

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

September 3, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None

CLOSED SESSION

The City Council recessed into closed session at 5:00 p.m. to consider the following items:

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 reconvened at 6:00 p.m.

CALL TO ORDER (00:00:12)

PLEDGE OF ALLEGIANCE (00:00:38) – Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:58)

Pastor Pete Cropsey, First Love Church

ROLL CALL (00:02:04)

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan.

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT – None

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - None

ANNOUNCEMENTS (00:02:37)

“Costa Mesa Minute” was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:04:52)

A video was played showcasing the Mayor’s Award: Theodore Robins Ford. The Mayor recognized and presented the “Mayor’s Award” to Bob Robins. (00:05:12)

Mayor Righeimer honored the Lions Park Jet Restoration Committee. (00:15:17)

Mayor Righeimer honored and presented certificates to the Costa Mesa American Little League. (00:22:05)

Worldwide Day of Play: Hank Lloyd, Costa Mesa Tennis Center provided a video presentation, and spoke on the upcoming professional tennis event in September. (00:30:50)

PUBLIC COMMENTS (00:35:00)

John Feeney, Costa Mesa, expressed his support for a Group Home Ordinance. (00:35:23)

Ken Nyquist, Costa Mesa, thanked the City Council for their support regarding the Rolling Homes Mobile Home Park. (00:36:49)

Martin H. Millard, Costa Mesa, expressed support for a Group Home Ordinance, and spoke on the Westside improvements. (00:37:43)

Greg Thunell, Costa Mesa, spoke on police staffing. (00:39:07)

Bill Bowman, Costa Mesa, spoke on Fairview Park improvements. (00:42:28)

Reggie Mundekis, Orange, requested the release of documents pertaining to the 60th Anniversary event. (00:46:11)

Bill Gilbert, Costa Mesa, stated his opposition to a parking lot and playground at Fairview Park. (00:47:48)

Harold Weitzberg, Costa Mesa, spoke on the Fairview Park improvements. (00:49:58)

Greg Ridge, Costa Mesa, spoke on public records requests, transparency, and 60th Anniversary records. (00:52:03)

Kim Hendricks, Costa Mesa, spoke on preserving Fairview Park. (00:55:07)

Sue Lester, Costa Mesa, spoke regarding the 60th Anniversary documents; and Fairview Park improvements. (00:57:19)

James Bridges, Costa Mesa, spoke on the Charter Committee and the Pension Oversight Committee. (01:01:01)

Jim Toland, Costa Mesa, expressed his opposition to a parking lot and playground at Fairview Park. (01:03:09)

Mayor Righeimer stated he would hold a Meet the Mayor on Pacific Ave at 6:00 p.m., Sept. 12th, to discuss Fairview Park issues. (01:06:15)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:37:07)

Mayor Righeimer spoke on the Meet the Mayor; Group Homes Ordinance; Nuisance Ordinance; and 60th Anniversary documents. (01:7:42)

Mayor Pro Tem Mensinger spoke on Fairview Park; and requested an update on the Vernal Pools at Fairview Park. (01:13:50)

Ernesto Munoz, Public Services Director, explained the City has hired a biologist from LSA Associates who will prepare a report regarding the vernal pools at Fairview Park and that the City is coordinating efforts with the U. S. Department of Fish and Wildlife. (01:17:32)

Council Member Genis spoke on Group Homes, and a reward for park vandalism. (01:20:51)

Mayor Reigheimer requested CEO Hatch bring forth the 4 hour policy for Council consideration. (01:22:27)

Mr. Munoz spoke regarding the grants to implement the Fairview Park Master Plan. (01:37:43)

Council Member Leece spoke on Fairview Park; grant monies; Group Homes; stated she will be pulling CC #14, Application Of Grant Funds From The Land And Water Conservation Fund Program; 60th Anniversary documents; the Costa Mesa Country Club audit; and the Costa Mesa Citizens Academy. (01:42:12)

Council Member Monahan had no comments. (01:55:34)

City Attorney Duarte explained that in regards to the 60th Anniversary documents the Public Records Act provides the City with discretion on when to withhold documents, and as in this case, if it compromises the integrity of an investigation the City has the discretion to withhold documents, and since it is a personnel matter staff cannot comment further. Also, that the City Council is not involved; it is the decision of the investigator, the City Attorney, and staff. (01:56:17)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:56:53)

CEO Thomas Hatch spoke on Item #17, Professional Services Agreement for a Performance Audit of the Costa Mesa Country Club, regarding the scope of work, and contract length; grant funding; and introduced Steve Dunivent, Interim Finance Director. (01:56:54)

Rick Francis, Assistant Chief Executive Officer, spoke on Lion's Park homeless issues, safety for staff, and the addition of Park Rangers. (02:01:42)

Lt. Manley, Costa Mesa Police Department, spoke on the Police Department's efforts at Lion's Park; and re-employment of Park Rangers. (02:05:03)

Muriel Ullman, Neighborhood Improvement Manager, spoke on the integration of law enforcement and community partnerships in dealing with homeless issues; mental health; legal strategies; non-profit organizations; the emergency response team; and social workers. (02:08:59)

Sergeant Bakkila provided an update on safety concerns at the Senior Center. (02:25:22)

Becks Heyhoe spoke on the Costa Mesa Partnership to End Homelessness. (02:27:07)

Council Member Genis spoke on Park Rangers being needed in other areas of the City. (02:28:47)

Ms. Ullman spoke on the number of homeless on the streets. (02:33:29)

CEO Hatch spoke on Item #7, Authorization of a Refund of Processing Fees for an Affordable Housing Project at 2501 Harbor Boulevard (Fairview Developmental Center); and read a statement addressing the 60th Anniversary Celebration and the release of documents. (02:35:47)

CONSENT CALENDAR (02:42:23)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 18 except for Items 3, 8, and 14.

MOVED/SECOND: Council Member Mensinger/Council Member Leece
The motion carried unanimously:

1. READING FOLDER

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

ACTION: Received and filed

- 2. MINUTES:** Special Meeting of September 27, 2012, Special Closed Session Meetings 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.

ACTION: Approved

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.**

ACTION: Approved

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.**

ACTION: Approved

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.**

ACTION: Approved

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

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

9. **ARTERIAL STREETS REHABILITATION PROJECT, CITY PROJECT NO. 13-08**

ACTION:

1. City Council adopted plans, specifications, and working details for the Arterial Streets Rehabilitation Project, City Project No. 13-08; and
2. Awarded a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange CA 92865, in the amount of \$933,305.00; and
3. Authorized 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

ACTION:

1. City Council adopted 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. Authorized 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

ACTION:

1. City Council adopted 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. Authorized 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

ACTION:

1. City Council adopted 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. Authorized 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

ACTION:

1. City Council adopted 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. Authorized 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

ACTION:

1. City Council adopted 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. Authorized 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

ACTION:

1. City Council adopted plans, specification, and working detail for the Victoria Street and Valley Road/Pacific Avenue Intersection Improvements Project, City Project No. 12-14; and
2. Rejected 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. Approved Budget Adjustment No. 14-006, in the amount of \$59,500; and
4. Awarded a construction contract to PTM Engineering Services, Inc., 5942 Acorn Street, Riverside, CA 92504, in the amount of \$316,416.00; and
5. Authorized 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

ACTION:

1. Awarded 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. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Authorized 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

ACTION: Approved Amendment Number One continuing Care Ambulance Service 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:43:02)

4. 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. (02:43:04)

Ken Nyquist, Costa Mesa, spoke on the high legal fees. (02:43:17)

Sue Lester, Costa Mesa, requested no further payments be made for the 60th Anniversary Celebration until the documents are released. (02:44:54)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously:

ACTION: Approved

8. ANNUAL PERFORMANCE AUDIT WORK PLAN (02:45:25)

Mayor Pro Tem Mensinger spoke on an audit for the two high school foundations, and the work plan. (02:45:32)

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan
The motion carried unanimously:

ACTION: City Council received and filed the Annual Performance Audit Work Plan and provided direction to staff regarding additional audits for Fiscal Year 2013-2014.

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 (02:47:27)

Ernesto Munoz, Public Works Director, provided an overview of the timetable, Fairview Park Master Plan, and he further clarified this is an application for grant funds, and design plans are not final at this time. (02:49:21)

Robin Leffler, Costa Mesa, expressed concerns on the parking and the tot lot; and supports preservation of the park. (03:03:26)

Mr. Munoz spoke on the development of the parking lot; plans to be submitted with the grant; and that staff is working with the Fish & Wildlife department in regards to the Vernal Pool. (03:06:32)

Council Member Leece stated she would like to wait to approve this after the appeal hearing. (03:09:10)

Council Member Monahan stated this is for a grant application, and it can be submitted before any concepts have been approved. (03:10:57)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Genis, and Council Member Monahan

Noes: Council Member Leece

The motion carried 4-1:

ACTION:

1. City Council adopted 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. Authorized the Public Services Director as the City's authorized representative.

PUBLIC HEARINGS (03:12:23)

1. PUBLIC HEARING FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE (03:12:27)

Mr. Munoz stated this request came from the owner of the property concerning an exit right of way. (03:12:44)

MOTION/SECOND: Council Member Genis/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Council Member Monahan, Council Member Genis, and Council Member Leece

Noes: None

Absent: Council Member Mensinger

The motion carried 4-0:

ACTION:

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

OLD BUSINESS – None

NEW BUSINESS – None

REPORT – CITY ATTORNEY – None

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

The Mayor adjourned the meeting at 9:15 p.m.



MAYOR

Brenda Green

CITY CLERK