



# City of Costa Mesa Council Agenda

## TUESDAY, JUNE 5, 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

Economic and Development  
Services Director Peter Naghavi

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.**

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

CLOSED SESSION: No items scheduled.

**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 Gary 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. To view a copy of the policy or to volunteer to provide the moment of solemn expression at a future meeting, 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.

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

**PRESENTATIONS**

Employee of the Month – Hilda Veturis

Orange County Cities Energy Partnership – Southern California Edison (SCE)

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

Questions and comments made by public speakers may be addressed by the City 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 Gary Monahan
2. Mayor Eric R. Bever
3. Mayor Pro Tem Jim Righeimer
4. Council Member Wendy Leece
5. Council Member Stephen Mensinger

**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 12**

Written Communications

1. Reading Folder.

**Recommendation: Receive and process**

- (a) Claims received by the City Clerk: Patricia Bintliff; Christopher Byrne.
- (b) Requests for Alcohol Beverage Control licenses: The Pragues Wine Collection, 575 Anton Boulevard, Suite 300A; East Borough, 2937 Bristol Street, Suite D102.

- (c) Letter of Notification: Southern California Gas Company's Notice of Proposed Rate Increase, Advanced Meter Opt-Out Program, Application No. A.12-05-016.

Minutes

- 2. Continued from the meeting of May 1, 2012, [Regular Meeting of April 3, 2012](#); [Special Meeting of February 13, 2012](#); [Special Meeting of May 8, 2012](#); [Regular Adjourned/Study Session of May 8, 2012](#); and [Regular Meeting of March 20, 2012](#).

**Recommendation: Approve**

Warrants

- 3. [WARRANT RESOLUTION 2421: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-10 AND PAYROLL REGISTER NO. 12-09A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-10 for \\$2,106,430.35 and Payroll No. 12-09A for -\\$2,542.70, and City operating expenses for \\$782,082.10, including payroll deductions.](#)

**Recommendation: Approve**

- 4. [WARRANT RESOLUTION 2422: 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 \\$356,399.32.](#)

**Recommendation: Approve**

- 5. [WARRANT RESOLUTION 2423: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-11 AND PAYROLL REGISTER NO. 12-10A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-11 for \\$2,100,665.65 and Payroll No. 12-10A for \\$1,447.49, and City operating expenses for \\$688,775.27, including payroll deductions.](#)

**Recommendation: Approve**

Administrative Actions

6. [Professional Services Agreement with Hogle-Ireland, Inc., 630 North Rosemead Boulevard, Suite 150 Pasadena, California, for General Plan update and program and Environmental Impact Report, in the amount of \\$664,705.](#)

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

7. [Adopt plans and specifications, and working details for Improvements of Hickory Drive Alley \(Alley No. 28\), Pepper Tree Lane Alley \(Alley No. 29\), and Harbor Boulevard Alley \(Alley No. 30\), City Project No. 12-03, and award a construction contract to Black Rock Construction Company, 282 North St. Crispen, Brea, California, in the amount of \\$428,000.25 \(base bid\).](#)

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

8. [Adopt plans and specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 12-04, and award a construction contract to Black Rock Construction Company, 282 North St. Crispen, Brea, California, in the amount of \\$2,121,684 \(base bid plus all additive bid items\).](#)

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

9. [Adopt plans and specifications, and working details for East Side Street Improvement Project, City Project No. 12-05, and award a construction contract to All American Asphalt, Post Office Box 2229, Corona, California, in the amount of \\$3,557,557.](#)

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

10. [Adopt plans and specifications, and working details for East Side Slurry Seal Project, City Project No. 12-06, and award a construction contract to Pavement Coatings Co., 10240 San Sevaine Way, Jurupa Valley, California, in the amount of \\$626,807.20 \(base bid plus additive bid item\).](#)

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

11. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING CERTAIN OFFICIALS OF THE CITY TO FILE APPLICATION WITH THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY \(CAL EMA\).](#)

**Recommendation: Adopt resolution**

12. [General Municipal Election on November 6, 2012.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

**Recommendation: Adopt resolution**

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

**Recommendation: Adopt resolution**

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

<p><b>CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY</b></p>
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No items scheduled.

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

1. [PUBLIC HEARING: Reauthorization of the Business Improvement Area \(BIA\) Assessment of three percent \(3%\) for certain Costa Mesa hotels and motels for Fiscal Year 2012-2013.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

**Recommendation: Adopt resolution**

**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 54957.5) for Public Hearing Item No. 1:**

**Received June 5, 2012:**

1. [E-mail correspondence from Jim Mosher](#)

2. [PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE TOWER ON 19<sup>TH</sup>.](#)

**Recommendation: Adopt resolution**

3. [PUBLIC HEARING: Consider content of proposed charter and submission of proposed charter to voters.](#)

**Recommendation: Receive public comment and 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 54957.5) for Public Hearing Item No. 3:**

**Received June 1, 2012:**

1. [E-mail correspondence from Marshall Krupp](#)

**Received June 5, 2012:**

1. [List of city charter suggestions submitted via city website](#)

OLD BUSINESS

1. [Continued from the meeting of May 15, 2012, Appointments to various Council-appointed committees.](#)

- (a) Cultural Arts Committee

**Recommendation: Appoint member(s)**

- (b) Historical Preservation Committee

**Recommendation: Appoint member(s)**

- (c) Investment Oversight Committee

**Recommendation: Appoint member(s)**

- (d) Extend the term expiration date to April 2015 for all Access, Building, Fire and Housing Board of Appeal members who were appointed at the June 21, 2011 City Council meeting.

**Recommendation: Approve**

- (e) Extend the term expiration date to April 2013 for all regular and alternate committee members whose term expires in October 2012.

**Recommendation: Approve**

- (f) Revised minutes of the October 18, 2012 City Council meeting.

**Recommendation: Approve**

## NEW BUSINESS

No New Business items scheduled.

## REPORT – City Attorney

ADJOURNMENT – Adjourn to June 12, 2012 at 4:30 p.m. for a Regular Adjourned Meeting/Study Session. Next Regular City Council Meeting: June 19, 2012.

**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).

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

### JUNE 2012

- Thursday, June 7 at 5:30 p.m. - "Get on Target Accelerate Your Business" workshop - Chuck Jones Center for Creativity, 400 MacArthur Boulevard, Newport Beach. For more information, contact Norm Bour at [norm@opismail.com](mailto:norm@opismail.com) or call (949) 495-6162.
- Thursday, June 7 from 7:30 to 9:30 p.m. - Fight Club OC – OC Fair & Event Center, The Hangar - Innovative bi-monthly series featuring boxing and mixed martial arts competitive fights with ringside luxury suites, VIP access for season ticket holders and sponsors, and a happy hour bar and grill for all attendees. Admission: \$45-\$100. Parking: \$8.
- Thursday, June 7 through Saturday, June 9 - Sugar Plum Arts, Crafts, Antiques & Collectibles - OC Fair & Event Center - Admission is free; general parking is \$5. Sugar Plum Festivals is a shopping tradition with gifts to warm the heart and accessories that make a home for each holiday celebration. Find arts, crafts, antiques, collectibles, baked

goods and candies from more than 175 artisans & vendors who are P.R.O.U.D. (Product Represents Own Unique Design/Delicacy) and sell products made in the U.S.

- Friday, June 8 - Vanguard University (Lyceum Theater) & American Coast Theater Company Summer 2012 Season present the opening night of “The Taming of the Shrew” by William Shakespeare. General tickets are \$20, senior/child/groups \$15. For more information, visit [www.ACTCtickets.com](http://www.ACTCtickets.com). Show runs Fridays and Saturdays at 8 p.m., and Sundays at 2 p.m. for the next five weeks.
- Saturday, June 9 at 7 p.m. - Costa Mesa Speedway: FMX Night will be at the OC Fair & Event Center - Grandstand Arena. The Costa Mesa Speedway offers an exciting night of speedway motorcycle racing and freestyle motocross jumpers. Admission: General \$20, Senior (65+) \$15, Junior (13-17) \$15, Child (3-12) \$10 (Children under 2 are free). Parking: General \$5.
- Saturday, June 9 through Sunday, June 10 - OC BBQ & Music Fest - OC Fair & Event Center - Two-day fundraising event and barbecue competition with more than 70 award-winning barbecue teams plus beer and wine tastings, car show, Kids' Zone and live music, and more. Funds raised benefit Kristie's Foundation, which provides support for the end-of-life care for terminally ill children. For more information, visit [www.cabbqfestival.com](http://www.cabbqfestival.com).
- Saturday, June 9 from 10 a.m. through Sunday, June 10 at 10 a.m. - American Cancer Society's Relay for Life at Estancia High School. For details, visit [www.relayforlife.org/costamesaca](http://www.relayforlife.org/costamesaca), call (714) 472-6391 or (714) 717-2377, or e-mail at [gumscrape@aol.com](mailto:gumscrape@aol.com) or [cmrelay@gmail.com](mailto:cmrelay@gmail.com).
- June 22-24 - 3<sup>rd</sup> annual Barrett-Jackson Orange County Collector Car Auction at the OC Fair & Event Center. For more information and to purchase tickets, visit [www.barrett-jackson.com/orangecounty](http://www.barrett-jackson.com/orangecounty).