

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 AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER".

TUESDAY, JUNE 4, 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.

CALL TO ORDER

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.

CLOSED SESSION ITEMS:

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
5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: People v. Acosta, Orange County Superior Court Case No. 06-HN-04320, pursuant to Government Code Section 54956.9(a).

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor Righeimer

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.]

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

- Mayor's Award – All American Boys Choir
- "In Honor of Paul" Project Presentation
- Orange County Transportation Authority (OCTA) - Presentation

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. Mayor Righeimer
2. Mayor Pro Tem Mensinger
3. Council Member Genis
4. Council Member Leece
5. Council Member Monahan

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

1. READING FOLDER

- a. Claims received by the City Clerk: Angel Duarte; Ivin Mood; Rick Hartbrodt; Jennifer Pratt; Eileen Willis-Brown; and Bonnie Jean Bagdonas.

RECOMMENDATION: Receive and file

- ##### 2. MINUTES: Special Study Session Meeting of April 23, 2013, and Special City Council Meeting of April 23, 2013.

RECOMMENDATION: Approve

- ##### 3. WARRANT RESOLUTION 2474: 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 \$2,088,850.57.

RECOMMENDATION: Approve

4. **WARRANT RESOLUTION 2475: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-10 "A" AND 13-11 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-10 "A" for \$-3,839.75, Payroll No. 13-11 for \$2,047,387.34 and City operating expenses for \$496,387.39.**

RECOMMENDATION: Approve

5. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION**

RECOMMENDATION:

1. City Council approve the 2013 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for all designated Interim Events of the Orange County Fair and Event Center; and
2. Authorize the Chief Executive Officer or his designee, to sign the contract. (The term of the agreement is April 01, 2013 through March 31, 2014 and the maximum amount shall not exceed \$70,000).

6. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION**

RECOMMENDATION:

1. City Council approve the 2013 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair; and
2. Authorize the Chief Executive Officer or his designee, to sign the contract. (The term of the agreement is July 12, 2013 through August 11, 2013 and the maximum amount shall not exceed \$400,000).

7. **FINAL MAP FOR TRACT NO. 17274 LOCATED AT 1036 AND 1042 W. 18TH STREET, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17274 and authorize signing of the Map by the City Clerk and the City Engineer.

8. **PROFESSIONAL ENGINEERING SERVICES FOR DESIGN OF THE FAIRVIEW ROAD AND WILSON STREET INTERSECTION IMPROVEMENTS**

RECOMMENDATION:

1. City Council award a Professional Services Agreement for design of the Fairview Road and Wilson Street Intersection Improvements to VA Consulting, Inc., 46 Discovery, Suite 250, Irvine, CA 92618, in the amount of \$141,093; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

9. **COOPERATIVE AGREEMENT FOR SR-55 GATEWAY IMPROVEMENT PROJECT**

RECOMMENDATION:

1. City Council approve Cooperative Agreement 12-679 between the City of Costa Mesa and the State of California Department of Transportation (Caltrans) for the construction of the SR-55 Gateway Improvement Project; and
2. Authorize the Mayor and City Clerk to execute the agreement.

10. **PROFESSIONAL SERVICES AGREEMENT TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR A PROJECT ENVIRONMENTAL IMPACT REPORT FOR 236-UNIT APARTMENT AT 125 EAST BAKER STREET**

RECOMMENDATION:

1. City Council award contract to Atkins North America, Inc. in the amount of \$90,067.71 for the Baker Apartments at 125 East Baker Street Project Environmental Impact Report; and
2. Authorize Mayor and City Clerk to sign and execute the contract.

11. **DIRECT THE FINANCE ADVISORY COMMITTEE TO STUDY THE CITY'S CURRENT BUSINESS LICENSE TAX STRUCTURE**

RECOMMENDATION:

City Council provide direction to the Financial Advisory Committee to study the City's business license tax structure.

12. **EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT PARTNERS FOR INTERIM MANAGEMENT ASSISTANCE AND AUTHORIZATION OF AN ORGANIZATION AND OPERATIONAL REVIEW AUDIT OF THE COSTA MESA SENIOR CENTER**

RECOMMENDATION:

The CEO's Office recommends:

1. The City Council authorize the CEO to extend the existing Professional Services Agreement extension with Management Partners Inc., for interim management assistance, in an amount not to exceed \$100,000; and
2. Authorize an organizational and operational review audit of the Costa Mesa Senior Center as described in the attached proposal from Management Partners Inc. in an amount not to exceed \$26,500.

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

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

1. **PUBLIC HEARING FOR FISCAL YEAR 2013-2014 FUNDING PRIORITIES FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)**

RECOMMENDATION:

1. City Council approve recommended allocation for the Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Application; and
2. Approve recommended allocation for the Fiscal Year 2013-2014 HOME Investment Partnership Grant; and
3. Approve resolution authorizing the City's Chief Executive Officer (CEO) to act as the official representative of the City in order to submit the Annual Action Plan and all certifications and assurances contained therein, and directing and authorizing the CEO to act in connection with the submission of the Annual Action Plan, and to approve minor changes and provide additional information as may be required.

2. [2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANT ALLOCATIONS](#)

RECOMMENDATION:

City Council approve Community Development Block Grant Public Service Grants for Fiscal Year 2013-2014.

3. [BUSINESS IMPROVEMENT AREA \(BIA\) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT](#)

RECOMMENDATION:

Staff recommends that the Council conduct a public hearing regarding the Business Improvement Area (BIA) reauthorization and approve Resolution No. 13-xx: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2013-214 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

OLD BUSINESS - NONE

NEW BUSINESS

1. [APPOINTMENTS TO COSTA MESA SENIOR CORPORATION BOARD OF DIRECTORS](#)

RECOMMENDATION:

Staff requests that the City Council make appointments to fill three vacancies on the Costa Mesa Senior Corporation Board of Directors.

2. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-13-03\) FOR A 38-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2023, 2025 AND 2027 PLACENTIA AVENUE](#)

RECOMMENDATION:

City Council provide feedback on the proposed 38-unit live/work project within the Mesa West Bluffs Urban Plan.

3. NEWPORT BANNING RANCH TRAFFIC MITIGATION AGREEMENT

RECOMMENDATION:

1. City Council approve the “Revised Traffic Mitigation Agreement” between the City of Costa Mesa and Newport Banning Ranch, LLC for mitigation of traffic impacts associated with the proposed Newport Banning Ranch Project within the sphere of influence of the City of Newport Beach; and
2. Authorize the Mayor to execute the Traffic Mitigation Agreement.

4. ADOPT A RESOLUTION OPPOSING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT’S PROPOSED AMENDED RULE 444 PROHIBITING OPEN BURNING ON BEACHES

RECOMMENDATION:

It is recommended that the City Council provide direction on adopting a Resolution opposing the South Coast Air Quality Management District’s proposed amended Rule 444 prohibiting open burning on beaches.

5. CHARTER COMMITTEE APPOINTMENTS, RATIFICATION OF FACILITATORS AND MEETING SCHEDULE

RECOMMENDATION:

1. Staff recommends the City Council appoint the 13-member Charter Committee; and
2. Confirm the CEO’s recommendation for facilitators; and
3. Confirm the meeting schedule.

6. OPERATION OF THE CITY OF COSTA MESA’S JAIL

RECOMMENDATION:

1. City Council approve the attached contract with G4S Secure Solutions for the operation of the City of Costa Mesa’s Jail; and
2. Authorize the CEO to execute the attached contract; and
3. Once the contract is executed, authorize the CEO to administratively implement a transition plan.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Budget Study Session, June 11, 2013, 4:30 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- June 7, 5:30-7:30 p.m. - First Fridays Road Show will be held in the front parking lot of City Hall. Event features classic cars, food, and a live DJ. This event is free to the public.
- 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 12, 11:30 a.m.-1 p.m. – Costa Mesa Chamber Networking Lunch featuring self-introductions, 10-minute feature commercial, leads exchanged throughout lunch, testimonials and plenty of good-old fashioned face-to-face networking. Event takes place at Pitfire Artisan Pizza, 353 E. 17th Street. FREE w/purchase of meal; self-order meal at front desk and then proceed to meeting room. Contact Sandy Roy at (714) 885-9090 or visit www.costamesachamber.com for more information.
- 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. 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 60th anniversary with a special opening ceremony. To purchase tickets, visit www.angels.com/costamesa and use promotion code: **cm60** at the check-out.