



City of Costa Mesa Council Agenda

TUESDAY, JULY 19, 2011

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
Peter Naghavi

City Clerk
Julie Folcik

**Council Chambers, 77 Fair Drive
6:00 p.m. – Council Meeting**

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.

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].

PLEDGE OF ALLEGIANCE Council Member Eric Bever

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

ANNOUNCEMENTS There's always something happening in Costa Mesa!

The Mayor will announce 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 Recognition to Colin Moran, recently named to the 2012 PacSun USA Surf Team

Business Recognition to Taco Mesa and Taco Rosa

Introduction of Huntington Beach Police Department Helicopter Commander and Personnel

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.

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 process

- (a) Claims received by the City Clerk: Linda Schwandt, Cecilia Tran.
- (b) Letter of Notification: Southern California Gas Company - Notice of Filing of Energy Efficiency Incentive Earnings, Application No. A.11-06-032.

Minutes

2. Regular meetings of June 7, 2011, June 21, 2011 and July 5, 2011.

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2377: 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 \\$762,319.02.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2378: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-14 AND PAYROLL REGISTER NO. 11-13A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-14 for \\$2,117,516.99 and Payroll No. 11-13A for \\$442.13, and City operating expenses for \\$311,610.57, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

5. [Continued from the meeting of July 5, 2011, Professional Services Agreement with Vision Internet Providers, Inc., 1530 Wilshire Boulevard, 2nd Floor, Santa Monica, for website redesign in the amount of \\$50,320.](#)

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

6. [Amendment to the Professional Services Agreement with Four Boys New Media, 476 Broadway, Costa Mesa, for enhancement of communication services, and to extend the term through December 31, 2011, increasing compensation by adding \\$70,000 for a total amount not to exceed \\$120,000.](#)

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

7. [Amendment to the Professional Services Agreement with GrowthPort Partners Inc., 950 South Coast Drive, Suite 145, Costa Mesa, for employment related professional support services, and to extend the term through June 30, 2011 in an amount not to exceed \\$100,000.](#)

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

8. [Master Funding Agreement No. C-1-2757 and Letter Agreement No. 1 for Measure 2 Comprehensive Transportation Funding Programs \(CTFP\).](#)

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

9. [Release cash deposit for 10 percent bid bond to MG Construction and Development, Inc., 8900 Eton Avenue, Unit C, Canoga Park, in connection with Fairview Park Wetlands and Riparian Habitat Project, City Project No. 11-06, in the amount of \\$280,000.](#)

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

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY \(DHS\).](#)

Recommendation: Adopt resolution

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AUTHORIZING RECORDS DESTRUCTION FOR THE BUILDING DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

Recommendation: Adopt resolution

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

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

1. [Continued from the meeting of July 5, 2011, PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING A FEE FOR CERTIFICATION OF CORRECTION OF VEHICLE CODE VIOLATIONS.](#)

Recommendation: Adopt resolution

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTING DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS.](#)

Recommendation: Adopt resolution

OLD BUSINESS

1. [From the meeting of July 5, 2011, Ordinance No. 11-7: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING ARTICLE 22 \(MESSAGE ESTABLISHMENTS AND PRACTITIONERS\) OF CHAPTER II \(REGULATION OF CERTAIN BUSINESSES\) OF TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MESSAGE THERAPISTS AND PRACTITIONERS, AND MESSAGE ESTABLISHMENTS.](#)

Recommendation: Adopt Ordinance No. 11-7, to be read by title only, and waive further reading

2. [Continued from the meeting of July 5, 2011, Request from Newport Mesa Girls Softball for a two \(2\)-year grace period from August 2011 through June 2013.](#)

Recommendation: Provide direction

3. [Continued from the meeting of July 5, 2011, Request from Friday Night Lights Flag Football for Group 1 Field User status.](#)

Recommendation: Provide direction

NEW BUSINESS

1. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2011-2012 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2011-2012 STATEMENT OF INVESTMENT POLICY.](#)

Recommendation: Adopt resolution

2. [Fire Service Delivery Options Assessment.](#)

Recommendation: Provide direction

3. [SR-55 Access Study Update.](#)

Recommendation: Receive and file

4. [Cancellation of the Regular City Council Meeting of August 16, 2011.](#)

Recommendation: Provide direction

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORTS

City Attorney:

Chief Executive Officer:

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).
3. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).

CLOSED SESSION REPORT

ADJOURNMENT – Next Regular City Council Meeting: August 2, 2011.

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.ci.costa-mesa.ca.us.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

JULY/AUGUST 2011

- The City's 2011 Concerts in the Park will be held every Tuesday evening at 5:30 p.m. through August 2nd at Fairview Park
- The 2011 OC Fair, themed *LET'S EAT!*, is July 15 through August 14 and will bring 23 days of food, rides, exhibits, animals, and music. The Fair is open Wednesday through Sunday. The OC Fair was ranked the eighth highest attended fair in the U.S. last year by *Venues Today* magazine. For further information, visit www.ocfair.com
- The Orange County Classic Jazz Festival will be held at the Costa Mesa Hilton August 4 through 7. To buy tickets, visit www.oc-classicjazz.org
- Costa Mesa City Golf Championship - The 39th Annual Will Jordan Classic, presented by the City of Costa Mesa and Mesa Verde Partners, will be played this August 6th and 7th, here at the Costa Mesa Country Club. If you are interested in competing, please register on their website at www.costamesacountryclub.com by July 30th.