2. [Graphics Design Services Request for Proposal](#)

[Determination Book](#)

- (a) Professional Services Agreement with We The Creative, 2810 Villa Way, Newport Beach, California, for graphic design services in an amount not to exceed \$75,000 for Fiscal Year 2012-13, for a term of three years with the option to renew for two one-year terms.

Recommendation: Approve; authorize the City Chief Executive Officer to sign upon resolution of the city's outsourcing constraints; authorize the City CEO to administratively implement a three to six month transition plan to maintain portions of graphic design services in-house; authorize staff to rescind layoff notices previously distributed to the remaining Central Services Division employees; and eliminate one of the two Graphic Designer positions effective upon the retirement of the incumbent employee

3. [Reprographics RFP](#)

[Determination Book](#)

- (a) Professional Services Agreement with Orange County Publishing Services, 1300 South Grand Street, Building A, Santa Ana, California, for offset printing, reprographics and bindery services in an amount not to exceed \$50,000 for Fiscal Year 2012-13, for a term of three years with the option to renew for two one-year terms.

Recommendation: Approve; authorize the City Chief Executive Officer to sign; authorize the City CEO to administratively implement a three to six month transition plan to move offset printing services and related bindery requests to Orange County Publishing Services and close the existing print shop on the first floor of City Hall; and eliminate the Offset Press Operator position effective upon the retirement of the incumbent employee

REPORT – City Attorney

ADJOURNMENT – Next Regular City Council Meeting: July 3, 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, 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

JUNE 2012

- 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.