

# AGENDA CITY OF COSTA MESA CITY COUNCIL

**REGULAR CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 5, 2013  
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE  
CLOSED SESSION 5:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

**JAMES M. RIGHEIMER**  
Mayor

**STEPHEN MENSINGER**  
Mayor Pro Tem

**SANDRA GENIS**  
Council Member

**GARY MONAHAN**  
Council Member

**WENDY LEECE**  
Council Member

City Attorney  
**Thomas Duarte**

Chief Executive Officer  
**Thomas R. Hatch**

**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, 1<sup>st</sup> 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](http://www.costamesaca.gov).

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714)754-5221 or e-mail [Brenda.Green@costamesaca.gov](mailto:Brenda.Green@costamesaca.gov).

## **Welcome to the City Council Meeting**

For those who wish to address the City Council, speaker cards are not required. However, for the purpose of accurate recording of the official minutes, please print your name and address on a speaker card and submit to the City Clerk. Upon invitation, please use the podiums on either side of the dais to speak to the City Council. Please direct all verbal communications, requests, and/or questions to the Mayor.

1. Any written communications, photos, or other material for distribution to the City Council must be submitted to the City Clerk **PRIOR TO THE START OF THE MEETING.** Any materials to be displayed on the overhead projector at the Council meeting must be submitted to the City Clerk **PRIOR TO THE START OF THE MEETING.**
2. 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.”
3. All cell phones and 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.
4. 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.
5. 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 at (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.**

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 on the Closed Session agenda. Each member of the public will be given three minutes to speak.

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 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: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to Government Code Section 54956.9(a).

## **REGULAR MEETING OF THE CITY COUNCIL**

**6:00 p.m.**

### **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Council Member Sandra Genis

### **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.]*

Minister Begin, Costa Mesa Church of Christ

### **ROLL CALL**

### **CITY ATTORNEY 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.

## **PRESENTATIONS**

- Wyndham, Australia, Sister City Students Presentation
- Mayor's Award - Shaheen Sadeghi, Owner/Operator - The Lab and The Camp

## **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>.

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

1. Council Member Sandra Genis
2. Council Member Wendy Leece
3. Council Member Gary Monahan
4. Mayor James M. Righeimer
5. Mayor Pro Tem Mensinger

## **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 8

### 1. READING FOLDER

- (a) Claims received by the City Clerk: Jacques Vanders; Marie Szecsei; Anabelle Vo; Dennis Yocum.

RECOMMENDATION: Receive and file

### 2. [MINUTES: SPECIAL MEETING OCTOBER 26, 2010](#)

RECOMMENDATION: Approve

### 3. [WARRANT RESOLUTION 2456: 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 \\$909,484.03](#)

RECOMMENDATION: Approve

### 4. [WARRANT RESOLUTION 2457: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-01A AND 13-02 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-01A for \\$-352.70, Payroll No. 13-02 for \\$2,105,439.20 and City operating expenses for \\$1,158,969.77, including payroll deductions](#)

RECOMMENDATION: Approve

5. WARRANT RESOLUTION 2458: 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 \$3,130,577.45

RECOMMENDATION: Approve

6. RESOLUTION ESTABLISHING RECEIPT AND DISTRIBUTION POLICY REGARDING TICKETS AND/OR PASSES IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1 AS RECENTLY AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

RECOMMENDATION:

Staff recommends that the City Council adopt the Resolution establishing a ticket distribution policy regarding tickets and/or passes in conformance with the California Code of Regulations §18944.1

7. ADOPTION OF FPPC FORM 806 LISTING ALL COMPENSATED COUNCIL APPOINTMENTS

RECOMMENDATION:

Staff recommends that the City Council adopt Fair Political Practices Commission (FPPC) Form 806, listing all Council appointments for which compensation is received and direct the City Clerk to post Form 806 on the City's website.

8. ENERGY PARTNERSHIP CONTRACT EXTENSION BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF COSTA MESA FOR 2013-2014

RECOMMENDATION:

Staff recommends that the Mayor and City Council authorize the City CEO to execute an extension (attachment 1) to the existing energy partnership agreement between the City of Costa Mesa and Southern California Edison for 2013-2014.

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

**PUBLIC HEARINGS          NONE**

**OLD BUSINESS            NONE**

## **NEW BUSINESS**

### **1. 60<sup>TH</sup> ANNIVERSARY CELEBRATION CONCEPT AND PROPOSED BUDGET**

#### RECOMMENDATION:

1. Provide direction regarding the conceptual plan (Attachment 1) for the 60<sup>th</sup> anniversary celebration; and
2. Approve the expenditure of \$125,000 in appropriated general fund contingency dollars toward the 60<sup>th</sup> anniversary celebration (attachment 2).

### **2. CONSIDERATION OF COUNCIL MEMBER REQUEST FOR REHEARING REGARDING APPOINTMENTS OF PLANNING COMMISSIONERS**

#### RECOMMENDATION:

City Council consider rehearing request by Council Member Genis.

### **3. APPOINTMENT OF PLANNING COMMISSIONER**

#### RECOMMENDATION:

Staff recommends that the City Council make an appointment to fill one vacancy on the Planning commission for a two-year term expiring February 2015.

### **4. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION**

#### RECOMMENDATION:

Staff recommends that the City Council make appointments to fill four vacancies on the Parks and Recreation Commission.

## **REPORT – CITY ATTORNEY**

## **ADJOURNMENT – To Regular Study Session February 12, 2013, 4:30 p.m.**

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- February 5 – 7, 8:30 a.m. – 5:00 p.m., Boater's Standards Certification course at Boatswain's Locker, 931 West 18<sup>th</sup> Street, Costa Mesa. For registration information, contact Sandy Brown at (410) 990-4460 ext. 101 or email to [sbrown@abysinc.org](mailto:sbrown@abysinc.org)
- February 17, 2:00 p.m., The Costa Mesa Historical Society hosts a free presentation by Author, Marcia Lee Harris who will portray Fanny Bixby Spencer, who along with her husband W. Carl Spencer sponsored the contest that gave Costa Mesa its name. For further information, visit [www.costamesahistory.org](http://www.costamesahistory.org) or call (949) 631-5918.
- February 20, 6:30 p.m. to 8:00 p.m., Mesa Water District hosts a free Water Issues Study Group, an educational program for customers and community members interested in learning about important water issues. For further information and to register, email to [event@mesawater.org](mailto:event@mesawater.org) or call (949) 631-1201 or go to [www.mesawater.org/wisg](http://www.mesawater.org/wisg)
- February 22, 7:30 p.m. to 9:30 p.m., a free United States Navy Concert Band performance will be held at Orange Coast College, Robert B. Moore Theater. Although the concert is free, the Navy Band requires tickets for admission. Free tickets may be downloaded or printed at [www.occnavybandconcert.us](http://www.occnavybandconcert.us)
- Friday, March 1 (weather permitting), 6:00 p.m. to 8:30 p.m., the First Friday Road Show will be held in the front parking lot of City Hall. This event is free to the public.