



# City of Costa Mesa Council Agenda

## TUESDAY, APRIL 5, 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

Development Services Director  
Kimberly Brandt

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** Mayor Gary Monahan

**MOMENT OF SOLEMN EXPRESSION** Pastor Vince Bereford, Vanguard University

*[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** Resolution – Orange County Transportation Authority

Proclamation - CLA-VAL 75 Years in Business

**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 8.**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

Minutes

2. Regular meeting of March 15, 2011.

**Recommendation: Approve**

Warrants

3. Warrant Resolution 2361, funding City operating expenses for \$571,895.37.

**Recommendation: Approve**

- 4. Warrant Resolution 2362, funding Payroll No. 11-06 for \$2,234,093.53, and Payroll No. 11-05A for -\$971.42, and City operating expenses for \$415,262.75, including payroll deductions.

**Recommendation: Approve**

- 5. Warrant Resolution 2363, funding City operating expenses for \$709,816.91.

**Recommendation: Approve**

Administrative Actions

- 6. [Execution of termination of the Lease Agreement, Sublease Agreement, and First Assignment Agreement between the City of Costa Mesa and Center Tower Associates, LLC, relating to full repayment of debt for Center Tower Parking Structure.](#)

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

- 7. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT, and authorizing the Public Services Director as the City's representative.](#)

**Recommendation: Adopt resolution**

- 8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM CALIFORNIA DEPARTMENT OF WATER RESOURCES TO OBTAIN STORMWATER FLOOD MANAGEMENT GRANT FUNDS FOR THE INDUSTRIAL WAY WATER QUALITY AND STORM DRAIN IMPROVEMENT PROJECT, and authorizing the Public Services Director as the City's representative.](#)

**Recommendation: Adopt resolution**

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

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

1. [From the meeting of March 1, 2011, PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING FEES FOR THE RECREATION ON CAMPUS FOR KIDS PROGRAM.](#)

**Recommendation: Continue public hearing**

OLD BUSINESS

1. Reports from City Council working groups
  - (a) Economic Development and Development
  - (b) Sports and Recreation
  - (c) Policies, Procedures, and General Plan/Circulation
  - (d) Budget and Capital Improvements
  - (e) Motel Issues

NEW BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING COSTA MESA MUNICIPAL CODE SECTION 2-101, identifying the Assistant City Manager as the Assistant Chief Executive Officer.](#)

**Recommendation: Introduce ordinance for first reading to be read by title only, and waive further reading**

2. [Proposed streetwide banner locations.](#)

**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: Steve Mandoki, Administrative Services Director regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Fire Management Association (CMFMA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential) pursuant to Government Code Section 54957.6.
2. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to April 12, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: April 19, 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](http://www.ci.costa-mesa.ca.us).

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

**APRIL 2011**

- No scheduled events and activities