



City of Costa Mesa Council Agenda

TUESDAY, FEBRUARY 21, 2012

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

Interim Public Services Director
Ernesto Munoz

City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive

5:00 p.m. – Special Joint Closed Session and 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.
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].

**SPECIAL JOINT MEETING OF THE COSTA MESA CITY COUNCIL,
CITY OF COSTA MESA ACTING AS SUCCESSOR AGENCY
TO THE COSTA MESA REDEVELOPMENT AGENCY,
COSTA MESA HOUSING AUTHORITY AND COSTA MESA HOUSING
AUTHORITY ACTING AS SUCCESSOR HOUSING AGENCY TO THE COSTA
MESA REDEVELOPMENT AGENCY**

**CLOSED SESSION
5:00 p.m.**

At the conclusion of Public Comments, the City Council, Successor Agency, and Housing Authority members 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 6:00 p.m.

ROLL CALL

CLERK'S STATEMENT: The Special Joint Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Friday, February 17, 2012.

PUBLIC COMMENTS Members of the public are welcome to address the City Council, the Successor Agency, and/or Housing Authority 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 City Attorney and Special Counsel Re: Anticipated Litigation: (a) Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; and/or (b) Significant Exposure to Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code, both or either of which may involve and affect (i) the City of Costa Mesa, (ii) the City of Costa Mesa Acting as Successor Agency to the (former) Costa Mesa Redevelopment Agency, (iii) the Costa Mesa Housing Authority, and (iv) the Costa Mesa Housing Authority Acting as the Successor Housing Agency of the former Agency (one case).
4. Conference with City Attorney and Special Counsel Re: Anticipated Litigation: (a) Initiation of Litigation pursuant to subdivision (c) of Section 54956.9 of the Government Code; and/or (b) Significant Exposure to Litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code, both or either of which may involve and affect (i) the City of Costa Mesa, and (ii) the City of Costa Mesa Acting as Successor Agency to the Costa Mesa Redevelopment Agency (one case).

ADJOURN THE SPECIAL JOINT MEETING OF THE CITY OF COSTA MESA ACTING AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY AND THE COSTA MESA HOUSING AUTHORITY AND

**COSTA MESA HOUSING AUTHORITY ACTING AS SUCCESSOR HOUSING AGENCY TO
THE COSTA MESA REDEVELOPMENT AGENCY**

CONVENE REGULAR MEETING

**REGULAR CITY COUNCIL AGENDA
6:00 p.m.**

PLEDGE OF ALLEGIANCE Council Member Stephen Mensinger

MOMENT OF SOLEMN EXPRESSION Associate Pastor Eric Wayman, Lighthouse Coastal Community 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 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 Employee Service Recognition

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.

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 9

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Julie Ralls, Donald Williamson.
- (b) Letter of Notification: Southern California Edison Company Rate Application 12-01-014.

Minutes

2. [Regular Adjourned/Study Session of June 8, 2010; Regular Adjourned/Study Session of October 11, 2011; and Special Meeting of October 11, 2011.](#)

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2407: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-03 AND PAYROLL REGISTER NO. 12-02A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-03 for \\$2,051,238.68 and Payroll No. 12-02A for \\$176.52, and City operating expenses for \\$940,688.03, including payroll deductions.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2408: 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 \\$278,391.16.](#)

Recommendation: Approve

Administrative Actions

5. [Continued from the meeting of February 7, 2012, Professional Services Agreement with Hewlett Packard, 1421 South Manhattan Avenue, Fullerton, for hardware and software support services for a one \(1\)-year term, in the amount of \\$135,009.](#)

Recommendation: Approve; authorize the City Chief Executive Officer and City Clerk to sign

- 6. [Professional Services Agreement with California Forensic Phlebotomy, Inc., 26012 Marguerite Parkway, Suite H-235, Mission Viejo, for blood withdrawal testing services for a three \(3\)-year term, in an amount not to exceed \\$88,000 per year.](#)

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

- 7. [Completion of 2010-2011 Citywide Street Rehabilitation Project, City Project No. 11-07, by All American Asphalt, Post Office Box 2229, Corona.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

- 8. [Completion of Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 11-08, by C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

- 9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PLANNING 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-----

<p>RECESS THE REGULAR CITY COUNCIL MEETING AND RECONVENE TO THE SPECIAL MEETING OF THE CITY OF COSTA MESA ACTING AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY</p>
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ROLL CALL

CLERK’S STATEMENT: The Special Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Friday, February 17, 2012.

PUBLIC COMMENTS

NEW BUSINESS

1. [Successor agency approval of Recognized Obligation Payment Schedule \(ROPS\).](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, APPROVING A RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT SECTION 34177 OF PART 1.85 OF THE DISSOLUTION ACT.

Recommendation: Adopt resolution

**ADJOURN THE SPECIAL MEETING OF THE CITY OF COSTA MESA ACTING AS
SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY
AND RECONVENE REGULAR CITY COUNCIL MEETING**

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

No Public Hearings scheduled.

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

No New Business scheduled.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

ADJOURNMENT – Adjourn to February 28, 2012 at 4:30 p.m. for a Special Study Session.
Next Regular City Council Meeting: March 6, 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

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

FEBRUARY/MARCH 2012

- “Nunsense,” a hit musical comedy, will be performed on Friday, February 24 and Saturday, February 25 at 8 p.m. at the Costa Mesa Playhouse, 661 Hamilton Street. An all-male version of the musical called “Nunsense, A-Men” will be performed at 2 p.m. matinees each day. For more information, call (949) 650-5269.
- Mesa Consolidated Water District is conducting a free water issues study group starting February 15 through sometime in May. The group will meet on the third Wednesday of the month from 6:30 to 8:00 p.m. at 1965 Placentia Avenue. At the conclusion, the study group members will become “water ambassadors” who will often be consulted by Mesa Water for new ideas and policies. For further information or to sign-up, visit www.mesawater.org.
- Costa Mesa Sanitary District free composting workshop - Saturday, February 25 at 11 a.m. in Fairview Park. Learn about the natural process that transforms kitchen scraps

and yard trimmings into rich, soil like material loaded with nutrients to make your garden thrive. For more information, call (949) 645-8400.

- The Costa Mesa Library Foundation is planning a four-part Beginning Writers Workshop starting in March. A nominal fee will be charged and light refreshments will be served. For information, contact Barbara Steck at bsteck41@gmail.com.
- 29th Annual Newport Mesa Spirit Run - Sunday, March 4 from 11:00 a.m. to 4:00 p.m. at Athleta, 401 Newport Center Drive, Fashion Island. For information, visit www.nmspiritrn.org or e-mail: info@nmspiritrn.org.
- 6th Annual St. Patrick's Day Festival - Saturday, March 17 from 10 a.m. to 3:30 p.m. at the OC Market Place. There will be traditional Irish food and entertainment. Admission to the Market Place is \$2 or free for ages 12 and under.