

**AMENDED AGENDA**  
**CITY OF COSTA MESA CITY COUNCIL, COSTA MESA HOUSING AUTHORITY\*, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY\***

**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY\***

\*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER".

**TUESDAY, MAY 21, 2013**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**CLOSED SESSION 5:30 P.M. (AMENDED)**  
**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, 1<sup>st</sup> 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](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](mailto: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 – 5:30 P.M. (AMENDED)**

**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 Legal Counsel - Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Commission on State Mandates Test Claim # 09-TC-03
2. 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

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

### **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Council Member Genis

### **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 Dave Manne, Calvary Chapel

### **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 - NONE**

## **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 Sandra Genis
2. Council Member Wendy Leece
3. Council Member Gary Monahan
4. Mayor Pro Tem Mensinger
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. 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 11

### 1. READING FOLDER

- a. Claims received by the City Clerk: Charles J. Oliver; Tiara Torres; and Enterprise Rent-A-Car/George Escanuelas.
- b. Requests for Alcohol Beverage Control licenses:
  - For Smart & Final Stores, LLC, dba Smart & Final, at 707 W. 19<sup>th</sup> Street, a multiple LLC membership change of a State Alcoholic Beverage Control (ABC) License Type “21” (Off-Sale General).
  - For West Coast Hospitality Associates LLC, dba Café International & West Coast Bar & Service, at 3198 Airport Loop Drive, Suite H2A, a stock transfer of a State Alcoholic Beverage Control (ABC) License Type “47” (On-Sale General, Eating Place) and Type “58” (Caterer’s Permit).
  - For Albertsons LLC, dba Albertsons, at 2300 Harbor Boulevard Suite C, a person-to-person and stock transfer of a State Alcoholic Beverage Control (ABC) Licenses Type “21” (Off-Sale General), and Type “86” (Instructional Tasting).
  - For Moriaki Miyahira, dba Takaya Yakitori, at 891 Baker Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “41” (On-Sale Beer and Wine, Eating Place).
  - For Thomas Nguyen, dba Pizza Land, at 103 E. 17<sup>th</sup> Street, Suite 5, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “41” (On-Sale Beer and Wine, Eating Place).

RECOMMENDATION: Receive and file.

2. [WARRANT RESOLUTION 2472: 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 \\$2,969,079.29.](#)

RECOMMENDATION: Approve

3. [WARRANT RESOLUTION 2473: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-09 “A” AND 13-10 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-09 “A” for \\$-1,666.97, Payroll No. 13-10 for \\$2,057,634.63 and City operating expenses for \\$840,708.33.](#)

RECOMMENDATION: Approve

4. **SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

RECOMMENDATION:

Staff recommends the City Council, Successor Agency to the Redevelopment Agency, and Housing Authority Members:

1. Approve the Second Amendment to the Professional Services Agreement (PSA) with Keyser Marston Associates (KMA) Consulting, increasing the compensation limit from \$130,000 to \$140,000 through an allocation of \$10,000 in HOME Administration funds; and
2. Authorize City Chief Executive Officer to sign the amendment PSA with KMA Consulting in the amount of \$140,000; and
3. Approve Budget Adjustment No. 13-028 in the amount of \$10,000.

5. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2013 SUMMER CONCERTS IN THE PARK SERIES**

RECOMMENDATION: APPROVE

Staff recommends that the City Council approve the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2013 Summer Concerts in the Park series in a confined area and with appropriate training for servers.

6. **FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT, CITY PROJECT NO. 11-06**

RECOMMENDATION:

1. Accept work performed by Jeff Tracy, Inc. DBA Land Forms Construction 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.

7. **BROADWAY SAFE ROUTE TO SCHOOL PROGRAM FROM FULLERTON AVENUE TO IRVINE AVENUE – HARDSCAPE AND LANDSCAPE IMPROVEMENTS – CITY PROJECT NO. 12-10**

RECOMMENDATION:

1. 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 thirty-five (35) days after the Notice of Completion filing date.

8. **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. Accept the work performed by Bannaoun Engineers Constructors Corporation 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.

9. **APPROVE THE PURCHASE OF TWO NEW 2013 FORD ‘TRANSIT CONNECT’ AND ONE NEW 2013 FORD ‘FUSION’**

RECOMMENDATION:

Staff recommends the purchase of two 2013 Ford ‘Transit Connect’ vehicles and one 2013 Ford ‘Fusion’ from Theodore Robins Ford, 2060 Harbor Blvd., Costa Mesa, California, 92626, CA for a total purchase price of \$65,204.94.

10. **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.

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

RECOMMENDATION: Adopt Resolution.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)- NONE**

**OLD BUSINESS - NONE**

**NEW BUSINESS**

1. [COMMUNITY HOUSING DEVELOPMENT ORGANIZATION PREDEVELOPMENT LOAN AND COMMITMENT OF HOME PROGRAM FUNDS AGREEMENT](#)

RECOMMENDATION:

City Council and the Housing Authority approve the Community Housing Development Organization Predevelopment Loan and Commitment of HOME Program Funds Agreement (“Agreement”) by and among the City of Costa Mesa (“City”) and the Costa Mesa Housing Authority (“Housing Authority”) and Mercy House CHDO, Inc. (“Mercy House”) and Wakeland Housing and Development Corporation (“Wakeland”). The Mercy House and Wakeland team is collectively referred to as “Developer”. The Predevelopment Loan commits up to \$500,000 in prior years’ HOME funds for a permanent supportive housing project to serve the Costa Mesa homeless population.

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Budget Study Session, May 28, 2013, 4:30 p.m.**



## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- 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](http://www.cmnhlions.com) for more information.
- May 31-June 2 – St. John the Baptist Festival 2013. This year's theme is Baker Street Bash, and the annual event features rides, games, food, dancing, bingo, and more. Visit <http://www.sjbfestival.com/> for information, event schedule, or to sign up to volunteer.
- 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](http://www.costamesacommunityrun.com) or contact Karen Barloon at (949) 515-6545.
- June 8, 9 a.m.-4 p.m. – Free electronics recycling event at City Hall Parking Lot, 77 Fair Drive. Proceeds support the Costa Mesa Chamber of Commerce. For more information, call (714) 663-8500.
- 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 60<sup>th</sup> 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](http://www.costamesais60.com). To purchase concert tickets for the main stage performances and view the line-up, visit <http://www.ticketfly.com/org/2619>.
- August 3 at 6:05 p.m. - Costa Mesa Night at Angels Stadium. Come watch the Los Angeles Angels of Anaheim play against the Toronto Blue Jays and celebrate Costa Mesa's 60<sup>th</sup> anniversary with a special opening ceremony. To purchase tickets, visit [www.angels.com/costamesa](http://www.angels.com/costamesa) and use promotion code: **cm60** at the check-out.