



City of Costa Mesa Council Agenda

TUESDAY, FEBRUARY 7, 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 p.m. – Closed Session and 6 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].

CLOSED SESSION 5 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: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.

RECONVENE REGULAR MEETING

REGULAR CITY COUNCIL AGENDA 6 p.m.

PLEDGE OF ALLEGIANCE Council Member Wendy Leece

MOMENT OF SOLEMN EXPRESSION Rabbi Yossi Berkowitz, Chabad of West Orange County

[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 Costa Mesa High School Cheer Team 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 11

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Donna Coleman, Enterprise Rent-A-Car, Vernon Layne, Ana Tucker on behalf of Carlos Melendez, USAA on behalf of William R. Mimiaga.
- (b) Request for Alcohol Beverage Control license: Grape Crusader Inc., 3194 Airport Loop Drive, Suite A; Fish En Me Japanese Bistro, 2340 Harbor Boulevard.

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 2404: 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 \\$1,026,268.49.](#)

Recommendation: Approve

- 4. [WARRANT RESOLUTION 2405: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-02 AND PAYROLL REGISTER NO. 12-01A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-02 for \\$2,036,386.51 and Payroll No. 12-01A for \\$283.86, and City operating expenses for \\$1,167,290.92, including payroll deductions.](#)

Recommendation: Approve

5. [WARRANT RESOLUTION 2406: 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 \\$860,257.47.](#)

Recommendation: Approve

Administrative Actions

6. [Professional Services Agreement with Hewlett Packard, 1421 South Manhattan Avenue, Fullerton, for software services in the amount of \\$329,442, including tax; and Purchase Requisition for the first year in the amount of \\$119,603, including tax.](#)

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

7. [Renewal of the Oracle/PeopleSoft Support Agreement with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, effective March 19, 2012 through March 18, 2013; and the renewal for the E-Pay modules, effective June 3, 2012 through June 2, 2013, in the annual amount of \\$190,380.](#)

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

8. [Professional Services Agreement with Merrill & Associates, 1305 Pioneer Street, Brea, for the upgrade of the City's Avaya phone system in the amount of \\$257,740.](#)

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

- (a) [Budget Adjustment No. 12-009 for \\$18,000.](#)

Recommendation: Approve

9. [Completion of American Recovery and Reinvestment Act, Energy Efficient Chiller Compressor Replacement, City Hall and Police Facility, City Project No. 11-03, by Liberty Climate Control, Inc., 2447 North Chico Avenue, South El Monte.](#)

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

10. [Assembly Bill 936 Resolutions regarding forgiveness of loans.](#)

- (a) A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REGARDING FORGIVENESS OF LOANS TO PUBLIC BODIES AS REQUIRED BY AB 936.

Recommendation: Adopt resolution

- (b) A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY REGARDING FORGIVENESS OF LOANS TO PUBLIC BODIES AS REQUIRED BY AB 936.

Recommendation: Adopt resolution

11. [Amendment to the Professional Services Agreement with Management Partners for interim management assistance, and to extend the term through December 31, 2012, in an amount not to exceed \\$85,000.](#)

Recommendation: Approve; authorize City CEO to sign

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

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

1. [PUBLIC HEARING: Continued from the meeting of January 3, 2012, A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES FOR THE RENTAL OF PARCELS AT THE DEL MAR AND HAMILTON COMMUNITY GARDENS.](#)

Recommendation: Adopt resolution

- (a) Amended Community Garden By-Laws and Agreement

Recommendation: Approve; authorize the Public Services Director to approve future amendments

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

1. General Plan Screening Request GPS-11-04 for commercial property located at 1726 Superior Avenue for proposed Walgreens development.

STAFF REPORT

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3, Part 1](#)

[Attachment 3, Part 2](#)

[Attachment 3, Part 3](#)

[Attachment 3, Part 4](#)

[Attachment 3, Part 5](#)

[Attachment 3, Part 6](#)

Recommendation: Accept or deny for processing

2. [A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING THE 19TH STREET/BANNING AVENUE BRIDGE OVER THE SANTA ANA RIVER AND REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO INITIATE THE PROCESS OF REMOVING THE BRIDGE FROM THE MASTER PLAN OF ARTERIAL HIGHWAYS.](#)

Recommendation: Adopt resolution

3. [Amendment to the contract between CalPERS and the City of Costa Mesa to include provisions pursuant to Government Code Section 20475 in order to implement the 2%@60 retirement formula \(Miscellaneous Group\).](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Recommendation: Introduce ordinance for first reading, read by title only, and waive further reading; and authorize the City Clerk to execute required CalPERS certifications and documents (for Miscellaneous Employees)

4. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING VOLUNTARY EMPLOYEE CALPERS RETIREMENT CONTRIBUTIONS FOR FULL-TIME UNREPRESENTED EXECUTIVE CITY EMPLOYEES.](#)

Recommendation: Adopt resolution

5. Authorization for staff time to research illegal garages used as habitable space or excessive storage.

[STAFF REPORT](#)
[Attachment](#)

Recommendation: Provide direction

6. [Request from Council Member Leece regarding a policy regulating electronic communications during City Council meetings.](#)

Recommendation: Provide direction

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

REPORT – City Attorney

ADJOURNMENT – Adjourn to February 13, 2012 at 7 p.m. for a Special Meeting. Next Regular City Council Meeting: February 21, 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 2012

- The Donald Dungan Library started a Mystery Men book discussion series. The next discussion will be on February 9 at 6:30 p.m. The Costa Mesa Book Club will discuss “The Book Thief” by Markus Zusak. For further information, call the library at (949) 646-8845.
- Thursday, February 9 at 7 p.m. - The Friends of the Costa Mesa Libraries will hold their annual meeting. Discussion will include a master plan for libraries, including a central library near City Hall.
- Monday, February 13 at 7 p.m. – Second public hearing for proposed city charter - Costa Mesa City Hall Council Chambers.
- 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 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.
- 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 a.m. to 4 p.m. at Athleta, 401 Newport Center Drive, Fashion Island. For information, visit www.nmspiritrn.org or e-mail: info@nmspiritrn.org.