



City of Costa Mesa Council Agenda

TUESDAY, OCTOBER 2, 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.

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 Police Association (CMPA), Costa Mesa Police Management Association (CMPMA), 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 anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one case.

**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 Wendy Leece

**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

High School Ambassadors to Our Sister City 2012

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

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 5

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Maria Peraza on behalf of minor child.
- (b) Notification Letters: MetroPCS California, LLC for Site Reference No. MLAX04190-A.

Minutes

2. [Regular Adjourned Meeting/Study Session of July 12, 2011](#); [Special Meeting of December 6, 2011](#); [Regular Meeting of June 19, 2012](#); and [Special Meeting of July 10, 2012](#).

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2439: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-19 AND PAYROLL REGISTER NO. 12-18A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-19 for \$2,026,037.68 and Payroll No. 12-18A for \$6,446.73, and City operating expenses for \$954,824.42, including payroll deductions.

Recommendation: Approve

4. WARRANT RESOLUTION 2440: 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 \$416,396.15.

Recommendation: Approve

Administrative Actions

5. 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. 13-006 in the amount of \$160,000.

Recommendation: Approve

----- 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. [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. [Street and Storm Drain Maintenance Services Request for Proposal.](#)

Recommendation: Receive and file; authorize staff to rescind layoff notices for five positions

REPORT – City Attorney

ADJOURNMENT – Adjourn to October 16, 2012 at 6 p.m. for a Regular City Council Meeting.

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, 1st 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.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

OCTOBER 2012

- Thursday, October 4 from 11 a.m. to 1 p.m. - 7th Annual Costa Mesa Public Safety Recognition BBQ will be held at the Orange County Fair and Event Center. For ticket and sponsor information, visit www.costamesachamber.com or call (714) 885-9090.
- October 4-6 – Sugar Plum Arts, Crafts, Antiques and Collectibles event at the OC Fair and Event Center. Admission is free; parking is \$5. Visit www.sugarplumcrafts.com for more information.
- October 5 from 6 to 8:30 p.m. - First Fridays Road Show 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.
- Saturday, October 6 from 12 to 5 p.m. - Halecrest Swim and Tennis Club Community Chili Cook-Off Day at Halecrest Park located at 3107 Killybrooke Lane and 3124 College Avenue. Free admission, various vendor booths, and fun for the whole family. Call (714) 557-7234 or e-mail: halecrestpark@ca.rr.com with questions or to enter the chili contest.
- Sunday, October 7 - Making Strides Against Breast Cancer of Orange County will host a 5k fundraising walk beginning at the Segerstrom Center for the Arts. Registration begins at 7 a.m. and the walk begins at 8 a.m. Families are welcome to participate. For further information or to sign-up, call (877) 740-9255 or register online at www.MakingStridesWalk.org/orangecounty.
- Tuesday, October 9 from 3 to 5 p.m. - Fair Housing Foundation will host a Landlord Workshop at the Neighborhood Community Center. A free workbook will be provided for those who RSVP. Call (800) 446-3247 x1104 for further information or to RSVP.
- Wednesday, October 10 from 7 to 9 p.m. – Newport-Mesa Unified School District College Night. NMUSD hosts representatives from colleges and universities nationwide to help local high school students plan their collegiate futures. For more information, visit <http://nmusd.ca.schoolloop.com>.
- Sunday, October 14 from 10 a.m. to 4 p.m. - The Big Squeeze 4th Annual OC Accordion Festival at the Orange County Marketplace. Admission is free with one canned food donation to Second Harvest Food Bank.
- Saturday, October 20 from 6 to 10 p.m. - The Cultural Arts Committee will host Artist Showcase XVI at The Artery at The Lab located at 2930 Bristol Street.