



# City of Costa Mesa Council Agenda

## TUESDAY, OCTOBER 16, 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. – Regular Meeting of the City Council and Successor Agency to the  
Costa Mesa 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].

## 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 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 OF THE CITY COUNCIL AND  
SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY  
6 p.m.**

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

**PLEDGE OF ALLEGIANCE** Council Member Stephen Mensinger

**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**

2012 Costa Mesa National Little League Mayor's Cup Award

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

**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 11**

Written Communications

1. Reading Folder.

**Recommendation: Receive and file**

- (a) Claims received by the City Clerk: Law Offices of W. Douglas Easton on behalf of Myra Bailey; Pam Blakeslee; and Coby N. Keller, Esq. on behalf Richard Diamond.

Minutes

2. None.

Warrants

3. [WARRANT RESOLUTION 2441: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-20 AND PAYROLL REGISTER NO. 12-19A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-20 for \\$2,090,007.87 and Payroll No. 12-19A for -\\$356.82, and City operating expenses for \\$734,574.74, including payroll deductions.](#)

**Recommendation: Approve**

4. [WARRANT RESOLUTION 2442: 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 \\$632,238.54.](#)

**Recommendation: Approve**

Administrative Actions

5. [Authorization for two Code Enforcement Officer positions.](#)

- (a) Budget Adjustment No. 13-008 in the amount of \$106,623

**Recommendation: Approve**

- 6. [Acceptance and allocation of the Edward Byrne Memorial Justice Assistance Grant \(JAG\) funds for fiscal year 2012-2013.](#)

- (a) Budget Adjustment No. 13-009 in the amount of \$20,801.

**Recommendation: Approve**

- 7. [Authorize refund of cash deposit in the amount of \\$5,280 to Diverse Holding Company in connection with Encroachment Permit No. PS06-00630 for corner monumentation at 1011 El Camino Drive.](#)

**Recommendation: Approve**

- 8. [Authorize refund of cash deposit in the amount of \\$13,474 to Melia Homes Inc. in connection with Encroachment Permit No. PS11-00494 for street improvements at 178 East 19<sup>th</sup> Street.](#)

**Recommendation: Approve**

- 9. [Authorize refund of cash deposit in the amount of \\$17,171 to SCEL Properties LLC in connection with Encroachment Permit No. PS12-00107 for street improvements and corner monumentation at 2201 Santa Ana Avenue.](#)

**Recommendation: Approve**

- 10. [Authorize refund of cash deposit in the amount of \\$8,483.65 to SCEL Properties LLC in connection with Encroachment Permit No. PS12-00190 for street improvements and corner monumentation at 1928 Santa Ana Avenue.](#)

**Recommendation: Approve**

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN AMENDMENT TO RESOLUTION NO. 10-73 MAINTAINING THE CITY'S CURRENT FLEXIBLE CONTRIBUTION FOR EMPLOYEES REPRESENTED BY THE COSTA MESA DIVISION MANAGERS' ASSOCIATION \(CMDMA\).](#)

**Recommendation: Adopt resolution**

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

-

#### SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY

No Successor Agency items scheduled.

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

1. [Continued from the meeting October 2, 2012, PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 164 FLOWER STREET.](#)

**Recommendation: Adopt resolution ordering the vacation and authorize the Mayor and Interim City Clerk to sign the Quitclaim Deed; authorize Interim City Clerk to record the Quitclaim Deed**

#### OLD BUSINESS

No Old Business items scheduled.

#### NEW BUSINESS

1. [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%@50 retirement formula \(Fire Safety Group\).](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.

**Recommendation: Adopt resolution**

- (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: Introduce ordinance for first reading, read by title only, and waive further reading; and authorize the Interim City Clerk to execute required CalPERS certifications and documents for Fire Safety employees**

REPORT – City Attorney

ADJOURNMENT – The November 6, 2012 Council Meeting and November 13, 2012 Regular Adjourned Meeting/Study Session have been cancelled. Next Regular City Council Meeting: November 20, 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

### OCTOBER/NOVEMBER 2012

- Thursday, October 18 and 25 at dusk (approximately 7 p.m.) - Free Fright Night Films at the LAB. Bring a blanket or chair and enjoy free popcorn.



## City Council Agenda – October 16, 2012

- Friday, October 19 from 7 to 11 p.m. – Harbor Mesa Lions 17<sup>th</sup> Annual “Wild West” Casino Night at the Neighborhood Community Center. Proceeds benefit local charities and Lions Sight & Hearing Foundation. Tickets are \$40 per person, and admission includes \$100 in gamblin’ scrip, chuckwagon dinner, and hoedown dancing. For more information, contact Jennifer Kelder at (714) 345-6232 or Carol Proctor at (714) 968-9916.
- Saturday, October 20, 6 to 10 p.m. - Cultural Arts Committee will host Artist Showcase XVI at the Artery at the LAB. This event is free to the public.
- Friday, October 26 and Saturday, October 27 from 10 a.m. to 4 p.m. - Artistic License Art Fair fine crafts show at Estancia Park. This event is free to the public.
- Sunday, October 28 from 8 to 11 a.m. - Pumpkins & Pancakes, a Children’s Halloween Extravaganza benefitting CASA of Orange County, CHOC Children’s Foundation and Orangewood Children’s Foundation will be held at South Coast Plaza in the Crate and Barrel/Macy’s Home Store Wing. For further information or to order tickets, visit [www.southcoastplaza.com/pumpkins](http://www.southcoastplaza.com/pumpkins) or call (714) 619-5158.
- The City of Costa Mesa is looking for holiday musical or theatrical acts to open City Hall’s Snoopy House each night at 5 p.m. from December 14 through December 24. The deadline to sign up is November 1. For further information, please visit our website at [www.costamesaca.gov](http://www.costamesaca.gov) or call (714) 754-5667.
- Friday, November 2 from 6 to 8:30 p.m. - First Fridays Road Show at Costa Mesa Civic Center parking lot. Come out to display your car or enjoy the show. Free food truck vouchers to first 100 cars on display. For further information, visit our website at [www.costamesaca.gov](http://www.costamesaca.gov),
- Thursday, November 8 through Saturday, November 10 - The Sugar Plum Arts, Crafts, Antiques & Collectibles event will be held at the OC Fair & Event Center, Building 10. This event is free to the public. For further information, visit [www.sugarplumcrafts.com](http://www.sugarplumcrafts.com).
- Thursday, November 15 - South Coast Plaza presents the 2012 Tree Lighting Ceremony at Town Center Park.