

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, MAY 7, 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. 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).
3. Conference with Labor Negotiator:
Pursuant to Government Code Section 54957.6
Negotiator: City Attorney
Unrepresented Employee: Thomas R. Hatch, Chief Executive Officer
4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One case

REGULAR MEETING OF THE CITY COUNCIL – 6 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Monahan

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.]

Rabbi Eli Spitz

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

Service Excellence Award - Presented by Darnell Wyrick, President of Mesa Verde Community, Inc.

Recognition of John Sendrey – Assisted in rescuing a lost hiker in Trabuco Canyon

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 Steven 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 13

1. READING FOLDER

- a. Claims received by the City Clerk: Allstate/Joneen Ohlaker; Eflada Concepcion; and Jenna Oestreicher

RECOMMENDATION: Receive and file

2. **MINUTES:** Regular Study Session of April 9, 2013, Special Meeting of April 9, 2013, Regular City Council Meeting of April 16, 2013, and Special Joint Meeting of the City Council and Successor Agency of April 30, 2012.

RECOMMENDATION: Approve

3. **WARRANT RESOLUTION 2469: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-07A AND 13-08 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-07A for \$1,965.00, Payroll No. 13-08 for \$2,061,628.33 and City operating expenses for \$1,036,358.46, including payroll deductions.**

RECOMMENDATION: Approve

4. **WARRANT RESOLUTION 2470: 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 \$780,489.31.**

RECOMMENDATION: Approve

5. **WARRANT RESOLUTION 2471: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-08 "A" AND 13-09 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-08A for \$3,304.67, Payroll No. 13-09 for \$2,009,820.19 and City operating expenses for \$613,747.83, including payroll deductions.**

RECOMMENDATION: Approve

6. **ENERGY PARTNERSHIP CONTRACT EXTENSION BETWEEN SOUTHERN CALIFORNIA GAS COMPANY AND THE CITY OF COSTA MESA FOR 2013-2014**

RECOMMENDATION:

Staff recommends that the Mayor and City Council authorize the Mayor and City CEO to execute an extension to the existing energy partnership agreement between the City of Costa Mesa and Southern California Gas Company for 2013-2014.

7. **AWARD THREE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES**

RECOMMENDATION:

1. Award three (3) year contract for managed investment services to Chandler Asset Management, Inc. (Chandler) with an option to extend the contract in one-year periods, for a minimum of two fiscal years; and
2. Authorize City Chief Executive Officer to sign and execute the investment management agreement with Chandler Asset Management, Inc.

8. **ADOPT RESOLUTION AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE CITY OF COSTA MESA DEFERRED COMPENSATION PLAN FOR PUBLIC EMPLOYEES – SECTION 457 GOVERNMENTAL PLAN AND TRUST TO ENSURE COMPLIANCE WITH APPLICABLE LEGISLATIVE AND REGULATORY REQUIREMENTS AND THE ESTABLISHMENT OF A TRUST TO HOLD ASSETS FOR THE EXCLUSIVE BENEFIT OF PLAN PARTICIPANTS AND BENEFICIARIES**

RECOMMENDATION:

1. Staff recommends the City Council adopt a resolution amending and restating the City of Costa Mesa Deferred Compensation Plan and Trust in accordance with applicable legislative and regulatory requirements and establishing a trust to hold Plan Assets for the exclusive benefit of Plan participants and beneficiaries; and
2. Designate the Administrative Committee to serve as Trustee for the City's Deferred Compensation 457 Plan.

9. **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. Staff recommends that the City Council accept the work performed by Nobest, Inc., 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.

10. **RENEWAL OF THE USE AGREEMENT WITH THE HARBOR SOARING SOCIETY**

RECOMMENDATION:

Staff recommends that the City Council renew the Use Agreement with the Harbor Soaring Society for one year for the use of a portion of Fairview Park.

11. **PROFESSIONAL TRAFFIC ENGINEERING SERVICES CONTRACT**

RECOMMENDATION:

1. Approve Contract Change Order and Budget Adjustment for the extension of the Professional Services Agreement to Kabbara Engineering, 21 North Harwood Street, Orange, California, 92866, in the amount of \$99,500, for traffic engineering services; and
2. Authorize the Chief Executive Officer to execute the Contract Change Order and the Budget Adjustment.

12. **PURCHASE OF DESKTOP COMPUTERS**

RECOMMENDATION:

Approve and authorize the CEO to sign the purchase agreement in the amount of \$358,110 for desktop computers citywide, with JPK Micro Supply, Inc., 15316 E. Valley Blvd., City of Industry, California 91746.

13. **FAIRVIEW PARK CITIZENS ADVISORY COMMITTEE VOTING MEMBERS**

RECOMMENDATION:

Staff recommends that the City Council consider appointing the two alternate members on the Fairview Park Citizens Advisory Committee (Lee Ramos and Dennis Popp) as regular voting members.

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

1. **REQUEST FOR REVIEW OF PLANNING APPLICATION PA-13-04/TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE**

RECOMMENDATION:

Uphold or reverse the Planning Commission's decision to approve the proposed project, described below:

- ***Planning Application PA-13-04***

Design Review to construct a 14-unit, two-story detached single family residential development, including the following:

- a. Variance from open space requirement (40% required, 39% proposed);
- b. Variance from common lot requirement;
- c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);
- d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
- e. Minor modifications to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
- f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).

- ***Tentative Parcel Map No. 17519***

Tentative Tract Map to subdivide a 1.24-acre parcel for individual homeownership purposes.

OLD BUSINESS - NONE

NEW BUSINESS

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT

RECOMMENDATION:

1. Provide direction regarding the Business Improvement Area (BIA) annual report for Fiscal Year 2012-13; and
2. Receive and file audited financial report for Fiscal Year 2011-12; and
3. Approve Resolution No. 13-xx: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2013-2014 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

2. PROPOSED CHARTER

RECOMMENDATION:

Staff recommends the following:

1. Formation of a committee to draft a proposed charter for the City of Costa Mesa;
2. The size and selection process of the committee to consist of thirteen (13) members chosen in the manner set forth below; and
3. Authorize the CEO to select facilitator(s), subject to City Council approval, to assist in drafting the proposed charter.

3. REORGANIZATION OF COSTA MESA FIRE DEPARTMENT

RECOMMENDATION:

The CEO recommends that the City Council approve the following recommendations:

1. Adopt the "Alternative Model" Restructuring Plan in Attachment 1 as recommended by the Interim Fire Chief;
2. Adopt the two-phase approach to the implementation plan as recommended by the CEO and outlined in number 1 to 8 on page 3-4;
3. Direct staff to obtain the necessary information and conduct appropriate studies concerning ambulance transportation then agendize for City Council consideration in the future;
4. Adopt the recommendations numbers 1 through 17 of Table A as outlined in this staff report; and
5. Direct staff to modify the CEO's Proposed FY 2013-2014 Budget to include the financial impact as described in the outlined recommendations.

REPORT – CITY ATTORNEY

**ADJOURNMENT – To Joint Study Session with the Planning Commission, May 13, 2013,
4:30 p.m.**

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- May 6 - Tickets for select concerts during the 60th Anniversary kick-off weekend go on sale at www.ticketfly.com. One-day passes for the paid concerts are \$20 in advance and \$25 on the day of the event. Three-day passes will be available for \$50 in advance only.
- May 16, 6 p.m. – 60th Anniversary Planning Committee Town Hall Meeting in the Council Chambers at City Hall. City staff and committee members will provide information about the kick-off celebration and address concerns regarding approved street closures and impacts.
- Saturday, May 18, 8:30 a.m. -2:00 p.m. – Epilepsy Walk 2013 Orange County will take place at TeWinkle Park. There will be activities for the whole family. Participants in the Walk are required to raise a \$40 donation. To register or for further information visit www.epilepsysupport.org or call (714) 916-0456.
- May 31 – June 2, St. John the Baptist Parish Festival at 1021 Baker Street. Admission is free.
- May 31-June 2 – Costa Mesa-Newport Harbor Lions Club Fish Fry and Carnival at Fairview Park. Annual event features a baby contest, community and vendor booths, a wine and beer garden, and fish. Visit www.cmnhlions.com for more information.
- Saturday and Sunday, June 1-2, the CMNH Lions Fish Fry and Taste of Costa Mesa will be held at Fairview Park.
- June 2 - Costa Mesa Community Run in partnership with the Costa Mesa Fish Fry. Race features 2k, 5k, and 10k courses around and through Fairview Park. Proceeds benefit Costa Mesa public schools. For further information and to sign up, visit www.costamesacommunityrun.com or contact Karen Barloon at (949) 515-6545.
- Saturday, June 7 - Costa Mesa Community Run. Proceeds benefit Costa Mesa Public Schools. For further information and to sign up, visit [costamesacommunityrun.com](http://www.costamesacommunityrun.com) or call Karen Barloon at (949) 515-6545.
- June 8, 4-7 p.m. – Nepenthia Beer Garden: “The Art of Beer” charity event at Tewinkle Park. Event features floral displays, live art, music and beer. Proceeds support culinary and visual arts education. To purchase tickets or for more information, visit <http://100eats.com/store/beergarden/>.
- June 28-30 – City of Costa Mesa’s 60th Anniversary Celebration weekend on Fair Drive between Fairview Road and Newport Boulevard. Event features over 30 restaurants, three stages, music concerts, community activities, a kid-friendly zone, vendors, and more. Epic fireworks show will take place on Saturday night. For more information and schedule of events, visit www.costamesais60.com.