City of Costa Mesa
Council Agenda

TUESDAY, AUGUST 21, 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 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 or 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, 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 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 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

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 OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY 6 p.m.

CALL TO ORDER Mayor Eric R. Bever

PLEDGE OF ALLEGIANCE Council Member Gary Monahan

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 Certificate of Recognition – Travis Whitlock

Mayor's Choice Award – Car Show Winner

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

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 6

Written Communications

1. Reading Folder.

Recommendation: Receive and process

(a) Claim received by the City Clerk: Rose Inkley.

(b) Requests for Alcohol Beverage Control licenses: UCBLL, LLC dba Hotel Hanford, 3131 Bristol Street; Agustina Villalba dba Tacos Cancun, 1902 Harbor Boulevard, #B; SF Markets, LLC dba Sprouts Farmers Market, 225 East 17th Street.

(c) Letter of Notification: Southern California Edison Company Rate Application No. 12-08-001; Southern California Gas Company, Notice of Application Filing Requesting Approval of Its 2013-2014 Energy Marketing, Education and Outreach Program and Budget, Application No. A.12-08-010.

Minutes

2. Regular Adjourned Meeting/Study Session of May 10, 2011; Special Meeting of July 12, 2012; and Regular Meeting of August 7, 2012.

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2433: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-16 AND PAYROLL REGISTER NO. 12-15A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-16 for $2,191,684.95 and Payroll No. 12-15A for -$268.58, and City operating expenses for $625,025.62, including payroll deductions.

   Recommendation: Approve

4. WARRANT RESOLUTION 2434: 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 $1,066,227.71.

   Recommendation: Approve

Administrative Actions

5. Cooperative Agreement with City of Newport Beach, 3300 Newport Boulevard, Post Office Box 1768, Newport Beach, California, for the reimbursement of costs for the 15th Street Pavement Rehabilitation Project, in the amount of $115,000.

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

6. Final Tract Map No. 17417 located at 449 Hamilton Street for the subdivision of one lot into a five-unit common interest development (condominiums).

   Recommendation: Approve; authorize City Engineer and Interim City Clerk to sign

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

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

MINUTES

1. Special Joint Meeting of June 12, 2012.

   Recommendation: Approve

NEW BUSINESS

1. A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY'S PROPOSED THIRD ADMINISTRATIVE BUDGET SUBJECT TO SUBMITTAL TO AND APPROVAL BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY PURSUANT TO THE DISSOLUTION ACT.

   Recommendation: Adopt resolution

2. A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING DRAFT THIRD RECOGNIZED OBLIGATION PAYMENT SCHEDULE ("ROPS") FOR THE PERIOD OF JANUARY 1, 2013 TO JUNE 30, 2013, SUBJECT TO SUBMITTAL TO AND REVIEW BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY, WITH AUTHORITY TO THE ASSISTANT FINANCE DIRECTOR TO MAKE AUGMENTATIONS, MODIFICATIONS, ADDITIONS OR REVISIONS AS NECESSARY OR DIRECTED BY THE DOF.

   Attachment 1
   Attachment 2

   Recommendation: Adopt resolution

3. Update to Successor Agency regarding accountant selected for due diligence reviews; update regarding communications with DOF and CAC.

   Recommendation: Receive and file

END OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA

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

1. PUBLIC HEARING: Recommended allocation of funds for the 2012-2013 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF).

   Recommendation: Approve

2. PUBLIC HEARING: 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: Introduce ordinance for first reading, to be read by title only, and waive further reading

OLD BUSINESS

No Old Business items scheduled.

NEW BUSINESS

1. Citywide Alleyway Survey

   Recommendation: Approve

2. Parks and Landscape Maintenance Services Request for Proposal.

   (a) Professional Services Agreement with Merchants Landscape Services, Inc., 1510 South Lyon Street, Santa Ana, California, for parks and landscape maintenance services.

   Recommendation: Approve; authorize the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints; rescind layoff notices for six positions to be retained in the Parks and Landscape Maintenance section of the Maintenance Services division

3. Tewinkle Park Athletic Complex Task Force project update.

   Recommendation: Receive and file

4. Neighborhood Improvement Task Force update.

   Recommendation: Receive and file

5. Civic Openness In Negotiations (COIN) ordinance.

   Recommendation: Introduce ordinance for first reading, to be read by title only, and waive further reading

REPORT – City Attorney

ADJOURNMENT – Next Regular City Council Meeting: September 4, 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, 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

AUGUST/SEPTEMBER 2012

- Costa Mesa Restaurant Week is August 17 through 24. Enjoy special prix fixe lunch and dinner menu offers at Costa Mesa's top restaurants. For participating restaurants and further information, e-mail info@costamesarestaurantweek.org.

- The Costa Mesa Cultural Arts Committee is hosting a free community event on Saturday, August 25 at Estancia Park from 10 a.m. to 2 p.m. Come and enjoy youth and family activities, as well as Costa Mesa nonprofit youth visual and performing arts.

- National Scholastic Skateboarding League End of Summer Skate Camp, August 27 through 31, 8 a.m. to 2 p.m. at Volcom Skatepark. Cost is $150 for the week or $50 for the Friday Skatepark tour. For further information, call (949) 502-8800 ext. 205 or e-mail nsskateboardingleague@gmail.com.

- The Great Labor Day Cruise, presented by OCCA, Inc., will be held at the OC Fair & Events Center from August 31 through September 2. Proceeds support Wounded Warrior Project. For tickets and event information, call (714) 708-1500.

- Project Independence's 3rd 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. A free event T-shirt, snacks, and goodie bag are included with each registration. To register or for further information, visit www.proindependence.org.