



City of Costa Mesa Council Agenda

TUESDAY, MAY 1, 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

Interim Development Services
Director Khanh Nguyen

Public Services Director
Ernesto Munoz

Acting Deputy City Clerk
Christine Cordon

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

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 pagers are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or 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, pictures, etc., to be provided to the Council should be directed to the City Clerk. Any exhibits to be displayed on the overhead screen may be given to the appropriate staff member.
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, (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.

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6 p.m.

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 (3) minutes to speak.

CLOSED SESSION:

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 Fighters Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6

2. Conference with legal counsel regarding existing litigation: Julie Folcik, vs. Orange County Registrar of Voters and Neal Kelley, Registrar of Voters, Orange County Superior Court Case No. 30-2012 00553905 pursuant to Government Code Section 54956.9(a).

RECONVENE REGULAR MEETING

REGULAR CITY COUNCIL AND CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA 6 p.m.

PLEDGE OF ALLEGIANCE Council Member Wendy Leece

**MOMENT OF SOLEMN
EXPRESSION** Pastor Ian Stevenson, The Crossing Church

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The Council disclaims any intent to endorse or sponsor the views of any speaker. Interested presenters, 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 which are sponsored by or affiliated with the City.

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

PRESENTATIONS Employee of the Month recognition – Officer Kha Bao

Certificates of Achievement – Costa Mesa High School's Business Academy/Virtual Enterprise teams

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.

PLEASE NOTE:

- **YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR SPECIFIC AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

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 (3) minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members.

Questions and comments made by public speakers may be addressed by Council during Council Comments. 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/> and enter your e-mail address in the box provided under "Sign up for latest City Hall news" at the top of the home page.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Wendy Leece
2. Council Member Stephen Mensinger
3. Council Member Gary Monahan
4. Mayor Eric R. Bever
5. Mayor Pro Tem Jim 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. 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 9

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claim received by the City Clerk: Cathlene Hill.
- (b) Requests for Alcohol Beverage Control licenses: Black Knight, 436 East 17th Street; Umami Burger, 2981 Bristol Street, Suite B2.
- (c) Letter of Notification: Southern California Edison Company's Application for Authority to Establish its Authorized Cost for Capital of Utility Operations in 2013 and to Reset the Current Annual Cost of Capital Adjustment Mechanism, A. 12-04-015

Minutes

2. Continued from the meeting of April 17, 2012: [Special Meeting of March 27, 2012](#) and [Regular Meeting of April 3, 2012](#); [Special Meeting of July 13, 2010](#); [Special Meeting of September 27, 2010](#); [Special Study Session of February 28, 2012](#); [Regular Adjourned Meeting/Study Session of April 10, 2012](#).

Recommendation: Approve

Warrants

3. [WARRANT RESOLUTION 2417: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-08 AND PAYROLL REGISTER NO. 12-07A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-08 for \\$2,058,180.63 and Payroll No. 12-07A for \\$1,075.78, and City operating expenses for \\$417,545, including payroll deductions.](#)

Recommendation: Approve

4. [WARRANT RESOLUTION 2418: 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 \\$412,199.24.](#)

Recommendation: Approve

Administrative Actions

5. [Adopt plans and specifications, and working details for Harbor Boulevard Rehabilitation Project \(from Baker Street to South Coast Drive\), City Project No. 12-01, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \\$837,124.48.](#)

Recommendation: Approve; authorize the Mayor and Acting Deputy City Clerk to sign

6. [Adopt plans and specifications, and working details for 2011-2012 Community Development Block Grant \(CDBG\) Alley No. 122 Improvement Project, City Project No. 12-02, and award a construction contract to Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs, in the amount of \\$201,810 \(base bid\).](#)

Recommendation: Approve; authorize the Mayor and Acting Deputy City Clerk to sign

7. [Fairview Traffic Signal Synchronization Project.](#)

- (a) Cooperative Agreement with the City of Santa Ana for the implementation of the Traffic Signal Synchronization Project on the Fairview Corridor.

Recommendation: Approve; authorize the City Chief Executive Officer and Acting Deputy City Clerk to sign

- (b) Professional Services Agreement with Advantec Consulting Engineers, 19200 Von Karman Avenue, Suite 600, Irvine, for the design and implementation of the Fairview Traffic Signal Synchronization Project in the amount of \$658,440.

Recommendation: Approve; authorize the Mayor and Acting Deputy City Clerk to sign

- (c) Budget Adjustment No. 12-018 for \$658,440.

Recommendation: Approve

- 8. [Completion of CCTV Phase IV Improvement Project, City Project No. 11-05, by Crosstown Electrical & Data, Inc., 5463 Diaz Street, Irwindale.](#)

Recommendation: Accept work; authorize Acting Deputy City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

- 9. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.](#)

Recommendation: Adopt resolution

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

CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

No items scheduled.

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

1. [PUBLIC HEARING: General Plan Amendment GP-11-03, Planning Application PA-11-27, and Tentative Parcel Map TPM-12-104 for Bryan Coggins of The Preface Group, for the development of four, four-story single-family residences \(inclusive of a roof deck\) at 20.5 du/acre density \(20 du/acre maximum density allowed by General Plan\); design review, including an administrative adjustment to allow 12-foot rear yard setback \(20 feet required\) and tandem parking for one of the units; and a tentative parcel map to facilitate subdivision of the property into four fee simple lots in the Mesa West Residential Ownership Urban Plan area. Environmental Determination: Exempt.](#)

- (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-11-03, PLANNING APPLICATION PA-11-27, AND TENTATIVE PARCEL MAP 12-104 FOR DEVELOPMENT OF A FOUR UNIT, SMALL-LOT RESIDENTIAL DEVELOPMENT LOCATED AT 743 WEST 20TH STREET.

Recommendation: Adopt resolution

2. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-05, AMENDING TITLE 13, CHAPTER VI, ARTICLE 2, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD AND BEVERAGES ARE SERVED.](#)

Recommendation: Introduce ordinance for first reading, to be read by title only, and waive further reading

OLD BUSINESS

1. [From the meeting of April 17, 2012, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER XIII \(SEX OFFENDERS PROHIBITED FROM ENTERING PARKS AND SPORTS FACILITIES\) OF TITLE 11 \(OFFENSES – MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE RELATING TO SEX OFFENDERS.](#)

Recommendation: Adopt Ordinance No. 12-3, to be read by title only, and waive further reading

NEW BUSINESS

1. [Urban Master Plan UMP-12-02 screening request for 40 attached live/work units at 1527 Newport Boulevard.](#)

Recommendation: Provide direction

Agenda-related writings or documents provided to a majority of the City Council after distribution of the City Council agenda packet pursuant to Government Code Section 54957.5 for New Business Item No. 1:

Received May 1, 2012:

1. [Supplemental memorandum](#) & [attachment](#)

2. [Review of Ordinance No. 11-6, Title 9 of the Costa Mesa Municipal Code, regarding fireworks sales and discharge.](#)

Recommendation: Receive and file

3. [Proposal by the Costa Mesa-Newport Harbor Lions Club to use a portion of Fairview Park for its annual Fish Fry and request to waive the special event permit fee and park use fees.](#)

Recommendation: Approve

4. [Costa Mesa-Newport Harbor Lions Club request to sell wine and beer at the 2012 Fish Fry.](#)

Recommendation: Approve

5. [Demolition of picnic shelter at Lions Park.](#)

Recommendation: Approve

6. [Participation by select council members at economic development conference.](#)

Recommendation: Approve

REPORT – City Attorney

ADJOURNMENT – Adjourn to the Regular Adjourned Meeting/Study Session of May 8, 2012 at 4:30 p.m. Next Regular City Council Meeting: May 15, 2012.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted, whenever possible, and as part of the agenda, on the City's website at www.costamesaca.gov

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

MAY/JUNE 2012

- Thursday, May 3 - Board of Equalization Small Business Seminar will be held at the Neighborhood Community Center. The free seminar will provide useful information to businesses seeking information about sales and use tax, state income tax reporting, employment taxes, permit requirements and much more. For further information, call (916) 671-9034.
- Saturday, May 5, from 9 a.m. to 1 p.m. - SoCo Farmer's Market will be held at the SoCo Collection Shopping Center located at 3315 Hyland Avenue.
- Sunday, May 6 beginning at 5:30 a.m. - OC Marathon. For information on participating and activities, visit www.ocmarathon.com.
- Wednesday, May 9 from 3 to 5 p.m. - Fair Housing Foundation will host a Landlord Workshop at the Neighborhood Community Center. To RSVP, please call (800) 446-3247.
- Thursday, May 10 at 10 a.m. - Costa Mesa Sanitary District is sponsoring a free Composting Workshop at Fairview Park.
- June 2 and 3 – Costa Mesa-Newport Lions Club 65th annual Fish Fry at Fairview Park. Come enjoy \$10 fish dinners, opportunity drawing, carnival rides, vendors, and entertainment. Admission is free. Visit <http://www.cmnhlions.com/fish-fry/> for more information.