

AGENDA CITY OF COSTA MESA CITY COUNCIL

**REGULAR CITY COUNCIL MEETING
TUESDAY, JANUARY 15, 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 **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 **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 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: 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 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.]

Ms. Eleanor Egan

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

- Ms. Kori Johnson, Costa Mesa High School Cheer Coach
- Mayor's Award - Estancia High School Drama Cast for receiving a California Educational Theatre Association (CETA) award
- Mayor's Dinner 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 Pro Tem Stephen Mensinger
2. Council Member Sandra Genis
3. Council Member Wendy Leece
4. Council Member Gary Monahan
5. Mayor James M. 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

1. READING FOLDER

(a) Claims received by the City Clerk: Max Weisenberger; James Heumann.

RECOMMENDATION: Receive and file

(b) Requests for Alcohol Beverage Control licenses:

- Storyteller Engraving LLC, dba Storyteller Engraving, at 139 E. 16th Street, an original State Alcoholic Beverage Control (ABC) License Type "85" (Limited Off-Sale Wine).
- London Gastropub Inc., dba London Pub, at 512 W. 19th Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place) and Type "58" (Caterer Permit).
- Anna Scandalos, dba Inka Grill, at 260 Bristol Street, an original State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
- Akdok Inc., dba Bristol 76 Gas Station, at 3067 Bristol Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).

RECOMMENDATION: Receive and file

2. [MINUTES: REGULAR MEETING AUGUST 2, 2011 AND REGULAR MEETING NOVEMBER 15, 2011](#)

RECOMMENDATION: Approve

3. **WARRANT RESOLUTION 2455: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-26A AND 13-01 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-26A for \$8,682.79, Payroll No. 13-01 for \$2,401,095.79 and City operating expenses for \$482,422.73, including payroll deductions.**

RECOMMENDATION: Approve

4. **SECOND AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

RECOMMENDATION:

1. City Council approve Second Amendment to the Professional Services Contract between the City of Costa Mesa and the Lilley Planning Group for comprehensive planning services to the Planning Division from the existing approved amount of \$50,000 for a total amount of \$92,000; and
2. Approve Budget Adjustment (BA #13-013) to transfer appropriations from salaries and benefits accounts to Consulting account in the amount of \$92,000.

5. **2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: 20th STREET STORM DRAIN IMPROVEMENTS (FROM PLACENTIA AVENUE TO WALLACE AVENUE) PROJECT –CITY PROJECT NO. 12-12**

RECOMMENDATION:

1. City Council adopt the plans, specifications, and working details for the 2012-2013 CDBG Project: 20th Street Storm Drain Improvements (from Placentia Avenue to Wallace Avenue), City Project No. 12-12; and
2. Approve Budget Adjustment No. 13-010 in the amount of \$170,000.00 (Attachment 1) as detailed under the Fiscal Review section of this report; and
3. Award a construction contract to Palp, Inc. dba Excel Paving Company, Lemon Avenue, Long Beach, CA 90806, in the amount of \$275,639.00; and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: GISLER AVENUE ALLEY IMPROVEMENT PROJECT (ALLEY NO. 31), FROM CORIANDER DRIVE TO CINNAMON AVENUE – CITY PROJECT NO. 12-13**

RECOMMENDATION:

1. City Council adopt the plans, specifications, and working details for the 2012-2013 CDBG Project: Gisler Avenue Alley Improvement Project (Alley No. 31), from Coriander Drive to Cinnamon Avenue, City Project No. 12-13; and
2. Reject the bid submitted by Black Rock Construction Company, 282 North St. Crispen, Brea, CA 92821; and
3. Award a construction contract to Nobest, Inc. 7600 Acacia Avenue, Garden Grove, CA 92841, in the amount of \$246,000.00; and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **FILLMORE WAY ALLEYS (ALLEY NO. 48 AND ALLEY NO. 49) AND GARFIELD AVENUE ALLEY (ALLEY NO. 50) IMPROVEMENT PROJECT-CITY PROJECT NO. 12-17**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Fillmore Way Alleys (Alley No. 48 from Paularino Avenue to Albany Street and Alley No. 49 from Albany Street to southerly end), and Garfield Avenue Alley (Alley No. 50 from Paularino Avenue to southerly end) Improvement Project – City Project No. 12-17; and
2. Award a construction contract to Bannaoun Engineers Constructors Corporation, 9614 Cozycroft Avenue, Chatsworth, CA 91311, in the amount of \$226,076.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

8. **CORPORATION YARD FIRE DAMAGE RESTORATION AT 2310 PLACENTIA AVENUE, COSTA MESA-CITY PROJECT NO. 12-11**

RECOMMENDATION:

1. City Council accept the work performed by St. George Construction, Inc., and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Materials 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.

9. HICKORY DRIVE ALLEY (ALLEY NO. 28) FROM PONDEROSA STREET TO ALLEY NO. 29; PEPPER TREE LANE ALLEY (ALLEY NO. 29) FROM ROYAL PALM DRIVE TO ALLEY NO. 30; AND HARBOR BOULEVARD ALLEY (ALLEY NO. 30) FROM BAKER STREET TO PONDEROSA STREET IMPROVEMENT PROJECT – CITY PROJECT NO. 12-03

RECOMMENDATION:

1. City Council accept the work performed by Black Rock Construction Company 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.

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

PUBLIC HEARINGS NONE

OLD BUSINESS NONE

NEW BUSINESS

1. APPOINTMENTS TO THE PLANNING COMMISSION AND THE PARKS AND RECREATION COMMISSION

RECOMMENDATION:

Staff recommends that the City Council:

1. Make appointments to fill two vacancies on the Planning Commission; and
2. Make appointments to fill four vacancies on the Parks and Recreation Commission.

2. RENAMING OF INVESTMENT OVERSIGHT COMMITTEE TO FINANCE ADVISORY COMMITTEE

RECOMMENDATION:

City Council consider renaming the Investment Oversight Committee to the Finance Advisory Committee and expanding the current purpose of the committee.

PURCHASE OF BUSINESS LICENSE SOFTWARE

RECOMMENDATION:

1. City Council approve the purchase of a Business license Software system from HdL Software, LLC; and
2. Authorize the City Chief Executive Officer to sign a professional services agreement with HdL Software, LLC in an amount not to exceed \$55,000.

APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE COSTA MESA CONFERENCE AND VISITOR BUREAU, TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT

RECOMMENDATION:

City Council approve the Mayor's appointments to the following Boards:

1. Costa Mesa Conference and Visitor Bureau (CMCVB); and
2. Transportation Corridor Agency (TCA); and
3. Orange County Vector Control District (OCVCD).

REPORT – CITY ATTORNEY

ADJOURNMENT - Next Regular City Council Meeting February 5, 2013.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Thursday, January 17 and 24, 5:30 p.m. – 60th Anniversary Planning Committee meeting. Costa Mesa Police Department, Emergency Operations Center (EOC), 99 Fair Drive.

Tuesday, January 29, 2013, Battle of the Badges blood drive sponsored by the Red Cross; 9 a.m. to 3 p.m.; Costa Mesa Emergency Operations Center (EOC), 99 Fair Drive, Costa Mesa

Friday, February 1, 2013, 6 p.m. - First Fridays Road Show, featuring classic cars, food truck, and free food voucher for first 100 vehicle entries. City Hall, 77 Fair Drive.