

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, MARCH 19, 2013
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION 5:00 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 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 – 5:00 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. Pursuant to Government Code Section 54957, Public Employment, Request for Special Leave of Absence.
3. 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 - 6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor James 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.]

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 – Mr. Hank Hornsveld
- Orange County Vector Control Presentation

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. Mayor James M. Righeimer
2. Mayor Pro Tem Steven Mensinger
3. Council Member Sandra Genis
4. Council Member Wendy Leece
5. Council Member Gary Monahan

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

1. READING FOLDER

- a. Claims received by the City Clerk: Enterprise Rent-A-Car.

RECOMMENDATION: Receive and file

- b. Requests for Alcohol Beverage Control licenses:

1. For Filomena's LLC, dba Sopranos, at 2400 Newport Boulevard, Suite 4, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place) and a duplicate Type "58" (Caterer Permit). Recommendation: Receive and file.
2. For Abelardo Lopez, dba Otra Cerveza, at 1638 Babcock Street, an original State Alcoholic Beverage Control (ABC) License Type "17" (Beer and Wine Wholesaler). Recommendation: Receive and file.
3. For Jonas Goodson Inc., dba Jonas Goodson, at 2506 Back Bay Loop, an original State Alcoholic Beverage Control (ABC) License Type "17" (Beer and Wine Wholesaler) and a duplicate Type "9" (Beer and Wine Importer). Recommendation: Receive and file.
4. For Jian Yang Wu, dba Golden Garden, at 1505 Mesa Verde Drive East, a person-to-person State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file
5. For H-Y Box Inc., dba Honda Ya Box, at 2969 Fairview Road, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file.
6. For Ryohei Morita, dba Ramen Zetton, at 735 East Baker Street, Suite B, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file.

RECOMMENDATION: Receive and file

2. [WARRANT RESOLUTION 2463: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-04A AND 13-05 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-04A for \\$228.92, Payroll No. 13-05 for \\$2,022,159.63 and City operating expenses for \\$728,271.13, including payroll deductions.](#)

RECOMMENDATION: Approve

3. [WARRANT RESOLUTION 2464: 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 \\$1,267,836.57.](#)

RECOMMENDATION: Approve

4. [AGREEMENT TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAMS](#)

RECOMMENDATION:

City Council approve the Resolution (Attachment 1) authorizing the Public Services Director to execute the necessary agreements to receive funds under the California Safe Routes to School Program.

5. [19th STREET REHABILITATION FROM NEWPORT BOULEVARD TO PARK AVENUE – CITY PROJECT NO. 12-20](#)

RECOMMENDATION:

- 1) City Council adopt plans, specifications, and working details for the 19th Street Rehabilitation from Newport Boulevard to Park Avenue, City Project No. 12-20; and
- 2) Award a construction contract to All American Asphalt, Corona, California, in the amount of \$202,413.00; and
- 3) Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. [RESOLUTION ESTABLISHING A NEW DATE FOR THE PARKS AND RECREATION COMMISSION MEETINGS](#)

RECOMMENDATION:

City Council consider adoption of the proposed Resolution (Attachment 1) to establish the regular meeting of the Parks and Recreation Commission to occur each month on the fourth Thursday of every month, except that there shall be no meeting on the fourth Thursday in December; and to authorize the Public Services Director to reschedule future November meetings to the third Thursday of the month, if needed, to avoid conducting the Commission meeting on the Thanksgiving holiday.

7. **PROFESSIONAL DESIGN SERVICES FOR REDESIGN OF CITY HALL LOBBY, POLICE DEPARTMENT LOBBY, DIRECTIONAL CITY SIGNAGE; AND DESIGN CONCEPTS FOR CITY CLERK'S OFFICE, COUNCIL CHAMBERS AND THE CLOSED PRINT SHOP SPACE**

RECOMMENDATION:

- 1) City Council award a professional services agreement to Dougherty+Dougherty Architects (Attachment 1) in an amount not to exceed \$59,740 for design services for a) the redesign of the City Hall lobby; b) the Police Department lobby; and c) conceptual design work for Civic Center directional signage. The agreement includes design development, construction documents, bidding and construction administration; and
- 2) Authorize the CEO to increase the scope of the professional services agreement (Attachment 1) to include an assessment and conceptual design of the City Council Chambers (\$6,830), the public portion of the City Clerk's Office (\$8,100) and the closed print shop on the first floor of City Hall and adjacent outdoor spaces (\$10,270). The cost of the additional work shall not exceed \$25,200; and
- 3) Authorize the CEO and the City Clerk to execute the professional services agreement with the increased scope of work.

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

PUBLIC HEARINGS

None

OLD BUSINESS

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-06, AMENDING TITLE 13, CHAPTER 1 AND CHAPTER IV, OF THE COSTA MESA MUNICIPAL CODE RELATED TO ESTABLISHMENT OF EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING PURSUANT TO STATE LAW**

RECOMMENDATION:

City Council give second reading to and adopt Ordinance 13-01, that amends Chapters I, IV and Table 13-30 of Title 13, related to emergency shelters and supportive and transitional housing in compliance with Government Code Sections 65582, 65583, and 65589.5 and provisions of the Housing Element, to be read by title only, and waive further reading.

NEW BUSINESS

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 1-21.1 OF CHAPTER I (GENERAL) OF TITLE 1 (GENERAL PROVISIONS), REPEALING SECTION 12-7 OF CHAPTER I (IN GENERAL) OF TITLE 12 (PARKS AND RECREATION), AND ADDING CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES – MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE RELATING TO STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNLAWFUL CAMPING**

RECOMMENDATION:

City Council introduce Ordinance 13-__ for first reading, regarding camping and storage of personal property in public areas, to be read by title only, and waive further reading.

2. **GENERAL PLAN UPDATE: PUBLIC ENGAGEMENT PROGRAM AND LAND USE & CIRCULATION STRATEGIES**

RECOMMENDATION:

City Council provide direction to staff by completing the following actions:

- 1) Select framework of Public Engagement Program (General Plan Advisory Committee versus Greater Community Outreach Approach); and
- 2) Approve General Plan Strategies for the Land Use and Circulation Elements.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting April 2, 2013, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- March 23 & 24 - Book sale at the Costa Mesa Donald Dungan Library, 1855 Park Avenue in Costa Mesa. Saturday 9:00am to 3:00 p.m., prices will range from \$.50 to \$1.00 each. Sunday 12 noon to 3:00 p.m., customers will get a bag of books for \$1.00. The sale is sponsored by the friends of the Costa Mesa Libraries. Call 949-646-8845 or e-mail to costamesalibr@gmail.com for information.
- March 20, 5-9 p.m. – Orange County's Largest Mixer X: The Ultimate Business Networking Event. Mix and mingle with business professionals representing hundreds of industries and companies in and around Orange County, and take the opportunity to reach small to large companies, meet new clients and learn how the different chambers of commerce and business organizations can make your business grow. Event takes place at OC Fair and Event Center, Buildings 10 and 12, 88 Fair Drive. Admission is \$20 at the door (cash only) or purchase tickets online by visiting <http://www.largestmixer.com/ocmixer/>.
- March 21, 7-8:30 a.m. – 90-Minute Breakfast Boost hosted by the Costa Mesa Chamber of Commerce, featuring Jack Hammett, Chairman of the OC Freedom Committee, who will share his experiences as a war veteran with the mission to help educate future generations about the price of freedom. Event takes place at Costa Mesa Golf Course, 1701 Golf Course Drive. Admission is \$15 prepaid or \$20 at the door. Contact Sandy Roy at (714) 885-9090 or visit www.costamesachamber.com for more information.
- March 21, 5:30 p.m. – 60th Anniversary Planning Committee meeting. Takes place at the Costa Mesa Police Department, Emergency Operations Center (EOC), 99 Fair Drive. For more information, visit the city's website.
- March 30, 9:30 a.m.-12 p.m. – Annual Egg-Citement 2013, hosted by Torelli Realty. Event features an egg hunt that begins at 10 a.m. along with other activities such as a petting zoo, coloring and jellybean contests, pony rides, and more. Event is free and takes place at Tanager Park, 1780 Hummingbird Drive. For more information, visit www.torellirealty.com or call (714) 540-7355
- March 28, 6-7:30 p.m. – "Meet the Mayor" monthly session, featuring Mayor Jim Righeimer. During each session, members of the public will be invited to ask Mayor Righeimer questions about city government and voice their concerns in a casual setting. The events will take place on the last Thursday of each month at various times and locations around the city. This month's event will take place at Fixtures Living, 3303 Hyland Avenue, Suite D.
- April 5, 5:30-7:30 p.m. - First Fridays Road Show will be held in the front parking lot of City Hall. This event is free to the public. Event features car show contest, food truck, and live music.