



City of Costa Mesa Council Agenda

TUESDAY, JANUARY 3, 2012

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
5:00 p.m. – Closed Session and 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].

CLOSED SESSION

5:00 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 6:00 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: Timothy M. Slappy, an individual v. Robert Harris in his official and individual capacities; City of Costa Mesa, a government entity, Case No. SACV11-00425 DOC (MLGx), pursuant to Government Code Section 54956.9(a).

RECONVENE REGULAR MEETING

**REGULAR CITY COUNCIL AGENDA
6:00 p.m.**

PLEDGE OF ALLEGIANCE Mayor Pro Tem Jim Righeimer

MOMENT OF SOLEMN EXPRESSION Pastor Will Lynn, Calvary Chapel of Costa Mesa

[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 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

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 12

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Bois and Macdonald on behalf of Newport Banning Ranch Limited Liability Company, Aera Energy LLC, and Cherokee Newport Beach LLC.

- (b) Requests for Alcohol Beverage Control licenses: Arco, 300 Bristol Street; Saddle Ranch Chop House, 1875 Newport Boulevard, Suite 209; Adult Beverage Company, LLC, 3151 Airway Avenue, Suite 12; and Sake Bomb Masa Sushi, 1907 Harbor Boulevard.

Minutes

- 2. Regular meeting of November 1, 2011.

Recommendation: Approve

Warrants

- 3. [WARRANT RESOLUTION 2399: 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 \\$401,191.27.](#)

Recommendation: Approve

- 4. [WARRANT RESOLUTION 2400: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-25 AND PAYROLL REGISTER NO. 11-24A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-25 for \\$2,060,056.10 and Payroll No. 11-24A for \\$2,908.61, and City operating expenses for \\$569,048.30, including payroll deductions.](#)

Recommendation: Approve

5. [WARRANT RESOLUTION 2401: 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 \\$890,385.42.](#)

Recommendation: Approve

Administrative Actions

6. [Award Request for Proposal Item No. 1144 for heating ventilation and air conditioning maintenance services to Siemens Industry, Inc., 10775 Business Center Drive, Cypress, for a five-year term, in the amount of \\$249,770 for the first year.](#)

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

7. [Completion of Joann Street Bike Trail Improvements – Federal Project No. RPSTPLE 5312 \(075\), City Project No. 09-17, by MG Construction & Development, Inc., 8900 Eton Avenue #C, Canoga Park, 91304.](#)

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 seven (7) months thereafter

8. [Authorize refund of cash deposit in the amount of \\$10,000 to FJS Cable Engineering Inc., 14340 Bolsa Chica Road, Suite G, Westminster, in connection with Encroachment Permit No. PS10-00548 for street improvements along Bristol Street and Anton Boulevard.](#)

Recommendation: Approve

9. [Authorize refund of cash deposit in the amount of \\$10,105 to Eleven Western Builders Inc, 2862 Executive Place, Escondido, in connection with Encroachment Permit No. PS11-00297 for street improvements at 3095 Harbor Boulevard.](#)

Recommendation: Approve

10. [Grant Deeds to transfer parcels acquired for the Newport Boulevard Improvement Project to the State of California Department of Transportation \(Caltrans\).](#)

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

11. [Request for Proposal \(RFP\) for Facility Maintenance.](#)

Recommendation: Authorize staff to release the RFP

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

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

1. [PUBLIC HEARING: Continued from the meeting of December 6, 2011, A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, INCREASING THE OFFICIAL TOW RATE SCHEDULE IN ACCORDANCE WITH SECTION 9-284.9 OF THE CITY OF COSTA MESA MUNICIPAL CODE.](#)

Recommendation: Adopt resolution

2. [PUBLIC HEARING: A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES FOR THE RENTAL OF PARCELS AT THE DEL MAR AND HAMILTON COMMUNITY GARDENS.](#)

Recommendation: Adopt resolution

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

1. [Athletic Field Use and Allocation policy information and recommendations.](#)

Recommendation: Approve recommended revisions

2. [Creation of Economic Development Director/Deputy City Manager \(or Deputy Chief Executive Officer\) position.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION 08-59 AND ESTABLISHING A NEW JOB CLASSIFICATION IN THE EXECUTIVE SALARY SCHEDULE.

Recommendation: Adopt resolution

3. [Financial and Budget Policies](#)

Recommendation: Adopt policies

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

ADJOURNMENT – Adjourn to January 10, 2012 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: January 17, 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

JANUARY 2012

The City is looking for input from the public regarding the city charter. Please visit the City's website to access an online form you can fill out and submit. Also on the website is information about charters and a timeline of the process.

Wednesday, January 4 at 7 p.m. - The City of Costa Mesa will hold an informational meeting on the proposed city charter at the Costa Mesa Neighborhood Community Center.

Tuesday, January 10 at 6 p.m. - A special City Council meeting will be held for the first official public hearing on the proposed charter.

Thursday, January 5 at 7 p.m. - Orange County Supervisor John Moorlach will host a town hall meeting on the proposed 19th Street Bridge at Huntington Beach's Eader Elementary School, 9291 Banning Avenue, Huntington Beach.

Thursday, January 5 through Sunday, January 8 - Grammy winner Steve Tyrell—in the tradition of Frank Sinatra and Tony Bennett—will sing American standards at the Segerstrom Center for the Arts. For tickets and further information, call (714) 556-2787.

Saturday, January 7 from 10 a.m. to 4 p.m. - BrideWorld Expo at the OC Fair & Event Center. For more information, call (800) 600-7080.

Sunday, January 8 through January 29 - South Coast Repertory theater will present "Topdog/Underdog," an electrifying drama about the gritty lives of street-savvy hustlers and encompasses the themes of family grievance, wounds, and healing. For further information, call (714) 708-5555.

Wednesday, January 11 and Thursday, January 12 - Shen Yun 2012 World Tour at the Segerstrom Center for the Arts. For further information, call (714)556-2787

Saturday, January 14 and Sunday, January 15 – Orange Coast Computer & Recycling eWaste recycling drive at City Hall (parking lot). Recycle electronics such as computers, cell phones, televisions, printers and toner cartridges. If you have more than 10 items, pick-up service is available items at your home or office. Call (714) 962-4884 for more information.

Friday, January 20 at 6 p.m. - Costa Mesa Historical Society will host Orange County archivist Chris Jepsen at its annual installation dinner at the Captain's Table at Orange Coast College. For further information, call (949) 631-5918.