

# 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 AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER".

**TUESDAY, MARCH 18, 2014**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**SPECIAL CLOSED SESSION - 5:30 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 after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. 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

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:** If you wish to address the City Council on a matter not on the agenda, please complete and submit a speaker card to the City Clerk. Speaker cards must be submitted to the City Clerk either prior to the first Public Comment period or prior to the Continued Public Comment period. Up to ten speakers will be given time to address the City Council during the first Public Comment period following Presentations. The Continued Public Comment period will be held at the end of the agenda after Items Removed from Consent Calendar. Members of the public shall only address the City Council one time at any given meeting under either Public Comment period. Speakers may only complete one card per person. Each speaker is limited to three minutes.

**PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:** If you wish to address the City Council on a matter listed on the agenda, please complete and submit a speaker card to the City Clerk. Speaker cards must be submitted prior to the start of Public Comments on the item. Please identify which item on the agenda you would like to address. Each speaker is limited to three minutes.

The speaker cards are located on the table at the entrance to the City Council Chamber.

**Please take notice that** the order of scheduled agenda items may be modified by the Mayor or the City Council during the course of the meeting, so please stay alert.

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, 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.

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].

## **SPECIAL CLOSED SESSION – 5:30 P.M.**

### **CALL TO ORDER**

### **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 Organization: Costa Mesa Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.

**The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.**

## **REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 6 P.M.**

### **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Council Member 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.]*

Lynell Brooks, Vanguard/Newport Mesa Church

### **ROLL CALL**

### **CITY ATTORNEY CLOSED SESSION REPORT**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

**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.

### **PRESENTATION**

Presentation by Werner Escher from South Coast Plaza

## **PUBLIC COMMENTS**

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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 Genis
2. Council Member Leece
3. Council Member Monahan
4. Mayor 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.

- 1. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

RECOMMENDATION:

City Council waive reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

- 2. READING FOLDER**

a. Claims received by the City Clerk: Greg Nickel; and George Berg.

RECOMMENDATION: Receive and file.

- 3. WARRANT RESOLUTION 2511: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-04 "A" AND 14-05 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-04 "A" for \$650.14, Payroll No. 14-05 for \$1,975,829.39 and City operating expenses for \$1,891,020.21.**

RECOMMENDATION: Approve Warrant Resolution No. 2511, to be read by title only and further reading waived.

- 4. RED HILL AVENUE REHABILITATION PROJECT, CITY PROJECT NO. 13-02 CHANGE ORDER NO.1**

RECOMMENDATION:

City Council approve Change Order No. 1 in the amount of \$206,460.00 and authorize the Chief Executive Officer to execute contract Change Order No. 1.

**5. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT, CITY PROJECT NO. 12-18**

RECOMMENDATION:

1. City Council accept the work performed by C.J. Concrete Construction, Inc. and authorize the City Clerk to file the notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

**6. 2013-2014 SLURRY SEAL PROJECT, CITY PROJECT NO. 13-15**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the 2013-2014 Slurry Seal Project, City Project No. 13-15; and
2. Award a construction contract to American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, CA 92337 in the amount of \$374,138.10; and
3. Approve the Contract Change Order No.1 in the amount of \$74,830.00; and
4. Authorize the Chief Executive Officer to execute the Contract Change Order No.1; and
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**7. 2013-2014 STREET REHABILITATION PROJECT, CITY PROJECT NO. 13-16**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the 2013-2014 Street Rehabilitation Project, City Project No. 13-16; and
2. Award a construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, CA 92865 in the amount of \$2,583,978.00; and
3. Approve Contract Change Order No.1 in the amount of \$516,800.00; and
4. Authorize the Chief Executive Officer to execute Contract Change Order No. 1; and
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**8. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT (PROJECT "A") – CITY PROJECT NO. 13-17**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Parkway Concrete Repair and New Sidewalk Construction Project (Project "A"), City Project No. 13-17; and
2. Award a construction contract in the amount of \$497,603.00 to Horizons Construction Co. International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Approve Contract Change Order No.1 in the amount of \$99,500.00; and
4. Authorize the Chief Executive Officer to execute Contract Change Order No.1; and
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**9. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "B"), CITY PROJECT NO. 13-18**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Parkway Concrete Repair Project (Project "B"), City Project No. 13-18; and
2. Accept the withdrawal of the bid submitted by Horizons Construction Company International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Reject the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
4. Award a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$1,229,970.00; and
5. Approve Contract Change Order No. 1 in the amount of \$246,000.00; and
6. Authorize the Chief Executive Officer to execute Contract Change Order No. 1; and
7. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**10. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "C"), CITY PROJECT NO. 13-19**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Parkway Concrete Repair Project (Project "C"), City Project No. 13-19; and
2. Reject the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
3. Award a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$822,580.00; and
4. Approve Contract Change Order No. 1 in the amount of \$164,500.00; and
5. Authorize the Chief Executive Officer (CEO) to execute Contract Change Order No. 1; and
6. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**11. WILSON STREET AT HARBOR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-07**

RECOMMENDATION:

1. City Council accept the work performed by GMC Engineering, Inc., and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

**12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING THAT GOVERNMENT CODE 65402 SHALL NOT APPLY TO THE ABANDONMENT OF A MINOR PORTION OF THE RIGHT-OF-WAY THROUGH FILING OF A FINAL TRACT MAP FOR TRACT NO. 17508**

RECOMMENDATION:

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, finding that Government Code Section 65402 shall not apply to the abandonment of a minor portion of the right-of-way through filing of a Final Tract Map for Tract No. 17508; and
2. Approve the Final Map for Tract No. 17508 and authorize signing of the Map by the City Clerk and the City Engineer.



13. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1854 FULLERTON AVENUE](#)

RECOMMENDATION:

1. Set a public hearing on April 15, 2014 for the vacation of a portion of Fullerton Avenue Right-of-Way (ROW); and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, of intent to vacate a portion of Fullerton Avenue Right-of-Way (ROW).

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) - NONE**

**OLD BUSINESS**

1. [SMALL LOT ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42](#)

RECOMMENDATION:

City Council give second reading and consider for adoption Ordinance No. 14-04, to be read by title only and waive further reading, amending Title 13, Chapter I, IV, and V related to definitions; amendment to land use matrix; and a new Article 2.5 to Chapter V to allow small lot subdivisions in multiple family zoning districts and urban plan areas.

**NEW BUSINESS**

1. [CHARTER COMMITTEE DRAFT CHARTER](#)

RECOMMENDATION:

City Council receive the draft Charter from the Charter Committee and consider what steps should be taken.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – The Mayor and City Council adjourn the meeting  
in memory of David Stiller.**

**Next regular meeting, April 1, 2014, 5:00 p.m.**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

- Friday, April 4, 5:30-7:30 p.m. - First Fridays Road Show will be held in the front parking lot of City Hall. Event features classic cars, food, and a live DJ. This event is free to the public.
- April 7-11, 2014 – Spring Camp Costa Mesa: K through 6<sup>th</sup> Grade, Balearic Community Center, 1975 Balearic Drive, Costa Mesa. For further information, contact the Parks and Recreation Department at (714) 754-5300.
- Friday, April 25, 2014, 5-8 p.m. – Costa Mesa Community Run Expo at Estancia High School, 2323 Placentia Avenue. Expo features community and vendor booths, classic car show, and race packet pick-up and on-site registration.
- Saturday, April 26, 2014, 6:30 a.m. – Costa Mesa Community Run at Estancia High School and Fairview Park. Packet pick-up and on-site registration begins at 6:30 a.m. 5K and 10K begin at 8 a.m.; 2K begins at 9 a.m. Event features pancake breakfast, and community and vendor booths.
- Saturday, May 3<sup>rd</sup>, 2014, 12:00 – 3:00 p.m. – Arts in the Park event, Estancia Park, 1900 Adams Avenue, Costa Mesa. For further information, contact (714) 754-5322.
- Sunday, May 4<sup>th</sup>, 2014 – Orange County Marathon. For more information visit [www.ocmarathon.com](http://www.ocmarathon.com)
- Thursday, May 8<sup>th</sup>, 2014, 5:30-9:00 p.m. – The Mayor’s Celebration: Celebrating the Art of Leadership, Samueli Theater at Segerstrom Center for the Arts, 600 Town Center Drive, Costa Mesa. For more information visit [www.artofleadershipcelebration.com](http://www.artofleadershipcelebration.com)