

AGENDA

CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY*

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER".

TUESDAY, APRIL 16, 2013
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION - 5 P.M.
REGULAR MEETING - 6 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, 1st 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.

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.

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 **NO LATER THAN 15 MINUTES 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 **NO LATER THAN 15 MINUTES 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 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).

REGULAR MEETING OF THE CITY COUNCIL - 6 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Wendy Leece

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.]

Elder Robert Van Sweden, Church of Jesus Christ of Latter-day Saints

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

- Mayor's Award – Art and Mary Ellen Goddard (Costa Mesa Historical Society)

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 Steven 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 15

1. READING FOLDER

a. Requests for Alcohol Beverage Control licenses:

1. For Octopus Restaurant Costa Mesa, Inc., dba H2O Sushi & Izakya, at 1870 Harbor Boulevard, Suite A-100, a premise-to-premise-transfer and a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
2. For SWH Mimi's Café, LLC, dba Mimi's Cafe, at 1835 Newport Boulevard, Unit F, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place). Recommendation: Receive and file.
3. For Komkrich Suwannaseang, dba Thai 1, at 560 W. 19th Street, Unit C, a person-to-person State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

RECOMMENDATION: Receive and file

2. [WARRANT RESOLUTION 2467: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-06A AND 13-07 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-06A for \\$560.28, Payroll No. 13-07 for \\$2,015,563.28 and City operating expenses for \\$1,046,661.23, including payroll deductions.](#)

RECOMMENDATION: Approve

3. [WARRANT RESOLUTION 2468: 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 \\$456,749.80.](#)

RECOMMENDATION: Approve

4. [PARKWAY CONCRETE REPAIR PROJECT \(AREA 29\), CITY PROJECT NO. 12-21.](#)

RECOMMENDATION:

1. Adopt plans, specifications, and working details for the Parkway Concrete Repair Project (Area 29), City Project No. 12-21.
2. Reject the bid submitted by Optima RPM, Inc., 17945 Sky Circle, Suite D, Irvine, CA 92614.
3. Award a construction contract in the amount of \$843,700 to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670.

4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

5. **2012-2013 STREET REHABILITATION PROJECT (AREA 29), CITY PROJECT NO. 13-01.**

RECOMMENDATION:

1. Adopt plans, specifications, and working details for the 2012-2013 Street Rehabilitation Project (Area 29), City Project No. 13-01.
2. Award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, CA 92865 in the amount of \$3,687,155.
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **RED HILL AVENUE REHABILITATION PROJECT (FROM BRISTOL STREET TO PAULARINO AVENUE), CITY PROJECT NO. 13-02.**

RECOMMENDATION:

1. Adopt plans, specifications, and working details for the Red Hill Avenue Rehabilitation Project, City Project No. 13-02.
2. Approve Budget Adjustment No. 13-021 in the amount of \$1,840,000.
3. Award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, CA 92865 in the amount of \$1,376,938.75.
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **BAKER STREET AND PLACENTIA AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECT.**

RECOMMENDATION:

1. Award a Professional Services Agreement for the design and implementation of the Baker Street and Placentia Avenue Corridors Traffic Signal Synchronization Project to Albert Grover and Associates, 211 East Imperial Highway, Suite 208, Fullerton, CA 92835, in the amount of \$580,000.
2. Approve Budget Adjustment No. 13-023 in the amount of \$580,000.
3. Authorize the Mayor and City Clerk to execute the Professional Services Agreement.

8. **17TH STREET AND VICTORIA STREET TRAFFIC SIGNAL SYNCHRONIZATION PROJECT.**

RECOMMENDATION:

1. Award a Professional Services Agreement for the design and implementation of the 17th Street and Victoria Street Corridors Traffic Signal Synchronization Project to Iteris, 1700 Carnegie Avenue, Suite 100, Santa Ana, CA 92705-5551, in the amount of \$480,570.
2. Approve Budget Adjustment No. 13-024 in the amount of \$245,071 and No. 13-025 in the amount of \$235,499.
3. Authorize the Mayor and City Clerk to execute the Professional Services Agreement.

9. **AWARD TWO YEAR CONTRACT FOR ANNUAL INDEPENDENT FINANCIAL AUDIT SERVICES.**

RECOMMENDATION:

1. Award two year contract for annual independent financial audit services for fiscal years 2013 and 2014 to White Nelson Diehl Evans, in the amount of \$125,299 with an option to extend the contract in one-year periods, for a minimum of two fiscal years.
2. Authorize City Chief Executive Officer to sign and execute a professional services agreement with White Nelson Diehl Evans LLP.

10. **ADOPT GUIDELINES ALLOWING RETIRING PEACE OFFICERS TO PURCHASE THEIR DEPARTMENT ISSUED SERVICE WEAPON.**

RECOMMENDATION: Adopt the policy and resolution authorizing the Chief of Police, at his or her discretion, to allow Costa Mesa police officers, honorably retiring in good standing, the opportunity to purchase their duty weapon.

11. **RESOLUTION ADOPTING CITY COUNCIL TICKET POLICY GOVERNING THE RECEIPT AND DISTRIBUTION OF TICKETS IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1**

RECOMMENDATION: Adopt the resolution creating a ticket policy governing the receipt and distribution of tickets and/or passes for attendance at events in conformance with the California Code of Regulations §18944.1.

12. [REQUEST FOR SALE, SERVICE AND CONSUMPTION OF ALCOHOL AT FAIRVIEW PARK FOR ANNUAL FISH FRY.](#)

RECOMMENDATION: Approve the Costa Mesa-Newport Harbor Lions Club's request to sell wine and beer at the 2013 Fish Fry.

13. [REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AT TEWINKLE PARK FOR ONE-DAY CHARITY EVENT.](#)

RECOMMENDATION: Approve the request by Inspire Artistic Minds for the sale, service, and consumption of beer at Tewinkle Park during a charity event in a confined area and with appropriate training for servers.

14. [PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE.](#)

RECOMMENDATION: Provide formal approval per Council Policy 100-8 for both Mayor Righheimer and Mayor Pro Tem Mensinger to attend the annual International Conference of Shopping Centers (ICSC) conference in Las Vegas, Nevada on May 19-22, 2013, along with City staff.

~~15. [2012 ANNUAL REVIEW OF THE COSTA MESA 2000 GENERAL PLAN.](#)~~

~~RECOMMENDATION: Approve the 2012 Annual Report of the Costa Mesa General Plan.~~

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

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

1. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-13-02\) FOR 22 ATTACHED LIVE/WORK UNITS WITHIN THE 19TH WEST URBAN PLAN.](#)

RECOMMENDATION: Provide feedback

2. **APPOINTMENTS TO VARIOUS COUNCIL-APPOINTED COMMITTEES AND BOARDS.**

Committee/Board Rosters and Applications

a. **Cultural Arts Committee**

RECOMMENDATION: Appoint members

b. **Historical Preservation Committee**

RECOMMENDATION: Appoint members

c. **Housing and Public Service Grant Committee**

RECOMMENDATION: Appoint members

d. **Pension Oversight Committee**

RECOMMENDATION: Appoint members

e. **Fairview Park Citizens Advisory Committee**

RECOMMENDATION: Appoint members

f. **Costa Mesa Senior Corporation Board of Directors**

RECOMMENDATION: Appoint members

g. Extend all remaining October 2013 term expirations to April 2014 to comply with Council Policy 000-2.

RECOMMENDATION: Approve

Late Applications Received

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting: May 7, 2013, 6 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- April 10-22 - Vanguard University's annual Celebration of the Arts. Celebrate the arts through a variety of shows and events at Vanguard University, 55 Fair Drive. For listing of events including dates and times, visit <http://www.vanguard.edu/about/news/celebration-of-the-arts/>.
- April 19-21 - America's Family Pet Expo at the Orange County Fair and Event Center, 88 Fair Drive, featuring pet products, demonstrations, live pets, contests, and adoption opportunities. Please, do not bring your pets. Expo times are Friday, 10 a.m.-6 p.m.; Saturday, 10 a.m.-7 p.m.; and Sunday, 10 a.m.-6 p.m. To purchase tickets or for other information, visit <http://petexpooc.org/>.
- April 20 & 21 - American Civil War Society (ACWS) Civil War Reenactment, featuring the Battle of Costa Mesa at Fairview Park, 2525 Placentia Avenue.