

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

**REGULAR CITY COUNCIL MEETING  
TUESDAY, DECEMBER 4, 2012  
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE  
CLOSED SESSION MOVED TO THE END OF THE AGENDA  
REGULAR MEETING – 6:00 P.M.**

**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

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].

# **CLOSED SESSION MOVED TO THE END OF THE AGENDA**

## **REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**6:00 p.m.**

### **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Council Member Leece

### **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**

### **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** 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. Mayor Eric R. Bever
2. Mayor Pro Tem Jim Righeimer
3. Council Member Wendy Leece
4. Council Member Stephen Mensinger
5. Council Member Gary Monahan

### **GENERAL MUNICIPAL ELECTION**

1. Adopt Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

**RECOMMENDATION:** Adopt resolution

2. Administration of Oath of Office for the newly-elected City Council Members.

## **RECESS**

### **CITY COUNCIL REORGANIZATION**

1. Election of Mayor and Mayor Pro Tem
  - (a) Nominations for Mayor
  - (b) Nominations for Mayor Pro Tem

### **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 17**

**1. READING FOLDER**

- (a) Claims received by the City Clerk: Kimberly Claytor; Alexis Galindo, Esq. on behalf of Christine Louise Finch

RECOMMENDATION: Receive and file

**2. MINUTES: REGULAR MEETING OF AUGUST 17, 2010 AND SPECIAL STUDY SESSION OF MAY 24, 2011**

RECOMMENDATION: Approve

**3. WARRANT RESOLUTION 2448: 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 \$1,212,973.03.**

RECOMMENDATION: Approve

**4. WARRANT RESOLUTION 2449: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-23A AND 12-24 SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-23A for \$5,148.15 and 12-24 for \$2,027,435.54, and City operating expenses for \$431,713.37, including payroll deductions.**

RECOMMENDATION: Approve

**5. ENGINEERING TECH II POSITION**

RECOMMENDATION:

1. Authorize the conversion of the existing Part-time Engineering Tech II Position in the Transportation services Division to Full-time; and
2. Direct staff to process a Budget Adjustment to fund the position.

**6. DELETION OF 19<sup>TH</sup> STREET SANTA ANA RIVER CROSSING**

RECOMMENDATION: Receive and file report.

**7. MEASURE M2 EXPENDITURE REPORT.**

RECOMMENDATION:

Adopt the Resolution (Attachment 1) approving the Renewed Measure M2 Expenditure Report

**8. ACCEPTANCE OF A DONATED PARATRANSIT VEHICLE FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM**

RECOMMENDATION:

Accept the donation of a 2006 Ford Aerotech, Paratransit, 18-Passenger Bus from the Orange County Transportation Authority (OCTA) Senior Mobility Program.

**9. INSURANCE BROKER SERVICES**

RECOMMENDATION:

1. Authorize the CEO to execute a contract for insurance broker services with Alliant Insurance Services, Inc. (Attachment 1); and
2. Authorize the CEO to extend the contract for two (2) additional one-year terms upon recommendation from the Human Resources Division.

**10. THIRD PARTY LIABILITY CLAIMS ADMINISTRATION**

RECOMMENDATION:

1. Authorize the CEO to execute a contract for Third Party Liability Claims Administration with Carl Warren and Company; and
2. Authorize the CEO to extend the contracts for two (2) additional one-year terms upon recommendation from the Human Resources Division.

**11. APPROVAL OF COOPERATIVE AGREEMENT NO. C-2-1825 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE RED HILL AVENUE REHABILITATION PROJECT**

RECOMMENDATION:

1. Approve the attached Cooperative Agreement No. C-2-1825 (Attachment 1) with the Orange County Transportation Authority (OCTA) for the use of Proposition 1B, State Local Partnership Program (SLPP) funding in the amount of \$922,000 for the Red Hill Avenue Rehabilitation Project, and
2. Authorize the Mayor to execute the Agreement.

**12. THIRD PARTY WORKERS' COMPENSATION CLAIMS ADMINISTRATION SERVICES**

RECOMMENDATION:

1. Award contract for Third Party Workers' Compensation Claims Administration Services per Request for Proposal (RFP) to AdminSure, Inc.
2. Authorize the Mayor and City Clerk to execute the Professional Services Agreement for the contract (Amendment I).
3. Authorize the City CEO to extend the contract for two additional one-year terms as applicable.

**13. APPROVAL OF COOPERATIVE AGREEMENT NO. C-2-1643 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE HARBOR BOULEVARD BEAUTIFICATION PROJECT AND COOPERATIVE AGREEMENT NO. C-2-1644 FOR THE 17<sup>TH</sup> STREET STREETScape IMPROVEMENT PROJECT.**

RECOMMENDATION:

1. Approve the attached Cooperative Agreement No. C-2-1643 (Attachment 1) with the Orange County Transportation Authority (OCTA) for the use of Transportation Enhancement (TE) grant funding in the amount of \$500,000 for the Harbor Boulevard Beautification Project; and
2. Approve the attached Cooperative Agreement No. C-2-1644 (Attachment 2) with the Orange County Transportation Authority (OCTA) for the use of Transportation Enhancement (TE) grant funding in the amount of \$500,000 for the 17<sup>th</sup> Street Streetscape Improvement Project; and
3. Authorize the Chief Executive Officer to execute the agreements.

**14. PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF INDUSTRIAL WAY WATER QUALITY AND STORM DRAIN IMPROVEMENTS**

RECOMMENDATION:

1. City Council award a contract to CIVIL SOURCE Engineering, Irvine, California, in an amount not to exceed \$69,745 for engineering services; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement (Attachment 1).

15. **PARK MULTIPURPOSE TRAILS**

RECOMMENDATION:

1. City Council award a contract to Kabbara Engineering, Orange, CA, in an amount not to exceed \$160,387.00 for professional engineering services for the design of the Fairview Park Multipurpose Trails, 2525 Placentia Avenue; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Authorize the Chief Executive Officer to execute the Cooperative Agreement with Orange County Transportation Authority (OCTA).

16. **PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE BRENTWOOD PARK MASTER PLAN IMPROVEMENTS**

RECOMMENDATION:

1. City Council award a contract to Nuvis Landscape Architecture and Planning, 3151 Airway Costa Mesa, California, in an amount not to exceed \$95,605.00 for professional services for the design of Brentwood Park, 261 Monte Vista Avenue; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

17. **ESTABLISHMENT OF A NEW JOB CLASSIFICATION IN THE CONFIDENTIAL EMPLOYEES UNIT AND AUTHORIZATION FOR A DEPUTY CITY CLERK POSITION**

RECOMMENDATION:

1. City Council adopt Resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, AMENDING RESOLUTION 08-21 AND ESTABLISHING A NEW JOB CLASSIFICATION IN THE CONFIDENTIAL EMPLOYEES UNIT; and
2. Authorize the position of Deputy City Clerk.

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



## SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY

### New Business

1. [RECEIVE INDEPENDENT ACCOUNTANT'S REPORT RE THE NON-HOUSING DUE DILIGENCE REVIEW CONDUCTED PURSUANT TO SECTION 34179.5 FOR NON-HOUSING MONIES AND OBLIGATIONS AND AUTHORIZING STAFF TO TRANSMIT THE REPORT, ALONG WITH THE PREVIOUSLY APPROVED RECOGNIZED OBLIGATION PAYMENT SCHEDULES, TO THE OVERSIGHT BOARD AND TO CAC, CAO, SCO, AND DOF AS REQUIRED BY SECTION 34179.6 OF THE DISSOLUTION ACT](#)

#### RECOMMENDATION:

Adopt Successor Agency Resolution No. 2012-XX Receiving the Independent Accountant's Report re the Non-housing Due Diligence Review Conducted Pursuant to Section 34179.5 for the Non-housing Monies and Obligations and Authorizing Staff to Transmit the Report, along with the Previously Approved Recognized Obligation Payment Schedules, to the Oversight Board and to the CAC, CAO, SCO, and DOF Pursuant to Section 34179.6 of the Dissolution Act

## END OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AGENDA

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

1. [CLOSURE IMPACT REPORT FOR ANCHOR TRAILER PORT/MOBILEHOME PARK, 1527 NEWPORT BOULEVARD](#)

#### RECOMMENDATION:

Adopt City Council Resolution (attached) requiring the Proposed Owner to Implement the Closure Impact Report for the Anchor Trailer Port/Mobilehome Park.

**OLD BUSINESS**                      **NONE**

### NEW BUSINESS

1. [RESCHEDULE OF THE JANUARY 1, 2013 CITY COUNCIL MEETING](#)

#### RECOMMENDATION:

Reschedule the regularly scheduled City Council meeting of Tuesday, January 1, 2013 to Tuesday, January 8, 2013.

## **2. RESCISION OF LAY OFF NOTICES/REJECT ALL REMAINING BIDS FOR SERVICES**

### RECOMMENDATION:

1. Authorize the CEO to rescind the remaining layoff notices; and
2. In lieu of outsourcing not providing extensive relief on City pension challenges, direct the CEO to prepare and present a plan to address the underfunded pension and retiree medical liabilities at the mid year budget review in February 2013; and
3. Authorize the CEO to enter into negotiations with representatives of the Costa Mesa City Employees' Association (CMCEA) to discuss innovative methods and techniques that will both ensure continued quality services to the public and produce long term financial savings to the City; and
4. Authorize the CEO to initially focus the discussions with CMCEA on Jail Services, Street Sweeping Services, Parks and Landscape Maintenance Services, Graphic Design Services and Payroll Services with the CEO administratively implementing the changes without any layoffs to full-time personnel; and
5. Reject all bids for the remaining outsourcing services where the City Council has yet to provide direction.

### **REPORT – CITY ATTORNEY**

### **CLOSED SESSION**

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

### **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 regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.
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).

### **CITY ATTORNEY CLOSED SESSION REPORT**

**ADJOURNMENT - Next Regular City Council Meeting.**

## **UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

### **DECEMBER 2012**

- Friday, December 7, 6:00 p.m. First Fridays Roadshow at City Hall
- December 14 – 25, 5:00-10:00 p.m., Holiday Snoopy House at City Hall
- Monday, December 31<sup>st</sup>, 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