



# Costa Mesa City Council and Costa Mesa Housing Authority Agenda

## TUESDAY, SEPTEMBER 4, 2012

**Eric R. Bever**

Mayor/CMHA Board Member

**Jim Righeimer**

Mayor Pro Tem/CMHA Chair

**Stephen Mensinger**

Council Member/CMHA Vice Chair

**Wendy Leece**

Council Member/CMHA Board Member

**Gary Monahan**

Council Member/CMHA Board Member

City Attorney/CMHA General Counsel

Thomas Duarte

Chief Executive Officer/CMHA Executive Dir.

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**  
**4 p.m. – Special Joint Closed Session of the**  
**City Council and Costa Mesa Housing Authority, and**  
**6 p.m. – Regular Meeting of the City Council and Successor Agency to the**  
**Redevelopment Agency**

**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 other electronic devices 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, photos, or other material related to items on the agenda and for distribution to the City Council must be submitted to the City Clerk's Office by 3 p.m. on the day of the meeting. Any materials to be displayed on the overhead projector at the Council meeting must also be submitted to staff for approval by 3 p.m. on the day of the meeting.
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 at (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].

## **SPECIAL JOINT CLOSED SESSION OF THE CITY COUNCIL AND COSTA MESA HOUSING AUTHORITY 4 p.m.**

*Please note that if there are not any closed session items listed, the City Council and Housing Authority will convene at its regular meeting time of 6 p.m. If there are closed session items, the City Council and Housing Authority 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 and Housing Authority only on those items listed on the Closed Session agenda. Each member of the public will be given three minutes to speak.

CITY COUNCIL 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

JOINT CITY COUNCIL AND HOUSING AUTHORITY CLOSED SESSION:

1. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) and whether or not to initiate litigation pursuant to Government Code Section 54956.9(c) for one potential case.

**RECONVENE REGULAR MEETING OF THE CITY COUNCIL AND  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
6 p.m.**

**CALL TO ORDER** Mayor Eric R. Bever

**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 this agenda for a detailed list of announced events and activities.

**PRESENTATIONS**

Honoring Our Hometown Olympians

**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 not listed on the agenda. Speakers are also invited to comment on items on the agenda, but only at the time in which the agenda item is being heard, and will also be limited to three minutes each. The three minute per speaker time limit may be extended for good cause by the mayor or by a majority vote of City Council.

Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the Chief Executive Officer during the CEO’s Report. 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>.

**SPEAKERS:** FOR THE PURPOSE OF ACCURATE RECORDING OF THE OFFICIAL MINUTES, PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND SUBMIT TO THE CITY CLERK.

**PLEASE NOTE:**

- YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.
- GREEN FORM IS FOR ITEMS LISTED ON THE AGENDA. PLEASE FILL OUT A SEPARATE SPEAKER CARD FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.

**COUNCIL MEMBERS’ REPORTS, COMMENTS, AND SUGGESTIONS**

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

**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 7**

Written Communications

1. Reading Folder.

No Reading Folder items.

Minutes

2. [Regular Meeting of July 17, 2012](#); and [Special Meeting of August 9, 2012](#).

**Recommendation: Approve**

Warrants

3. [WARRANT RESOLUTION 2435: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-17 AND PAYROLL REGISTER NO. 12-16A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-17 for \\$2,139,645.20 and Payroll No. 12-16A for \\$1,251, and City operating expenses for \\$653,351.37, including payroll deductions.](#)

**Recommendation: Approve**

4. [WARRANT RESOLUTION 2436: 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 \\$362,001.75.](#)

**Recommendation: Approve**

Administrative Actions

5. [Completion of 2011-2012 Community Development Block Grant \(CDBG\) Alley No. 122 Improvement Project, City Project No. 12-02, by Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs, California.](#)

**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**

6. [Authorize release of performance and labor and material bonds \(Certificate No. 661119371\) in the amounts of \\$489,672 each to Oxbow 101, LLC, 3 San Joaquin Plaza, Suite 100, Newport Beach, Costa Mesa, California, in connection with Encroachment Permits Nos. PS06-00630 and PS09-00238 for street improvements for Tract No 16917 located at 1011-1045 El Camino Drive.](#)

**Recommendation: Approve**

7. [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 October 2, 2012 at 7 p.m.](#)

**Recommendation: Adopt resolution**

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

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

No Successor Agency items scheduled.

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

1. [PUBLIC HEARING: Appeal of Planning Commission’s determination regarding Planning Application Amendment PA-07-43 A1, for Stantech Architects, to amend Conditional Use Permit PA-07-43 for hours of operation \(8 a.m. to midnight, seven days a week permitted; 24 hours a day, seven days a week requested\), in conjunction with a person-to-person transfer of a State Alcoholic Beverage Control License Type 21 \(Off-Sale General\) for a proposed 7-Eleven convenience store/mini-market located at 1548 Adams Avenue, Suite A, in a C1 \(Local Business District\) zone. Environmental Determination: Exempt.](#)

[ATTACHMENT 1](#)   [ATTACHMENT 3](#)   [ATTACHMENT 5](#)   [ATTACHMENT 7](#)

[ATTACHMENT 2](#)   [ATTACHMENT 4](#)   [ATTACHMENT 6](#)

**Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission’s decision**

OLD BUSINESS

1. [Continued from the meeting of August 21, 2012, Neighborhood Improvement Task Force update.](#)

**Recommendation: Receive and file**

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 19, CHAPTER 1, ARTICLE 4, SECTIONS 19-14 AND 19-15 OF THE COSTA MESA MUNICIPAL CODE REGARDING TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY.](#)

**Recommendation: Adopt Ordinance No. 12-6, to be read by title only, and waive further reading**

3. [Civic Openness in Negotiations \(COIN\) Ordinance](#)

- (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE TO ORGANIZE EXISTING SECTIONS INTO ARTICLE 1 AND ADD A NEW ARTICLE 2 REGARDING CIVIC OPENNESS IN NEGOTIATIONS.

**Recommendation: Adopt Ordinance No. 12-7, to be read by title only, and waive further reading**

NEW BUSINESS

- 1. [Request for “Resident Only” parking restriction on Ballow Lane between Mission Drive and El Camino Drive.](#)

**Recommendation: Approve; authorize Transportation Services Manager to extend “Resident Only” parking restriction for a maximum of 1,000 feet as needed**

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON BALLOW LANE BETWEEN MISSION DRIVE AND EL CAMINO DRIVE.

**Recommendation: Adopt resolution**

- 2. [Side Letters of Agreement to the July 1, 2007 to June 30, 2013 Memorandum of Understanding \(MOU\) with the Costa Mesa Firefighters Association \(CMFA\), and the October 26, 2010 to June 30, 2014 MOU with the Costa Mesa Fire Management Association \(CMFMA\).](#)

**Recommendation: Approve**

REPORT – City Attorney

ADJOURNMENT – Regular Adjourned Meeting/Study Session of September 11, 2012 has been cancelled. Next Regular City Council Meeting: September 18, 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

### SEPTEMBER 2012

- American Red Cross Blood Drive – September 6 beginning at 9 a.m. at the Emergency Operations Center (EOC), 99 Fair Drive. Appointments preferred with a limited number of walk-ins available until 3 p.m. To schedule an appointment to donate blood, call the American Red Cross at 1-800-RED-CROSS (1-800-733-2767) or visit [redcrossblood.org](http://redcrossblood.org) and enter sponsor code, cmpolice.
- First Fridays Road Show – September 7 from 6 to 8:30 p.m. in the parking lot of City Hall. Display your vehicle or come out for the food and show. Free food truck vouchers for the first 100 show cars in the lot. Event and parking are free. For more information, visit [www.costamesaca.gov/firstfridays](http://www.costamesaca.gov/firstfridays).
- The CAMP's 10-Year Anniversary Eco Fest – September 9 from noon to 3 p.m. In celebration of 10 years of providing a retail and dining campus mindful of environmentalism, The CAMP will host an afternoon Eco Fest of like-minded organizations, live music, interactive art, and FREE O.N.E. Coconut Water. For more information, visit [www.thecampsite.com](http://www.thecampsite.com).
- On September 11, 2012, a brief ceremony will occur at City Hall to honor the 11<sup>th</sup> anniversary of 9/11. The ceremony will begin at 9:50 a.m. and a moment of silence will be observed at 9:59 a.m., marking the collapse of the South Tower. The public is invited to attend and will be able to sign a special banner that will be sent to New York City. For further information, please visit the city's website at [www.costamesaca.gov](http://www.costamesaca.gov).
- 32<sup>nd</sup> Annual Cross-Country Classic - September 14-15 at Estancia High School, 2323 Placentia Avenue. The event is co-hosted by Woodbridge, Estancia and Costa Mesa high schools, and the Newport-Irvine Rotary Club, and will feature over 90 schools with over 5,000 runners. For additional information, please visit [www.runnerspace.com/eprofile.php?event\\_id=361](http://www.runnerspace.com/eprofile.php?event_id=361).
- Project Independence's 3<sup>rd</sup> Annual Walk for Independence 2012 will be held on Saturday, September 15 at Tewinkle Park. Registration begins at 7:30 a.m. and the walk begins at 8 a.m. Each registration comes with a free event t-shirt, snacks, and goodie bag. To register or for more information, visit [www.proindependence.org](http://www.proindependence.org).