

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
TUESDAY, FEBRUARY 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 **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 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. Conference with legal counsel regarding existing litigation: Costa Mesa City 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).
3. Conference with legal counsel regarding existing litigation: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to Government Code Section 54956.9(a).

REGULAR MEETING OF THE CITY COUNCIL

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Wendy Leece

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.]

Father Norbert, from St. John the Baptist Church

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

- Costa Mesa Community Run Presentation
- Mayor's Award – Sister Mary Vianney Ennis, Principal, at St. John the Baptist School, (51 years of service at the school)

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

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: Jeffrey Swallow; Valerie Fletcher; William Martin; Wendy Connolly.

RECOMMENDATION: Receive and file

- (b) Requests for Alcohol Beverage Control licenses:

- For Cal Coast Inc., dba Baker/ARCO, at 3003 Newport Boulevard, an original State Alcoholic Beverage Control (ABC) License Type "21" (Off-Sale General).
- For City Wide Entertainment, Inc., dba Sutra Nightclub, at 1870 Harbor Boulevard, Suite A-200, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise), a Type "58" (Caterer Permit), a Type "68" (Portable Bar), and a Type "77" (Event Permit).
- For Blessed Black Wings, LLC, dba Commissary Lounge, at 2968 Randolph Avenue, a premise-to-premise transfer of a State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise).
- For Vivante Westside, LLC, dba Vivante On The Coast, at 1640 Monrovia Avenue, an original State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place), a Type "57" (Special On-Sale General), and a Type "58" (Caterer Permit).

RECOMMENDATION: Receive and file.

2. [MINUTES: Special Study Session May 31, 2011](#)

RECOMMENDATION: Approve

3. WARRANT RESOLUTION 2459: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-02A AND 13-03 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-02A for \$1,451.89, Payroll No. 13-03 for \$2,026,728.18 and City operating expenses for \$477,233.72, including payroll deductions

RECOMMENDATION: Approve

4. WARRANT RESOLUTION 2460: 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 \$582,232.05

RECOMMENDATION: Approve

5. AGREEMENTS FOR RIGHT-OF-WAY ACQUISITION FOR THE HARBOR BOULEVARD WIDENING PROJECT FROM LAW COURT TO SUNFLOWER AVENUE

RECOMMENDATION:

- 1) City Council approve the Purchase Agreements and Escrow Instructions (Attachments 1 & 2) for the acquisition of partial “sliver” portions of property at the following addresses:
 1. 3390 Harbor Boulevard (northerly parcel), owned by Harbor Associates.
 2. 3390 Harbor Boulevard (southerly parcel), owned by CJ Segerstrom & Sons.
- 2) Authorize the Mayor and Interim City Clerk to sign the purchase agreements.
- 3) Approve Budget Adjustment 13-016 (Attachment 3) in the amount of \$400,000 to purchase the above sliver acquisitions from Measure M2 and Traffic Impact Fee Funds.
- 4) Authorize the Interim City Clerk to accept and record the easements.

6. **THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA**

7. AGREEMENTS FOR RIGHT-OF-WAY ACQUISITION FOR THE HARBOR BOULEVARD/ADAMS INTERSECTION IMPROVEMENT PROJECT

RECOMMENDATION:

- 1) City Council approve the purchase agreement and escrow instructions (Attachments 1-8) for the acquisition of partial “sliver” portions of property at the following addresses:
 1. 1500 Adams Avenue, owned by 1500 Adams Ave., L.P.
 2. 1534 Adams Avenue, owned by Sparks Enterprises.
 3. 1545 Adams Avenue, owned by M.V. Partners.
 4. 2790 Harbor Boulevard, owned by Maureen Elizabeth Lefebvre, Trustee.
 5. 2799 Harbor Boulevard, owned by C.J. Segerstrom & Sons.
 6. 2800 Harbor Boulevard, owned by Karahadian Ranches, Inc.
 7. 2801 Harbor Boulevard, owned by Ying & Vincent Fok, INnc.
 8. 2828 Harbor Boulevard, owned by Connell Properties.
- 2) Authorize the Mayor and Interim City Clerk to sign the purchase agreements.
- 3) Approve Budget Adjustment 13-107 (Attachment 9) in the amount of \$420,000 to purchase the above sliver acquisitions from Measure M2 and Traffic Impact Fee Funds.
- 4) Authorize the Interim City Clerk to accept and record the easements.

8. IN-CAR VIDEO RECORDING SYSTEM FOR PATROL VEHICLES

RECOMMENDATION:

- 1) City Council approve and authorize the CEO to sign the purchase agreement in the amount of \$321,203.87 for the upgrade of 49 in-car digital video recording systems for the Police Department, with L3 Communications, Mobile-Vision, Inc., 90 Fanny Road, Boonton, NJ 07005; and
- 2) Approve Budget Adjustment (BA #13-018) to appropriate undesignated fund balance in the Narcotics Asset Forfeiture Fund in the amount of \$321,203.87 for the upgrade of the in-car digital video recording system.

9. THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA

10. RESOLUTION ESTABLISHING RECEIPT AND DISTRIBUTION POLICY REGARDING TICKETS AND/OR PASSES IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1 AS RECENTLY AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION

RECOMMENDATION:

Staff recommends that the City Council adopt the Resolution establishing a ticket distribution policy regarding tickets and/or passes in conformance with the California Code of Regulations §18944.1.

11. AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSAL FOR A PERFORMANCE AUDIT OF THE COSTA MESA COUNTRY CLUB

RECOMMENDATION:

City Council authorize the Public Services Department to proceed with a Request for Proposal (RFP) for consultant services to conduct a performance audit of the Costa Mesa Golf and Country Club.

12. THIRD PARTY WORKERS' COMPENSATION CLAIMS ADMINISTRATION SERVICES

RECOMMENDATION:

Staff recommends that the City Council:

- 1) Award the contract for Third Party Workers' Compensation Claims Administration Services per Request for Proposal (RFP) to AdminSure, Inc.; and
- 2) Authorize the Mayor and City Clerk to execute the Professional Services Agreement for the contract (Attachment I); and
- 3) Authorize the City CEO to extend the contract for two additional one-year terms as applicable.

13. APPOINTMENT OF REPRESENTATIVES PER THE COIN ORDINANCE TO NEGOTIATE THE CONTRACT WITH CMCEA

RECOMMENDATION:

Staff recommends that the Mayor and City Council formally approve the designation of Richard M. Kreisler as the principal representative negotiating on behalf of the City of Costa Mesa (City) and Rick Francis, Assistant Chief Executive Officer (CEO), as the City's representative.

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

SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY

NEW BUSINESS

1. [REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 13-14A SIX-MONTH FISCAL PERIOD OF JULY 1, 2013 TO DECEMBER 31, 2013](#)

RECOMMENDATION:

Adopt Successor Agency Resolution No. 13-__ Approving the Successor Agency's Administrative Budget for the 13-14A Six-month Fiscal Period subject to Submittal to and Approval by the Oversight Board pursuant to the Dissolution Act

2. [REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 13-14A SIX-MONTH FISCAL PERIOD OF JULY 1, 2013 TO DECEMBER 31, 2013](#)

RECOMMENDATION:

Adopt Successor Agency Resolution No. 13-__ approving Recognized Obligation Payment Schedule for the 13-14A six-month fiscal period of July 1, 2013 to December 31, 2013 ("ROPS 13-14A"), subject to submittal to and review by the Oversight Board and then Department of Finance (DOF). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

3. [UPDATE FROM SUCCESSOR AGENCY STAFF REGARDING DISSOLUTION ACT MATTERS](#)

RECOMMENDATION:

Receive report.

END OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA

PUBLIC HEARINGS NONE

OLD BUSINESS

1. [APPOINTMENT OF PLANNING COMMISSIONERS](#)

RECOMMENDATION:

Staff recommends that the City Council make appointments to fill three vacancies on the Planning Commission.

NEW BUSINESS

1. **GENERAL PLAN SCREENING GPS-13-01 FOR PROPOSED 236-UNIT RESIDENTIAL APARTMENT PROJECT AT 125 E. BAKER STREET**

RECOMMENDATION:

Accept or deny General Plan amendment request for processing to amend the land use designation from Industrial Park to Planned Development Residential related to development of a 236-unit apartment complex project.

2. **RESOLUTION OF SUPPORT WITH COSTA MESA COMMUNITY ATHLETIC FOUNDATION (COSTA MESA UNITED) AND FUNDING COMMITMENT FOR CAPITAL IMPROVEMENTS OF SPORTS FACILITIES AT COSTA MESA AND ESTANCIA HIGH SCHOOLS**

RECOMMENDATION:

- 1) The CEO's office recommends the adoption of the proposed resolution of support (Attachment 1) for the Costa Mesa Community Athletic Foundation ("Costa Mesa United") and funding commitment for capital improvements of sports facilities at Estancia and Costa Mesa High Schools.
- 2) Authorize the CEO to execute an agreement with Costa Mesa United for a Capital Improvement Grant Program and any project specific agreements that may be necessary in the future.

3. **ESTABLISHMENT OF THE INFORMATION TECHNOLOGY REPLACEMENT FUND, ESTABLISHMENT OF A LOAN BETWEEN THE GENERAL FUND AND THE EQUIPMENT REPLACEMENT FUND AND BUDGET AUTHORIZATION FOR INFORMATION TECHNOLOGY INFRASTRUCTURE UPGRADES**

RECOMMENDATION:

- 1) City Council direct staff to establish the Information Technology (I.T.) Replacement Fund; and
- 2) Direct staff to establish a loan agreement between the General Fund and Informational Technology Replacement Fund; and
- 3) Authorize the initial appropriation of monies for citywide Information Technology upgrades in the amount of \$1,734,728.

4. **PURCHASE OF COMPUTER NETWORKING EQUIPMENT FOR ALL CITY FACILITIES FROM GOVPLACE**

RECOMMENDATION:

City Council approve and authorize the CEO to sign the purchase agreement in the amount of \$287,228.07 for the computer networking equipment for all City facilities, with Govplace, 18101 Pierce Street, Suite 200, Riverside, CA 92505.

5. **SUPPORT AGREEMENT WITH HEWLETT PACKARD**

RECOMMENDATION:

City Council authorize the City CEO or his designee to sign the Support Agreement with Hewlett Packard (HP), 8000 Foothills Boulevard, Roseville, California, 95747, covering the period from March 1, 2013 through February 28, 2014, in the amount of \$127,342.78.

6. **RENEWAL OF THE ORACLE/PEOPLESOFT SUPPORT SERVICE3 CONTRACTS**

RECOMMENDATION:

City Council authorize the City CEO or his designee to sign the Support Agreement/Ordering Documents with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, California 95765, covering the period from March 1, 2013 through February 28, 2014, in the amount of \$196,091.50.

7. **REQUEST TO ESTABLISH A COMMITTEE TO EVALUATE ANNUAL PENSION OVERSIGHT ISSUES**

RECOMMENDATION:

Mayor Pro Tem Mensinger requests formal City Council consideration to establish a committee to evaluate annual pension oversight issues.

8. **REQUEST FOR AMENDMENTS TO COUNCIL POLICY 400-2 REGULATIONS GOVERNING FIREWORKS**

RECOMMENDATION:

The CEO's office recommends the consideration and adoption of proposed changes to Council Policy 400-2 (Attachment 1) which deals with the sale of fireworks within the City of Costa Mesa.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Special Study Session February 26, 2013, 6:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- February 20, 3:00 p.m., Fairview Park Wetlands and Riparian Habitat Project Grand Opening
- February 20, 6:30 p.m. to 8:00 p.m., Mesa Water District hosts a free Water Issues Study Group, an educational program for customers and community members interested in learning about important water issues. For further information and to register, email to event@mesawater.org or call (949) 631-1201 or go to www.mesawater.org/wisg
- February 21, 7-8:30 a.m. – 90-Minute Breakfast Boost hosted by the Costa Mesa Chamber of Commerce, featuring Joni K. Terens who will be providing updates regarding business tax laws enacted in 2012. 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.
- February 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.
- February 22, 7:30 p.m. to 9:30 p.m., a free United States Navy Concert Band performance will be held at Orange Coast College, Robert B. Moore Theater. Although the concert is free, the Navy Band requires tickets for admission. Free tickets may be downloaded or printed at www.ocnavybandconcert.us
- February 23, 9 a.m.-4 p.m. – Free electronics recycling event to benefit the Costa Mesa Chamber of Commerce. No hazardous waste materials, but ink cartridges and toners are welcomed. For more information, visit www.costamesachamber.com.
- Saturday, February 23, 6:00 p.m., The Friends of the Costa Mesa Libraries is hosting an Outstanding Speakers Program featuring Bill Burke, "Oldest American to Climb Mt. Everest and Return Alive". The program includes a short business meeting and a dinner (Mexican food) for \$8 per person. To RSVP, contact Bob Ooten at 714-545-9613 or email to bobbyooten@aol.com by February 19th.
- February 28, 6-7:30 p.m. – "Meet the Mayor" monthly session, featuring Mayor Jim Rigeimer. During each session, members of the public will be invited to ask Mayor Rigeimer 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. First event will take place at Pitfire Artisan Pizza, 353 East 17th Street.
- Friday, March 1 (weather permitting), 6:00 p.m. to 8:30 p.m., the First Friday Road Show will be held in the front parking lot of City Hall. This event is free to the public.
- March 3 – Newport-Mesa Spirit Run. Race courses include a 15k all the way down to a toddler trot. All net proceeds benefit the Newport-Mesa Unified School District. Event expo and races take place at Fashion Island in Newport Beach. Visit <http://nmspiritrun.org/registration/> for more information or to register.
- March 5, 11:30 a.m.-1 p.m. – Costa Mesa Chamber Networking Lunch featuring a buffet style lunch, self-introductions, 10-minute feature commercial, leads exchanged throughout lunch, testimonials and plenty of good-old fashioned face-to-face networking. Tickets are \$17 for members, and \$20 for general public. Event takes place at Costa Mesa Golf Course, 1701 Golf Course Drive. Contact Sandy Roy at (714) 885-9090 or visit www.costamesachamber.com for more information.