



City of Costa Mesa Council Agenda

TUESDAY, SEPTEMBER 18, 2012

Eric R. Bever
Mayor

Jim Righeimer
Mayor Pro Tem

Stephen Mensinger
Council Member

Wendy Leece
Council Member

Gary Monahan
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

Economic and Development
Services Director Peter Naghavi

Public Services Director
Ernesto Munoz

Interim City Clerk
Brenda Green

**Council Chambers, 77 Fair Drive
5 p.m. – Closed Session and
6 p.m. – Regular Meeting of the City Council and Successor Agency to the
Redevelopment Agency**

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 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.
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, photos, or other material related to items on the agenda and for distribution to the City Council must be submitted to the City Clerk's Office by 3 p.m. on the day of the meeting. Any materials to be displayed on the overhead projector at the Council meeting must also be submitted to staff for approval by 3 p.m. on the day of the meeting.
6. 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 6 p.m.

Please note that if there are not any closed session items listed, the City Council will convene at its regular meeting time of 6 p.m. If there are closed session items, 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 listed 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 Police Association (CMPA), Costa Mesa Police Management Association (CMPMA), and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6
2. 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).

**RECONVENE REGULAR MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
6 p.m.**

CALL TO ORDER Mayor Eric R. Bever

PLEDGE OF ALLEGIANCE Mayor Pro Tem Jim Righeimer

**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. To view a copy of the policy or to volunteer to provide the moment of solemn expression at a future meeting, please contact the City Clerk's office.]

ROLL CALL

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.

Please refer to the last page of the agenda for a detailed list of announced events and activities.

PRESENTATIONS

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>.

SPEAKERS: FOR THE PURPOSE OF ACCURATE RECORDING OF THE OFFICIAL MINUTES, PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND SUBMIT TO THE CITY CLERK.

PLEASE NOTE:

- YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.
- GREEN FORM IS FOR ITEMS LISTED ON THE AGENDA. PLEASE FILL OUT A SEPARATE SPEAKER CARD FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Jim Righeimer
2. Council Member Wendy Leece
3. Council Member Stephen Mensinger
4. Council Member Gary Monahan
5. Mayor Eric R. Bever

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 8

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Sarajian Law Group on behalf of Jerome Espina; David P. Crandall on behalf of Ethel Petroske.
- (b) Requests for Alcohol Beverage Control licenses: 7-Eleven, Inc. dba 7-Eleven, 1548 Adams Avenue, Suite A; Shuck, LLC dba Shuck, 3313 Hyland Avenue, Suite A1; G1001 Inc. dba G Burgers, 615 West 19th Street.

Minutes

- 2. [Regular Adjourned Meeting/Study Session of June 14, 2011.](#)

Recommendation: Approve

Warrants

- 3. [WARRANT RESOLUTION 2437: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-18 AND PAYROLL REGISTER NO. 12-17A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-18 for \\$2,098,411.65 and Payroll No. 12-17A for -\\$504.55, and City operating expenses for \\$828,051.73, including payroll deductions.](#)

Recommendation: Approve

- 4. [WARRANT RESOLUTION 2438: 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 \\$677,898.19.](#)

Recommendation: Approve

Administrative Actions

5. [Roadway Markings and Traffic Sign Maintenance, City Project No. 12-09.](#)

(a) Reject bid from BC Traffic Specialist.

Recommendation: Approve

(b) Direct staff to re-advertise the RFP.

Recommendation: Approve

6. [Final Map for Tract No. 17192 located at 2460 Newport Boulevard for one lot subdivision for a 14-unit two-story common interest development \(condominiums\).](#)

Recommendation: Approve; authorize the City Engineer and Interim City Clerk to sign

7. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE.](#)

Recommendation: Adopt resolution

8. [Authorization for Principal Planner position.](#)

(a) Budget Adjustment No. 13-007.

Recommendation: Approve

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

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

No Successor Agency items scheduled.

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

No Public Hearing items scheduled.

OLD BUSINESS

No Old Business items scheduled.

NEW BUSINESS

1. [Request to cancel the regular City Council meeting of November 6, 2012.](#)

Recommendation: Consider request

REPORT – City Attorney

ADJOURNMENT – Next Regular City Council Meeting: October 2, 2012.

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.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

SEPTEMBER/OCTOBER 2012

- Friday, September 21 from 9 a.m. to 1 p.m. - The community is invited to join Assemblyman Allan Mansoor for a POW/MIA Recognition Day Ceremony at TeWinkle Park. For further information, e-mail leeandra.silva@asm.gov or call (714) 668-2100.
- Saturday, September 22 - Cruisin' for a Cure comes to the Orange County Fair and Event Center. For more information, visit www.cruisinforacure.com.

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- Thursday, October 4 from 11 a.m. to 1 p.m. - 7th Annual Costa Mesa Public Safety Recognition BBQ will be held at the Orange County Fair and Event Center. For ticket and sponsor information, visit www.costamesachamber.com or call (714) 885-9090.
- Sunday, October 7 - Making Strides Against Breast Cancer of Orange County will host a 5k fundraising walk beginning at the Segerstrom Center for the Arts. Registration begins at 7 a.m. and the walk begins at 8 a.m. Families are welcome to participate. For further information or to sign-up, call (877) 740-9255 or register online at www.MakingStridesWalk.org/orangecounty.