

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, SEPTEMBER 3, 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.

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

1. Conference with legal counsel - anticipated litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54946.9: One 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 California Government Code Section 54956.9(a).
3. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.

The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

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.]

Pastor Pete Cropsey, First Love Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

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: Theodore Robins Ford
- Lions Park Jet Restoration
- Costa Mesa Little League Mayor's Cup Presentation
- Worldwide Day of Play: Hank Lloyd, Costa Mesa Tennis Center

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.

1. READING FOLDER

- a. Claims received by the City Clerk: Laurita T. Kelly

RECOMMENDATION: Receive and file

2. [MINUTES: Special Meeting of September 27, 2012, Special Closed Session Meeting of February 12, 2013, March 7, 2013, May 14, 2013, and May 28, 2013, Regular Meeting of June 4, 2013, and Regular Meeting of August 6, 2013.](#)

RECOMMENDATION: Approve

3. [WARRANT RESOLUTION 2485: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-15 "A" AND 13-16 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-15 "A" for \\$846.90, Payroll No. 13-16 for \\$2,118,760.43, and City operating expenses for \\$1,263,558.87.](#)

RECOMMENDATION: Approve

4. [WARRANT RESOLUTION 2486: 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 \\$376,841.69.](#)

RECOMMENDATION: Approve

5. [WARRANT RESOLUTION 2487: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-16 "A" AND 13-17 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-16 "A" for \\$41,242.25, Payroll No. 13-17 for \\$2,097,956.72, and City operating expenses for \\$1,235,002.24.](#)

RECOMMENDATION: Approve

6. [WARRANT RESOLUTION 2488: 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 \\$944,421.25.](#)

RECOMMENDATION: Approve

7. [AUTHORIZATION OF A REFUND OF PROCESSING FEES FOR AN AFFORDABLE HOUSING PROJECT AT 2501 HARBOR BOULEVARD \(FAIRVIEW DEVELOPMENTAL CENTER\)](#)

RECOMMENDATION:

City Council authorize refund in the amount of \$7,642.50 to KDF Communities, LLC for a project that has been withdrawn.

8. [ANNUAL PERFORMANCE AUDIT WORK PLAN](#)

RECOMMENDATION:

Staff recommends that the City Council receive and file the Annual Performance Audit Work Plan and provide direction to staff regarding additional audits for Fiscal Year 2013-2014.

9. [ARTERIAL STREETS REHABILITATION PROJECT, CITY PROJECT NO. 13-08](#)

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Arterial Streets Rehabilitation Project, City Project No. 13-08; and
2. Award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange CA 92865, in the amount of \$933,305.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

10. APPROVE A RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK BOARDWALK PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the California Department of Parks and Recreation, Habitat Conservation Fund Program for the Fairview Park Boardwalk Project; and
2. Authorize the Public Services Director as the City's authorized representative.

11. APPROVE A RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM FOR THE FAIRVIEW PARK BOARDWALK PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the California Department of Parks and Recreation, Recreational Trails Program for the Fairview Park Boardwalk Project; and
2. Authorize the Public Services Director as the City's authorized representative.

12. APPROVE A RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the Orange County Transportation Authority's (OCTA) M2 Environmental Cleanup Tier 2 grant program for Arlington Drive Bioswale and Dry Weather Diversion Project; and
2. Authorize the Public Services Director as the City's authorized representative.

13. APPROVE A RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE FAIRVIEW PARK STORMWATER INFILTRATION PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the Orange County Transportation Authority's (OCTA) M2 Environmental Cleanup Tier 2 grant program for the Fairview Park Stormwater Infiltration Project; and
2. Authorize the Public Services Director as the City's authorized representative.

14. APPROVE A RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FROM THE LAND AND WATER CONSERVATION FUND PROGRAM FOR THE SOUTH FAIRVIEW PARK IMPROVEMENT PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the California Department of Parks and Recreation, Land and Water Conservation Fund Program for the South Fairview Park Improvement Project; and
2. Authorize the Public Services Director as the City's authorized representative.

15. APPROVE A RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK NORTH BLUFF TRAILS AND HABITAT RESTORATION PROJECT

RECOMMENDATION:

1. City Council adopt A Resolution for the submittal of a grant application to the California Department of Parks and Recreation, Habitat Conservation Fund Program for the Fairview Park North Bluff Trails and Habitat Restoration Project; and
2. Authorize the Public Services Director as the City's authorized representative.

16. VICTORIA STREET AND VALLEY ROAD/PACIFIC AVENUE INTERSECTION IMPROVEMENTS, FEDERAL PROJECT NO. HSIP3-5312 (084), CITY PROJECT NO. 12-14

RECOMMENDATION:

1. City Council adopt plans, specification, and working detail for the Victoria Street and Valley Road/Pacific Avenue Intersection Improvements Project, City Project No. 12-14; and
2. Reject the bid received from Horizons Construction Company Int'l, Inc., 1173 North Patt Street, Anaheim, CA 92801, in the amount of \$356,739.50; and
3. Approve Budget Adjustment No. 14-006, in the amount of \$59,500; and
4. Award a construction contract to PTM Engineering Services, Inc., 5942 Acorn Street, Riverside, CA 92504, in the amount of \$316,416.00; and
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

17. **PROFESSIONAL SERVICES AGREEMENT FOR A PERFORMANCE AUDIT OF THE COSTA MESA COUNTRY CLUB**

RECOMMENDATION:

1. Award a Professional Services Agreement for an amount not to exceed \$34,820 to Pro Forma Advisors LLC, 722 First Street, Suite F, Hermosa Beach, CA 90254 for the performance audit of the Costa Mesa Country Club from September 2013 to September 2014; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Authorize the Public Services Director to extend the Professional Services Agreement September 1 of each year up to a maximum of four (4) years.

18. **CARE AMBULANCE SERVICE – AMENDMENT NUMBER ONE TO AMBULANCE SERVICES AGREEMENT**

RECOMMENDATION:

Approve the attached Amendment Number One so that Care Ambulance Service may continue emergency ambulance and patient billing services for a period of one (1) year when the current Agreement expires on September 1, 2013, at 07:30 a.m.

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

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

1. **PUBLIC HEARING FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE**

RECOMMENDATION:

1. City Council adopt Resolution ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 1826 Fullerton Avenue; and
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS – NONE

NEW BUSINESS – NONE

REPORT – CITY ATTORNEY

ADJOURNMENT – To Joint Study Session Meeting, September 10, 2013, 4:30 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Wednesday, September 18, 2013 – General Plan: Circulation Element Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Thursday Sept. 12, 2013, 1pm-5pm, The Fair Housing Foundation will be holding a Fair Housing Certificate Management Training at the Neighborhood Community Center located at 1845 Park Avenue. This course is free and open to the public.
- Saturday-Sunday, October 12-13, 2013 - Scarecrow Festival
- Wednesday, October 16, 2013 – General Plan: Circulation Element Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Wednesday, November 20, 2013 – General Plan: Preferred Alternatives Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Wednesday, December 18, 2013 – General Plan: Policy Review Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.