



City of Costa Mesa Council Agenda

TUESDAY, JULY 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

Interim Development Services
Director Khanh Nguyen

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 Pro Tem Jim Righeimer

MOMENT OF SOLEMN EXPRESSION Rabbi Haim Asa, Fairview Hospital

[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

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 11.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meeting of June 7, 2011 and June 21, 2011.

Recommendation: Approve

Warrants

3. [Warrant Resolution 2375, funding City operating expenses for \\$1,080,773.49.](#)

Recommendation: Approve

4. [Warrant Resolution 2376, funding Payroll No. 11-13 for \\$2,096,893.84, and Payroll No. 11-12A for \\$102.78, and City operating expenses for \\$605,971.71, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

5. [Amendment to the lease agreement with the Newport-Mesa Unified School District for waiver of the lease agreement payment for Fiscal Year 2011-2012 for the use of the Balearic Community Center.](#)

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

6. [Amendment to the lease agreement with the County of Orange for the lease of the Mesa Verde Branch Library site.](#)

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

7. [Amendment to the Professional Services Agreement with Mike Balliet Consulting, 26351 Tarrasa Lane, Mission Viejo, for the administration of the City's source reduction and recycling element for the term beginning July 1, 2011 through September 30, 2011, in the amount not to exceed \\$9,400 for Fiscal Year 2011-2012.](#)

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

8. [Professional Services Agreement with A.C.T. GIS, 19000 Grovewood Drive, Corona, for Geographic Information System \(G.I.S.\) support services, for the term beginning July 1, 2011 through June 30, 2012, in the amount of \\$110,475.](#)

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

9. [Adopt plans and specifications, and working details for Closed Circuit Television \(CCTV\) Phase IV Improvement Project, City Project No. 11-05, and award a construction contract to Crosstown Electrical & Data, Inc., 5463 Diaz Street, Irwindale, in the amount of \\$191,500.](#)

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

- (a) Budget Adjustment No. 12-002 for \$22,306.

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

10. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAM.](#)

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

11. Professional Services Agreement with Vision Internet, 1530 Wilshire Boulevard, 2nd Floor, Santa Monica, for the design services for the Costa Mesa website, in the amount of \$50,320.

Recommendation: Continue

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

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

1. [PUBLIC HEARING: Continued from the meeting of June 21, 2011, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING SCHEDULES OF RATES, FEES, AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA POLICE DEPARTMENT FOR SPECIAL/COMMUNITY EVENTS.](#)

Recommendation: Adopt resolution

2. PUBLIC HEARING: Continued from the meeting of June 21, 2011, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING A POLICE DEPARTMENT CITATION SIGN-OFF FEE.

Recommendation: Continue public hearing to July 19, 2011 at 7:00 p.m.

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING ARTICLE 22 \(MESSAGE ESTABLISHMENTS AND PRACTITIONERS\) OF CHAPTER II \(REGULATION OF CERTAIN BUSINESSES\) OF TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MESSAGE THERAPISTS AND PRACTITIONERS, AND MESSAGE ESTABLISHMENTS.](#)

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

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS

1. [Request from Newport Mesa Girls Softball for a two \(2\)-year grace period from August 2011 through June 2013.](#)

Recommendation: Provide direction

2. [Request from Friday Night Lights Flag Football for Group 1 Field User status.](#)

Recommendation: Provide direction

3. Presentation of Orange County Employees Association (OCEA) audit by Steve Foti.

Recommendation: Receive and file

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Gary Monahan
2. Mayor Pro Tem Jim Righeimer
3. Council Member Eric Bever

4. Council Member Wendy Leece
5. Council Member Stephen Mensinger

REPORTS

City Attorney:

Chief Executive Officer:

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 anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 – (two cases).

CLOSED SESSION REPORT

ADJOURNMENT – ADJOURNMENT – Adjourn to July 12, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: July 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.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

JULY 2011

- The City's 2011 Concerts in the Park start this evening at 5:30 p.m. with music beginning at 6:15 p.m. in Fairview Park. The concerts will be held every Tuesday evening through August 2nd.
- PBS SoCal will be breaking ground for their new studio headquarters in Costa Mesa at 3080 Bristol Street on Thursday, July 7th at 11:00 a.m.