



# City of Costa Mesa Council Agenda

## TUESDAY, APRIL 3, 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

Interim Development Services  
Director Khanh Nguyen

Public Services Director  
Ernesto Munoz

Acting Deputy City Clerk  
Christine Cordon

**Council Chambers, 77 Fair Drive  
5:00 p.m. – Closed Session and  
6:00 p.m. – Council Meeting and Housing Authority**

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.
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**

### **5:00 p.m.**

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6 p.m.

#### 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 (3) 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 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 existing litigation: Julie Folcik, vs. Orange County Registrar of Voters and Neal Kelley, Registrar of Voters, Orange County Superior Court Case No. 30-2012 00553905 pursuant to Government Code Section 54956.9(a).

## RECONVENE REGULAR MEETING

### REGULAR CITY COUNCIL AND HOUSING AUTHORITY AGENDA 6:00 p.m.

**PLEDGE OF ALLEGIANCE** Mayor Eric R. Bever

**MOMENT OF SOLEMN EXPRESSION** Pastor Nathaniel J. Furness, Costa Mesa Seventh-Day Adventist 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**

**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 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**

**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. 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/> and enter your e-mail address in the box provided under "Sign up for latest City Hall news" at the top of the home page.

## **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

1. Mayor Pro Tem Jim Righheimer
2. Mayor Eric R. Bever
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) Claims received by the City Clerk: James Cole; Richard D. Hoffman, Esq. on behalf of the Estate of Ms. Haeyoon Miller and Mr. Sunyl Chung; Andrew Morgan; Jerry N. Gans on behalf of Robert Allan Taft.

Minutes

2. [Special meeting of January 10, 2012](#); [Special Study Session of January 31, 2012](#); [Special meeting of March 13, 2012](#); and [Study Session of March 13, 2012](#).

**Recommendation: Approve**

Warrants

3. [WARRANT RESOLUTION 2413: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-06 AND PAYROLL REGISTER NO. 12-05A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-06 for \\$2,055,573.62 and Payroll No. 12-05A for \\$0.00, and City operating expenses for \\$728,784.82, including payroll deductions.](#)

**Recommendation: Approve**

4. [WARRANT RESOLUTION 2414: 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 \\$1,185,090.84.](#)

**Recommendation: Approve**

Administrative Actions

- 5. [Professional Services Agreement with Civil Works Engineers, 3151 Airway Avenue, Suite T-1, Costa Mesa, for the design of Bristol Street and Baker Street intersection improvements, in the amount of \\$144,850.](#)

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

- (a) Budget Adjustment No. 12-015 for \$144,850.

**Recommendation: Approve**

- 6. [Professional Services Agreement with VA Consulting, 6400 Oak Canyon, Suite 150, Irvine, for the design of Harbor Boulevard and Victoria Street intersection improvements, in the amount of \\$70,434.](#)

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

- (a) Budget Adjustment No. 12-016 for \$70,434.

**Recommendation: Approve**

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

**RECESS THE REGULAR CITY COUNCIL MEETING AND RECONVENE TO THE MEETING OF THE CITY OF COSTA MESA HOUSING AUTHORITY**

ROLL CALL

CLERK’S STATEMENT: The Housing Authority Meeting Agenda and Notice and Call were posted at the City Council Chambers, Adams Postal Office, Headquarters Police Department, the Neighborhood Community Center, and Mesa Verde Public Library on Thursday, March 29, 2012.

PUBLIC COMMENTS: Public comment is permitted but only on the items that have been described on this agenda (G.C. 54954.3). Members of the public wishing to address the board members will be given three (3) minutes to speak.\*

\*These limits may be extended for good cause by the Chair or the majority vote of the Housing Authority.

BOARD MEMBERS' COMMENTS AND SUGGESTIONS

MINUTES

1. Special Joint Meeting of the Costa Mesa City Council and Housing Authority of January 17, 2012.

**Recommendation: Approve**

NEW BUSINESS

1. [A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY, ADOPTING AMENDED AND RESTATED BYLAWS OF THE HOUSING AUTHORITY.](#)

**Recommendation: Adopt resolution**

**ADJOURN THE MEETING OF THE CITY OF COSTA MESA HOUSING AUTHORITY  
AND RECONVENE REGULAR CITY COUNCIL MEETING**

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

No Public Hearings scheduled.

OLD BUSINESS

1. [From the meeting of March 20, 2012, Fiscal Year 2011-2012 mid-year budget report.](#)

**Recommendation: Receive and file**

- (a) Budget Adjustment No. 12-014 for \$1,241,225.

**Recommendation: Approve**

NEW BUSINESS

1. [Letter of Agreement for the Costa Mesa Division Managers' Association \(CMDMA\), amending Resolution No. 10-73 to approve an additional 1.949 percent CalPERS contribution.](#)

**Recommendation: Approve**

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION (EPMC) RELATING TO NON SAFETY EXECUTIVE EMPLOYEES.

**Recommendation: Adopt resolution**

REPORT – City Attorney

ADJOURNMENT – Adjourn to a Study Session of April 10, 2012 at 4:30 p.m., followed by a Special Meeting of the City of Costa Mesa Acting as the Successor Agency to the Costa Mesa Redevelopment Agency to begin at 6:30 p.m. Next Regular City Council Meeting: April 17, 2012.

**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.costamesaca.gov](http://www.costamesaca.gov)

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

**APRIL 2012**

- Saturday, April 7 from 9:30 a.m. to noon – Egg-Citement 2012 at Tanager Park. Activities include an Easter Bunny, bounce house, ponies, petting zoo and more. The event is presented by Torelli Realty. For further information call (714) 540-7355 or visit [www.Torellirealty.com](http://www.Torellirealty.com)



## City Council Agenda – April 3, 2012

- Friday, April 13 through Sunday, April 15 - 2012 Youth Expo at the OC Fair & Event Center. The Youth Expo will have lots of information, competitions, exhibits and entertainment. For further information call (714) 708-1553 or 708-1500 or email to [2012yeinfo@ocfair.com](mailto:2012yeinfo@ocfair.com)
- Saturday, April 14 through Sunday, April 15 - American Civil War Society will hold Battle of Costa Mesa, a Civil War re-enactment at Fairview Park. Events will take place throughout the 48-hour period.
- Friday, April 20 through Sunday, April 22 - America's Family Pet Expo at the OC Fair & Event Center. For information on admission and hours, visit [petexpooc.com](http://petexpooc.com) or call (626) 447-2222.
- Saturday, April 21 from 6 to 9 p.m. - Artist Showcase XV at Whittier Law School. Admission is free.
- Saturday, April 21 from 8 a.m. to noon - Spring Neighbors for Neighbors Community Clean-up. To donate or volunteer, contact Jacquie Reeves at (714) 754-4870.
- The 5<sup>th</sup> annual Costa Mesa Community Run is on Saturday, April 28<sup>th</sup> with festivities starting on Friday, April 27<sup>th</sup>. On Saturday the day begins with a pancake breakfast, 2K fun run, 5K run and the highly anticipated 10K run. Proceeds from this huge community effort benefit Tewinkle Middle School, Costa Mesa Middle School, Estancia High School, Costa Mesa High School and Costa Mesa Community foundations. Visit [www.costamesacommunityrun.com](http://www.costamesacommunityrun.com) for more information.
- Saturday, April 28 from 6 to 10 p.m. - 38<sup>th</sup> Annual Roman Feast and Charity Auction at the Oasis Senior Center in Corona Del Mar. Proceeds from the event will support Youth Employment Service of the Harbor Area, located in Costa Mesa. To learn more about the organization, please visit [www.yesworks.org](http://www.yesworks.org) or for information on buying tickets to this event, call (949) 642-6474.