

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, DECEMBER 3, 2013
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION 4:30 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.

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 filed with the City Clerk prior to the City Council addressing Public Comments. Up to ten speakers will be given time to address the Council after “Presentations”. “Continued Public Comments” 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 will be accepted until the agenda item is called. 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 – 4:30 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 City Employee Association (CMCEA), 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 Mayor Pro Tem Mensinger

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.]

Pastor Mike Gibson, Christ Lutheran 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.

PRESENTATIONS

Update on educational advancement for Costa Mesa Students by Jennifer Knapp, President, Estancia and Tewinkle Schools Foundation

Award to Chief Gazsi for his support of the Guards and Reserves in the Police Department by Sergeant Vic Bakkila

Recognition of Costa Mesa High School Football Team for winning the "Battle of the Bell".

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. Mayor Pro Tem Mensinger
2. Council Member Genis
3. Council Member Leece
4. Council Member Monahan
5. Mayor Righeimer

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: Paul Bass; and Roy Rodgers.
- b. Requests for Alcohol Beverage Control licenses:
 - For MP Enterprises Inc., dba Mama Hong's, at 3013 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
 - For Serenity Beach Investments Inc., dba Globe European Delicatessen, at 1928 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

RECOMMENDATION: Receive and file

3. **WARRANT RESOLUTION 2500: 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 \$659,620.74.**

RECOMMENDATION: Approve Warrant Resolution No. 2500, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2501: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-23 "A" AND 13-24 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-23 "A" for \$-574.99, Payroll No. 13-24 for \$1,992,347.15 and City operating expenses for \$333,999.81.**

RECOMMENDATION: Approve Warrant Resolution No. 2501, to be read by title only and further reading waived.

5. **DOWNTOWN COSTA MESA GATEWAY LANDSCAPE IMPROVEMENTS, FEDERAL PROJECT NO. STPE-P055 (055), CITY PROJECT NO. 13-06**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Downtown Costa Mesa Gateway Landscape Improvements on SR-55 Freeway, City Project No. 13-06; and
2. Award a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$554,460.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **EAST 17TH STREET LANDSCAPE ENHANCEMENT, FEDERAL PROJECT NO. RPSTPLNE-5312(091), CITY PROJECT NO. 13-12**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the East 17th Street Landscape Enhancement, City Project No. 13-12; and
2. Award a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$776,995.00; and
3. Approve Budget Adjustment No. 14-018, in the amount of \$30,000.00 towards the project; and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

7. **BRENTWOOD PARK IMPROVEMENTS, CITY PROJECT NO. 13-14**

RECOMMENDATION:

City Council reject all bids and re-advertise the project.

8. HARBOR BOULEVARD BEAUTIFICATION PROJECT, FEDERAL PROJECT NO. RPSTPLE-5312 (083), CITY PROJECT NO. 13-05

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Harbor Boulevard Beautification Project, City Project No. 13-05; and
2. Award a construction contract to Jeff Tracy, Inc. DBA Land Form Construction, in the amount of \$572,809.95 (base bid plus additive bid item No. AD-1); and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

9. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT FOR VARIOUS PARKS PROJECTS

RECOMMENDATION:

1. City Council award a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project Management and/or Construction Management staff support as needed for various Capital Improvement Program (CIP) projects; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Approve Budget Adjustment No. 14-010 in the amount of \$200,000 to fund the above mentioned contract.

10. MEASURE M2 EXPENDITURE REPORT: "A RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2012-2013"

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, approving the Renewed Measure M2 Expenditure Report.

11. PUBLIC SAFETY APPLICATION SUPPORT CONTRACT

RECOMMENDATION:

City Council authorize the City CEO or his designee to sign the Maintenance and Support Agreement and Purchase Requisition for support services in the amount of \$58,301 for the City's CAD-RMS system with Motorola Inc., 1303 East Algonquin Road, Schaumburg, IL 60196.

12. RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

RECOMMENDATION:

1. City Council approve staff's recommendation to allocate 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approve Budget Adjustment No. 14-015 to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
 - Technology Improvement – South Coast Plaza Streaming Live Video to Responding Police Vehicles: \$17,896

13. APPROVE THE PURCHASE AND OUTFITTING OF TEN REPLACEMENT 2014 FORD POLICE INTERCEPTOR UTILITY VEHICLES

RECOMMENDATION:

1. City Council approve and authorize the CEO to sign the purchase agreement in the amount of \$318,406.70 for ten replacement Ford Police Interceptor Utility vehicles from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, under the National Joint Powers Alliance (NJPA) master vehicle contract #102811, and under existing City of Costa Mesa Purchase Order 0000008608; and
2. Approve and authorize the CEO to sign the purchase agreement in the amount of \$125,162.77 for outfitting ten new Ford Police Interceptor Utility vehicles from Hi Standard Automotive, LLC, 1110 West Barkley Avenue, Orange, CA, 92868, under existing City of Costa Mesa Purchase Order 0000008786; and
3. Approve Budget Adjustment No. 14-019 to appropriate undesignated fund balance in the General Fund in the amount of \$443,569.47 for the total purchase of ten vehicles with the required outfitted emergency safety equipment.

14. MODIFICATON TO PUBLIC COMMENTS AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS"

RECOMMENDATION:

City Council consider Resolution No. 13-xx, to be read by title only, and waive further reading, adding an "Additional Public Comments" section to the agenda and changing the order when "Items removed from the Consent calendar" will be addressed.

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

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

1. **AMENDMENT TO 2005 RESIDENTIAL DESIGN GUIDELINES: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, APPROVING AN AMENDMENT TO THE CITY’S 2005 RESIDENTIAL DESIGN GUIDELINES”.**

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, amending the Residential Design Guidelines in Attachment 3.

2. **CODE AMENDMENT CO-12-07: CONSIDERATION OF A MORATORIUM EXTENSION REGARDING HOOKAH PARLORS: “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, FOR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW HOOKAH PARLORS FOR A PERIOD NOT TO EXCEED 10 MONTHS AND 15 DAYS PENDING A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH AND SAFETY RELATING TO HOOKAH PARLORS”.**

RECOMMENDATION:

Recommend that City Council adopt Urgency Ordinance No. 13-09, to be read by title only, and waive further reading, an extension of the hookah parlor moratorium considered under Code Amendment CO-12-07 for a period not to exceed 10 months, 15 days.

OLD BUSINESS

1. [SECOND READING OF ORDINANCE 13-05 FOR CODE AMENDMENT CO-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF “SINGLE HOUSEKEEPING UNIT”: “AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF SINGLE HOUSEKEEPING UNIT”.](#)

RECOMMENDATION:

City Council give second reading to Ordinance No. 13-05, to be read by title only and further reading waived, amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of “single housekeeping unit”.

2. [AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE”.](#)

RECOMMENDATION:

City Council consider for second reading Ordinance No. 13-08, to be read by title only and waive further reading, which amends Chapter IX of Title 2 of the Costa Mesa Municipal Code relating to Appeal, Rehearing, and Review Procedures.

NEW BUSINESS

1. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-13-07\) FOR A 37-UNIT DETACHED TOWNHOUSE CONDOMINIUM DEVELOPMENT LOCATED AT 573-591 VICTORIA STREET](#)

RECOMMENDATION:

City Council provide feedback on the proposed 37-unit detached townhouse condominium development within the Mesa West Residential Ownership Urban Plan Area.

2. **UPGRADES TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM AND RELATED CONSTRUCTION FOR COUNCIL CHAMBERS**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve designating \$1.6 million of the \$7.1 million FY 2012-13 surplus to upgrade the City's audio/visual equipment and broadcast system used to facilitate and broadcast public meetings in the Council Chambers and broadcast city news and information on CMTV, the City's television channel. The funding will also be used for related construction in the Council Chambers; and
2. Direct the City staff to issue a Request for Proposals (RFP) for the purchase and installation of the new audio/visual equipment and broadcast system; and
3. Direct staff to obtain bids for related construction work needed in the Council Chambers.

3. **FIRST READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES".**

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, Ordinance 13-xx, to be read by title only, and waive further reading, regarding the excessive use of resources.

ITEMS REMOVED FROM THE CONSENT CALENDAR

ADDITIONAL PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, January 7, 2014, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Friday, December 6th, 2013 – First Friday Road Show, Civic Center, 77 Fair Drive, Costa Mesa.
- Friday, December 13th – Tuesday, December 24th, 2013 - Snoopy Open House, City Hall, 77 Fair Drive, Costa Mesa.