



City of Costa Mesa Council Agenda

TUESDAY, JUNE 21, 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 Gary Monahan

MOMENT OF SOLEMN EXPRESSION Pastor Dave Manne, Calvary Chapel of Costa Mesa

[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 14.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meeting of June 7, 2011.

Recommendation: Approve

Warrants

3. [Warrant Resolution 2373, funding City operating expenses for \\$374,461.87.](#)

Recommendation: Approve

4. [Warrant Resolution 2374, funding Payroll No. 11-12 for \\$2,201,371.09, and Payroll No. 11-11A for \\$875.08, and City operating expenses for \\$588,507.45, including payroll deductions.](#)

Recommendation: Approve

Administrative Actions

5. [Memorandum of Understanding with Newport-Mesa Unified School District \(NMUSD\) for modification and extension of the School Resource Officer Program for two \(2\) officers, beginning August 1, 2011 through July 31, 2012.](#)

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

6. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association to provide traffic management services for all designated Interim Events of the Orange County Fair and Exposition Center, beginning April 1, 2011 through March 31, 2012, in an amount not to exceed \\$70,000.](#)

Recommendation: Approve; authorize the Chief of Police to sign

7. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for the Orange County Fair, beginning July 15, 2011 through August 14, 2011, in an amount not to exceed \\$375,000.](#)

Recommendation: Approve; authorize the Chief of Police to sign

8. [Renewed Measure M Eligibility.](#)

- (a) City's Maintenance of Effort (MOE) for Fiscal Year 2011-2012.

Recommendation: Approve

- (b) City's Seven (7)-Year Capital Improvement Program (CIP) for Fiscal Year 2011-2012 through Fiscal Year 2017-2018.

Recommendation: Approve

- (c) RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONCERNING THE STATUS OF THE CIRCULATION ELEMENT FOR THE CITY OF COSTA MESA.

Recommendation: Adopt resolution

9. [Adopt plans and specifications, and working details for Fairview Park Wetlands and Riparian Habitat Project, City Project No. 11-06.](#)

(a) Accept withdrawal of bid submitted by Marina Landscape, Inc., 1900 South Lewis Street, Anaheim.

Recommendation: Accept withdrawal

(b) Award construction contract to Jeff Tracy, Inc. dba Land Forms Landscape Construction, 27601 Forbes Road, Suite 36, Laguna Niguel, in the amount of \$2,902,978 (Base Bid plus Additive Bid Item Nos. A-1 and A-6).

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

10. [Adopt plans and specifications, and working details for 2010-2011 Citywide Street Rehabilitation Project, City Project No. 11-07, and award a construction contract to All American Asphalt, Post Office Box 2229, Corona, in the amount of \\$2,778,000 \(Base Bid plus All Additive Bid Items\).](#)

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

11. [Adopt plans and specifications, and working details for Lions Park \(Davis Field\) Sports Lighting Project at 570 West 18th Street, Costa Mesa, City Project No. 11-09, and award a construction contract to RMF Contracting, Inc. dba R&M Electrical Contracting, 26301 Dimension Drive, Lake Forest, in the amount of \\$309,066.25 \(Base Bid minus Bid Item No. 3 plus Alternate Bid Item No. 3A\), and waive bid irregularity.](#)

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

12. [Completion of American Recovery and Reinvestment Act, Title 24 Cool Roof Replacement at City Hall, 77 Fair Drive, City Project No. 10-11, by F. Rodgers Corporation, 2817 East Cedar Street, #100, Ontario.](#)

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

13. [Adopt plans and specifications, and working details for 2010-2011 Community Block Grant \(CDBG\) Alley Improvement No. 40 \(Project "A"\) and Ford Road Alley No. 41 \(Project "B"\), City Project No. 11-02, and award a construction contract to Golden State Constructors, 6162 Galipean Drive, Huntington Beach, in the amount of \\$169,305 \(Base Bid only\).](#)

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

14. [Adopt plans and specifications, and working details for Alley No. 116, 75 and 76 Improvements, City Project No. 11-01, and award a construction contract to Black Rock Construction, Inc. in the amount of \\$280,002.25 \(Base Bid only\).](#)

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

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

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

1. PUBLIC HEARING: From the meeting of June 7, 2011: Amending the calculations of Rates, Fees, and Charges for services provided by The City Of Costa Mesa Police Department and the Fire Department for Special/Community Events (Administrative Regulations 2.13).

Recommendation: Continue public hearing to July 5, 2011 at 7:00 p.m.

2. PUBLIC HEARING: 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 5, 2011 at 7:00 p.m.

3. PUBLIC HEARING: City Budget for Fiscal Year 2011-2012.

- (a) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2011-2012, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.](#)

Recommendation: Adopt resolution

- (b) [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2011-2012.](#)

Recommendation: Adopt resolution

OLD BUSINESS

1. [Continued from the meeting of May 3, 2011, Appointments to various Council-appointed committees.](#)

- a. Access, Building, Fire and Housing Board of Appeal

Recommendation: Appoint member(s)

- b. Redevelopment and Residential Rehabilitation (3R) Committee

Recommendation: Appoint member(s)

NEW BUSINESS

1. [A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING THE GOVERNMENT ACCOUNTING STANDARDS BOARD STATEMENT NO. 54 ENTITLED "FUND BALANCE REPORTING AND GOVERNMENT FUND TYPE DEFINITIONS."](#)

Recommendation: Adopt resolution

2. [Reorganization of the Costa Mesa Police Department](#)

- a. "Police Department Organization Review" prepared by Management Partners, Inc.

Recommendation: Receive and file

- b. Interim Police Chief’s recommendations on Police Department reorganization.

Recommendation: Receive and file

- c. Recommendations for Police Department Reorganization:

Recommendation: Approve the recommended changes to the Police Department as found in the Management Partner’s Recommendations (Table A) and that of the City CEO (Table B); and direct staff to modify the CEO’s proposed budget to reflect the financial impact.

- [Communications from the Public \(1\)](#)
- [Communication from the Public \(2\)](#)

- 3. Introduction to the Preliminary 5-year Financial Forecast.

Recommendation: Receive and file.

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 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: Henderson vs. City of Costa Mesa: Case Number 30-2010-00386946, pursuant to Government Code Section 54956.9(a).
3. Conference with legal counsel, regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, pursuant to subdivision (a) of Government Code Section 54956.9.
4. Conference with legal counsel, regarding existing litigation: Acosta v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV06-233DOC(MLGx), pursuant to Government Code Section 54956.9(a)

CLOSED SESSION REPORT

ADJOURNMENT – ADJOURNMENT – Next Regular City Council Meeting: July 5, 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

JUNE 2011

- Barrett-Jackson opened its Orange County event with a Road Rally on Saturday, June 18th starting at South Coast Plaza and ending at the Orange County Fair & Event Center.
- Friday, June 24 to Sunday, June 26th the Barrett-Jackson Collector-Car Auction will be held at the Orange County Fair and Event Center. For further information visit the event calendar at www.ocfair.com or www.barrett-jackson.com
- On Saturday, June 25th at 11:00 a.m. to 11:00 a.m. on Sunday, June 26th, Costa Mesa Emergency Service Amateur Communications invites everyone to join the fun of Field Day 2011 at Goat Hill Junction Train Station across from Fairview Park. Ham Radio Operators will be on hand to show you how communicate with other operators worldwide. For further information call 714-754-4848.
- Thursday, June 30th at 7:00 p.m. the City will open the Joann Street Bike Trail. This project included the removal and replacement of fencing along the south side of the Joann Street bike trail; extensive new landscape and irrigation system, trash receptacles, benches, and construction of a new colored concrete bike trail. This \$1.3 million project was paid for by CDBG, Park Development, AQMD, Gas Tax and TEA funds.
- The City's Ordinance as it relates to the sale and use of fireworks has changed for this 4th of July. The new ordinance allows for the sale of fireworks from June 30th to 9:00 p.m. on July 4th and the use of fireworks from 4:00 p.m. to 10:00 p.m. from July 2nd through the 4th.
- The City's first Concert in the Park for 2011 will take place on Tuesday, July 5th at 5:30 in Fairview Park featuring The Peggy Nelson Project.