



City of Costa Mesa Council Agenda

TUESDAY, NOVEMBER 15, 2011

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].

PLEDGE OF ALLEGIANCE Council Member Stephen Mensinger

MOMENT OF SOLEMN EXPRESSION Dr. Mike Decker, 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

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 Business Recognition - Newport Rib Company
Woodbridge-Estancia-Costa Mesa Cross Country Classic
Estancia Youth Ambassadors to Wyndham, Australia

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 15

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Craig Pendolino on behalf of Enterprise Rent a Car, James R. Traut on behalf of Mila McVay.
- (b) Requests for Alcohol Beverage Control licenses: Circle K Store, 3006 Harbor Boulevard; Circle K Store, 3470 Fairview Road; Culinary Architects, 1570 Corporate Drive, Suite A; Waiiha Japanese Dining, 3321 Hyland Avenue, Suite D; Ramen Yamadaya, 1175 Baker Street, Suite E25; and Mitsuwa Corporation, 665 Paularino Avenue.

Minutes

- 2. Regular adjourned/Study Session meeting minutes of September 14, 2010, and Special Meeting minutes of September 14, 2010.

Recommendation: Approve

Warrants

- 3. [WARRANT RESOLUTION 2394: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-22 AND PAYROLL REGISTER NO. 11-21A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-22 for \\$2,034,384.27 and Payroll No. 11-21A for \\$368.77, and City operating expenses for \\$1,361,753.02, including payroll deductions.](#)

Recommendation: Approve

- 4. [WARRANT RESOLUTION 2395: 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 \\$558,931.19.](#)

Recommendation: Approve

Administrative Actions

5. [Sole source purchase agreement with Vulcan Materials Company, 1401 East Warner Avenue, Santa Ana, for the purchase of plant mix asphalt for a term of one \(1\) year in an amount not to exceed \\$90,000.](#)

Recommendation: Approve

6. [Memorandum of Agreement with Orange Coast River Park, Inc., Post Office Box 12932, Newport Beach, for native habitat restoration at Fairview Park.](#)

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

7. [Completion of 2010-2011 Community Development Block Grant \(CDBG\) Reforestation Project, City Project No. 11-04, by STL Landscape, Inc., 8122 Compton Avenue, Los Angeles.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

8. [Completion of Safe Route 2 School \(SR2S\) Gisler Avenue In-Pavement Flashing Crosswalk Project.](#)

- (a) Accept electrical work performed by Republic ITS, 1266 North La Loma Circle, Anaheim.

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

- (b) Accept civil work performed by M.J. Jurado Equipment Rental, Inc., 726 South Sherrill Street, Anaheim.

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.](#)

Recommendation: Adopt resolution

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P.](#)

Recommendation: Adopt resolution

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM."](#)

Recommendation: Adopt resolution

- (a) Budget Adjustment No. 12-004 for \$225,856.

Recommendation: Approve; authorize the Mayor to sign

12. [Amendment to Professional Services Agreement with the City of Huntington Beach to extend the contract for air support \(helicopter\) services from January 1, 2012 through June 30, 2012 in an amount not to exceed \\$150,000.](#)

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

- (a) Budget Adjustment No. 12-008 for \$150,000.

Recommendation: Approve; authorize the Mayor to sign

13. [Request for Proposal \(RFP\) for Tree Maintenance.](#)

Recommendation: Authorize staff to release the RFP

14. [Request for Proposal \(RFP\) for Park and Landscape.](#)

Recommendation: Authorize staff to release the RFP

15. [Request for Proposal \(RFP\) for Fire Services.](#)

Recommendation: Authorize staff to release the RFP

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council Agenda Packet (pursuant to Government Code 54957.5) for Consent Calendar Item No. 15:

Received November 14, 2011:

1. [Attachment 2: Departmental Analysis](#)

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

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

1. [PUBLIC HEARING: City-initiated General Plan and Specific Plan Amendments \(GP-11-02 and SP-11-01\) for a 33-Acre property at 14850 Sunflower Avenue in the Urban Center Commercial Designation and Planned Development Commercial \(PDC\) Zone.](#)

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-11-02 AND NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-11-01 FOR SAKIOKA LOT 2 AT 14850 SUNFLOWER AVENUE.

Recommendation: Adopt resolution

OLD BUSINESS

1. [From the meeting of November 1, 2011, Ordinance No. 11-12: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER V OF TITLE 8 AND SECTION 12-20 OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SMOKING IN CITY PARKS, SPORTS FACILITIES AND COMMUNITY GARDENS.](#)

Recommendation: Adopt Ordinance No. 11-12, to be read by title only, and waive further reading

NEW BUSINESS

- ~~1.~~ [Homeless Task Force update](#)

Withdrawn

2. [Appointments to the TeWinkle Park Athletic Complex Task Force](#)

Recommendation: Appoint member(s)

3. [Telecommunications facilities in the public right-of-way.](#)

Recommendation: Provide direction

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

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).

CLOSED SESSION REPORT

ADJOURNMENT – Next Regular City Council Meeting: December 6, 2011.

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

NOVEMBER/DECEMBER 2011

- On Wednesday, November 16th the Fair Housing Foundation will host a free Landlord Rights Workshop from 3-5 p.m. at the Neighborhood Community Center. Topics will include a review of fair housing laws, leases and notices, rules and regulations, security deposits, and rent increases. For more information, call (562) 989-1206, ext. 1104.

City Council Agenda – November 15, 2011

- The Christmas Company boutique opens on Thursday, November 17th at the OC Fair & Events Center with 94 vendors selling holiday items. Hours on Thursday are 11-3, Friday 10-9, and Saturday and Sunday 10-6. General admission \$10.
- On Sunday, November 20th the Costa Mesa Historical Society will feature an afternoon with Pearl Harbor survivor Jack Hammett, who will show a video about the attack on Pearl Harbor with a short talk to follow. Doors open at 2:00 and the program will begin at 2:30. Admission is free. The Historical Society is located at 1870 Anaheim Avenue. For information call (949) 631-5918 or visit www.costamesahistory.org.
- At South Coast Repertory Theater, you have the choice of two plays. One is the critically acclaimed “Trip to Bountiful,” by Pulitzer Prize winner Horton Foote and younger audiences will love “Junie B in Jingle Bells, Batman Smells!” a new play based on the award-winning children’s book about the world’s funniest first-grader. Both plays are running now through November 20th.
- “Crossroads of the West Gun Show” will take place on Nov. 26 and Nov. 27 at the OC Fair & Events Center. For more than 30 years this gun show has been the largest on the West Coast. Admission is \$14. For further information, visit www.crossroadsgunshow.com.
- The “IKEA Soft Toy Campaign” continues through Christmas Eve. IKEA will donate \$1 to UNICEF and Save the Children for every soft toy, children’s book, and kid’s meal combo sold. Donation bins are by the store’s exit. You can also purchase an IKEA soft toy and donate it the Costa Mesa Fire Department in collaboration with Toys for Tots and Spark of Love Organization. For further information call (714) 444-IKEA.