

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

**REGULAR CITY COUNCIL MEETING**  
**TUESDAY, NOVEMBER 20, 2012**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**SPECIAL JOINT MEETING & CLOSED SESSION – 5:00 P.M.**  
**REGULAR MEETING – 6:00 P.M.**

**Eric R. Bever**  
Mayor/CMHA Board Member

**Jim Righeimer**  
Mayor Pro Tem/CMHA Chair

**Stephen Mensinger**  
Council Member/CMHA Vice Chair

**Wendy Leece**  
Council Member/CMHA Board Member

**Gary Monahan**  
Council Member/CMHA Board Member

City Attorney/CMHA General Counsel  
Thomas Duarte

Chief Executive Officer/CMHA Executive Dir.  
Thomas R. Hatch

Economic and Development  
Services Director Peter Naghavi

Public Services Director  
Ernesto Munoz

Interim City Clerk  
Brenda Green

**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).

# 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:

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 related to items on the agenda and 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].

**SPECIAL JOINT MEETING AND CLOSED SESSION OF THE CITY  
COUNCIL AND COSTA MESA HOUSING AUTHORITY  
5:00 p.m.**

*The City Council and Housing Authority will recess to Conference Room 1B for Closed Session at the conclusion of public comments.*

**CALL TO ORDER** Chair Jim Righeimer

**ROLL CALL**

**PUBLIC COMMENTS**

Members of the public are welcome to address the City Council and Housing Authority only on those items listed on the Closed Session agenda. Each member of the public will be given three minutes to speak.

**BOARD MEMBER'S COMMENTS AND SUGGESTIONS**

**JOINT CITY COUNCIL AND HOUSING AUTHORITY CLOSED SESSION**

1. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(B) and whether or not to initiate litigation pursuant to Government Code Section 54956.9(C) for one potential case.

**JOINT CITY COUNCIL AND HOUSING AUTHORITY PUBLIC MEETING ITEM**

**NEW BUSINESS**

1. MINUTES: SPECIAL JOINT MEETING OF THE COSTA MESA CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF JUNE 12, 2012.

**RECOMMENDATION:** Approve

2. MUTUAL TERMINATION AGREEMENT WITH SETTLEMENT AND RELEASE (PACIFIC GATEWAY AT 421 BERNARD STREET – FORMALLY CALLED PLAZA RESIDENCES AT 1901 NEWPORT BOULEVARD) AMONG THE CITY OF COSTA MESA, COSTA MESA HOUSING AUTHORITY AND FAIRFIELD PACIFICA LP

**RECOMMENDATION:** Authorize Mayor and Housing Authority Chair or CEO/Executive Director to sign

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING THAT CERTAIN MUTUAL TERMINATION AGREEMENT WITH

SETTLEMENT AND RELEASE (PACIFIC GATEWAY AT 421 BERNARD STREET-FORMERLY CALLED PLAZA RESIDENCES AT 1901 NEWPORT BOULEVARD) AMONG THE CITY OF COSTA MESA, THE COSTA MESA HOUSING AUTHORITY, AND FAIRFIELD PACIFICA LP; AND, AUTHORIZING EXECUTION AND IMPLEMENTATION THEREOF

**RECOMMENDATION:** Adopt Resolution of the City Council Approving the Termination Agreement.

- (b) A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY APPROVING THAT CERTAIN MUTUAL TERMINATION AGREEMENT WITH SETTLEMENT AND RELEASE (PACIFIC GATEWAY AT 421 BERNARD STREET-FORMERLY CALLED PLAZA RESIDENCES AT 1901 NEWPORT BOULEVARD) AMONG THE CITY OF COSTA MESA, THE COSTA MESA HOUSING AUTHORITY, AND FAIRFIELD PACIFICA LP; AND, AUTHORIZING EXECUTION AND IMPLEMENTATION THEREOF

**RECOMMENDATION:** Adopt Resolution of the Costa Mesa Housing Authority Approving the Termination Agreement.

## **REPORTS**

HOUSING AUTHORITY COUNSEL

EXECUTIVE DIRECTOR

**ADJOURNMENT – Next Housing Authority Meeting: December 11, 2012**

**CONVENE REGULAR MEETING OF THE CITY COUNCIL AND  
SUCCESSOR AGENCY TO THE COSTA MESA  
REDEVELOPMENT AGENCY  
6:00 p.m.**

**CALL TO ORDER** Mayor Eric R. Bever

**PLEDGE OF ALLEGIANCE** Mayor Eric R. Bever

**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**

**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.

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

**PRESENTATIONS**

- Norm Bour, Helping Businesses for 100 Days
- 1<sup>st</sup> Fridays Road Show Certificates

## **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 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 13

### 1. READING FOLDER

- (a) Claims received by the City Clerk: Claims received by the City Clerk: Tom Balding; Law Offices of Frederick W. Werve on behalf of County of Orange; Enterprise Rent-A-Car; H. Gavin Long, Esq. on behalf of Michael Griffin; Sean F. Salamati, Esq. on behalf of Cristina Prada; Diego Sanchez.
- (b) Requests for Alcohol Beverage Control licenses: Masahito Mizobe, 562 West 19<sup>th</sup> Street; Pit Fire Costa Mesa, LLC dba Pit Fire Artisan Pizza, 353 East 17<sup>th</sup> Street; Burrissimo, LLC dba Burrissimo, 1534 Adams Avenue, Suite D; Yard House Triangle Square LLC dba Yard House Restaurant, 1875 Newport Boulevard, Suite A219; Golden Frontier, Inc. dba Orchid Persian Cuisine, 3033 Bristol Street, Suite D; SR Entertainment Inc. dba Vice Ice Bar, 580 Anton Boulevard, Suite A101.

**RECOMMENDATION:** Receive and file

2. MINUTES: [REGULAR MEETING OF AUGUST 17, 2010](#); [SPECIAL JOINT MEETING OF THE CITY COUNCIL AND ORANGE COUNTY FAIRGROUNDS AUTHORITY OF AUGUST 24, 2010](#); [SPECIAL MEETING OF NOVEMBER 15, 2011](#); [REGULAR MEETING OF JANUARY 17, 2012](#); [REGULAR MEETING OF AUGUST 21, 2012](#); [REGULAR MEETING OF SEPTEMBER 4, 2012](#); AND [SPECIAL JOINT CLOSED SESSION MEETING OF SEPTEMBER 4, 2012](#).

**RECOMMENDATION:** Approve

3. [WARRANT RESOLUTION 2443: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-21 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-21 for \\$2,046,388.93, and City operating expenses for \\$1,023,804.74, including payroll deductions.](#)

**RECOMMENDATION:** Approve

4. [WARRANT RESOLUTION 2444: 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 \\$671,944.56.](#)

**RECOMMENDATION:** Approve

5. WARRANT RESOLUTION 2445: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-22 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-22 for \$2,018,389.31, and City operating expenses for \$897,384.35, including payroll deductions.

**RECOMMENDATION:** Approve

6. WARRANT RESOLUTION 2446: 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 \$1,348,340.70.

**RECOMMENDATION:** Approve

7. WARRANT RESOLUTION 2447: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-23 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-23 for \$2,019,731.46, and City operating expenses for \$380,668.97, including payroll deductions.

**RECOMMENDATION:** Approve

8. SOLE SOURCE PURCHASE AGREEMENT WITH VULCAN MATERIALS COMPANY FOR THE PURCHASE OF PLANT MIX ASPHALT FOR A TERM OF ONE YEAR IN AN AMOUNT NOT TO EXCEED \$75,000.

**RECOMMENDATION:** Approve

9. PROFESSIONAL SERVICES AGREEMENT WITH DAVID VOLZ DESIGN FOR ENGINEERING SERVICES FOR MASTER PLANNED IMPROVEMENTS ON THE WESTSIDE IN AN AMOUNT NOT TO EXCEED \$112,182.

**RECOMMENDATION:** Approve; authorize the Mayor and Interim City Clerk to sign

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE PURCHASING, ACCOUNTING, AND TREASURY DIVISIONS OF THE FINANCE 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, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P.

**RECOMMENDATION:** Adopt resolution

12. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT PARTNERS FOR INTERIM MANAGEMENT ASSISTANCE IN AN AMOUNT NOT TO EXCEED \$37,000.

**RECOMMENDATION:** Approve; authorize Mayor and Interim City Clerk to sign

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2012-2013 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE ADOPTED 2012-13 STATEMENT OF INVESTMENT POLICY.

**RECOMMENDATION:** Adopt resolution

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

## **SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY**

### **New Business**

1. A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, COSTA MESA, CALIFORNIA, ADOPTING THE 2012-2013 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS AGENCY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED 2012-13 STATEMENT OF INVESTMENT POLICY.

**RECOMMENDATION:** Adopt resolution

## **END OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA**

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

1. [ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM](#)
  - (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the recommendations by staff and the Traffic Impact Fee Ad Hoc Committee to continue the current traffic impact fee of \$181 per Average Daily Trip (ADT), continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips, and approve the annual accounting of the Citywide Traffic Impact Fee Program.

**RECOMMENDATION:** Approve; adopt resolution

**OLD BUSINESS**

1. [From the meeting of October 16, 2012: AMENDMENT TO THE CONTRACT BETWEEN CALPERS AND THE CITY OF COSTA MESA TO INCLUDE PROVISIONS PURSUANT TO GOVERNMENT CODE SECTION 20475 IMPLEMENTING THE 2%@50 RETIREMENT FORMULA FOR FIRE SAFETY EMPLOYEES, AND ADOPTION OF RESOLUTIONS DOCUMENTING EMPLOYER PAID MEMBER CONTRIBUTIONS.](#)
  - (a) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO IMPLEMENT THE 2%@50 RETIREMENT FORMULA FOR SAFETY FIRE EMPLOYEES UNDER GOVERNMENT CODE SECTON 20475.

**RECOMMENDATION:** Adopt Ordinance No. 12-8 to be read by title only and waive further reading

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION ("EPMC") RELATING TO COSTA MESA FIREFIGHTERS ASSOCIATION ("CMFA") AND COSTA MESA FIRE MANAGEMENT ASSOCIATION ("CMFMA") EMPLOYEES.

**RECOMMENDATION:** Adopt resolution

- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTION (“EPMC”) RELATED TO COSTA MESA CITY EMPLOYEES ASSOCIATION (“CMCEA”) AND NON-REPRESENTED CONFIDENTIAL EMPLOYEES.

**RECOMMENDATION:** Adopt resolution

## **NEW BUSINESS**

1. [SR-55 GATEWAY IMPROVEMENT PROJECT MONUMENT SIGN DESIGN](#)

**RECOMMENDATION:** Approve

2. [COSTA MESA 60<sup>TH</sup> ANNIVERSARY PLANNING COMMITTEE](#)

**RECOMMENDATION:** Provide direction

## **REPORT – CITY ATTORNEY**

**ADJOURNMENT - Next Regular City Council Meeting: December 4, 2012.**

## **UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

### **NOVEMBER/DECEMBER 2012**

- Friday, December 7, 6:00 p.m. First Fridays Roadshow at City Hall
- December 13 – 24, 5:00-10:00 p.m., Holiday Snoopy House at City Hall
- Monday, December 31, New Year's Eve Block Party at the Orange County Fair & Events Center. For tickets, visit [ocfair.com/blockparty](http://ocfair.com/blockparty) or call (714)708-1500