



# City of Costa Mesa Council Agenda

## TUESDAY, MARCH 6, 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

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 and Housing Authority**

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 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).

**RECONVENE REGULAR MEETING**

**REGULAR CITY COUNCIL AND HOUSING AUTHORITY AGENDA  
6:00 p.m.**

**PLEDGE OF ALLEGIANCE** Mayor Gary Monahan

**MOMENT OF SOLEMN EXPRESSION** Pastor Rod Randall, Harbor Trinity Baptist 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**

**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. These may also be found on the City’s website.

**PRESENTATIONS** Arbor Day - Bill Hossfeld, Newport Balboa Rotary Club

**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 9

### Written Communications

1. Reading Folder.

### **Recommendation: Receive and process**

- (a) Claims received by the City Clerk: Mark Eisenberg on behalf of Victor L. Baltusis; Jill Pagel on behalf of Enterprise Rent A Car; State Farm Insurance; State Farm Insurance (Case Number 7504J4940); Mark W. Eisenberg on behalf of Agnieszka Szczerbinska-Baltusis.
- (b) Request for Alcohol Beverage Control license: Yakitori Hoho, 891 Baker Street, Suite B15.

Minutes

2. [Special Joint Meeting of the City Council and Redevelopment Agency of January 10, 2012.](#)

**Recommendation: Approve**

Warrants

3. [WARRANT RESOLUTION 2409: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-04 AND PAYROLL REGISTER NO. 12-03A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-04 for \\$2,043,263.51 and Payroll No. 12-03A for negative \\$1,958.33, and City operating expenses for \\$747,227.94, including payroll deductions.](#)

**Recommendation: Approve**

4. [WARRANT RESOLUTION 2410: 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 \\$852,997.92.](#)

**Recommendation: Approve**

Administrative Actions

5. [Professional Services Agreement with Onward Engineering, 300 South Harbor Boulevard, Anaheim, for engineering services for design of Harbor Boulevard and Gisler Avenue intersection improvements, in the amount of \\$171,938.](#)

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

- (a) Budget Adjustment No. 12-010 for \$172,500.

**Recommendation: Approve**

6. [Professional Services Agreement with Merrill & Associates, 1305 Pioneer Street, Brea, for the upgrade of the City's Avaya phone system in the amount of \\$257,740.](#)

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

- (a) Budget Adjustment No. 12-009 for \$18,000.

**Recommendation: Approve**

7. [Measure M2 Environmental Cleanup Grant Funds in the amount of \\$100,000.](#)

**Recommendation: Accept**

- (a) Authorize use of County of Orange Master Agreement MA-080-11011795 with West Coast Storm, Inc. to purchase an install catch basin screens.

**Recommendation: Approve**

- (b) Budget Adjustment No. 12-011 for \$100,000.

**Recommendation: Approve**

- (c) Subordinate agreement with West Coast Storm, Inc. for installation of catch basin screens.

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

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY CHIEF EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2011 URBAN AREAS SECURITY INITIATIVE GRANT \(UASI\).](#)

**Recommendation: Adopt resolution**

- (a) Budget Adjustment No. 12-012 for \$68,980.

**Recommendation: Approve**

- 9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AFFIRMING THE MAYOR'S SELECTION AND APPOINTMENT OF TWO MEMBERS TO THE OVERSIGHT BOARD PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179.](#)

**Recommendation: Adopt resolution**

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

**HOUSING AUTHORITY – NO ITEMS**

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

- 1. [PUBLIC HEARING: Continued from the meeting of November 1, 2011, 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: Continue to the meeting of June 19, 2012, as requested by the applicant**

OLD BUSINESS

- 1. [From the meeting of February 7, 2012, Amendment to the contract between CalPERS and the City of Costa Mesa to include provisions pursuant to Government Code Section 20475 in order to implement the 2%@60 retirement formula \(Miscellaneous Group\).](#)

- (a) AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

**Recommendation: Adopt urgency ordinance, to be read by title only, and waive further reading**

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

**Recommendation: Adopt Ordinance No. 12-1, to be read by title only, and waive further reading**

NEW BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE AND STREET CLOSURES FOR THE 2012 ORANGE COUNTY MARATHON.](#)

**Recommendation: Adopt resolution**

2. [Proposed city charter and placement on the June 5, 2012 ballot.](#)

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).

[- Revised Charter Summary \(Attachment 6\)](#)

[- Revised Resolution and attachments for Direct Arguments \(Attachment 4\)](#)

[-Revised Resolution and attachments for Rebuttal Arguments \(Attachment 5\)](#)



- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROPOSING A MEASURE FOR THE SUBMISSION TO THE VOTERS OF A QUESTION WHETHER THE CITY OF COSTA MESA SHALL ADOPT THE PROPOSED CHARTER.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2012, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE ADOPTION OF A PROPOSED CHARTER BY THE CITY.

**Recommendation: Adopt resolution**

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 5, 2012, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE.

**Recommendation: Adopt resolution**

- (d) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

**Recommendation: Adopt resolution**

- (e) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT THE SPECIAL MUNICIPAL ELECTION.

**Recommendation: Adopt resolution**

3. [Creation of an annual performance audit process.](#)

**Recommendation: Provide direction**

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

ADJOURNMENT – Adjourn to March 13, 2012 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: March 20, 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](http://www.costamesaca.gov)

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

**MARCH 2012**

- 6<sup>th</sup> Annual St. Patrick's Day Festival - Saturday, March 17 from 10 a.m. to 3:30 p.m. at the OC Market Place. There will be traditional Irish food and entertainment. Admission to the Market Place is \$2 or free for ages 12 and under.
- Estancia High School Drama proudly presents "Grease" - Thursday, March 8 through Saturday, March 10. Performances start at 7:30 p.m. nightly at Estancia High School. Tickets are \$10 for students and \$12 for general admission. For further information, call (949) 515-6537.

- Costa Mesa Sanitary District's free composting workshop - Sunday, March 11 at 10 a.m. at Fairview Park. Bring your own lawn chair and learn about the natural process that transforms kitchen scraps and yard trimmings into rich, soil-like material loaded with nutrients to make your garden thrive! For further information, call (949) 645-8400.
- Safety in the Home workshop, hosted by the Costa Mesa Historical Society - Sunday, March 18 at 2:30 p.m. Brenda Emrick, Fire Protection Specialist for the Costa Mesa Fire Department, will be the speaker. She handles community education for the Costa Mesa Fire Department and will address fire safety in the home, emergency preparedness, and information on the next Community Emergency Response Team (CERT) training in April. Doors open at 2:00 p.m. For further information, call (949) 631-5918 or visit [www.costamesahistory.org](http://www.costamesahistory.org)
- 36<sup>th</sup> Annual Home Remodeling & Decorating Show - Saturday, March 17 and Sunday, March 18 at the OC Fair & Event Center. General admission tickets are \$7.75, and \$5 for seniors; children under 12 are free. This two-day event features home improvement products and services. For more information, call (909) 447-9091 or visit [thehomeshow.com](http://thehomeshow.com).