

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, OCTOBER 15, 2013
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION 4:00 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 after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such writings and documents may be posted—whenever possible or as part of the agenda—on the city’s website at \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

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

Speaker's Card/Request to Speak: If you would like to address the City Council on a scheduled agenda item – including a Consent Calendar item, a Regular Council Business item, a Public Hearing item, or Public Comments – please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name, address and the item on which you would like to speak and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. It also ensures the accurate identification of meeting participants in the City Council minutes. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to up to three minutes per speaker depending on relevant circumstances (unless the time limit is extended by the Mayor), which includes the presentation of electronic or audio visual information. Speakers may not yield their time to other persons.

Please take notice that the order of scheduled agenda items below and/or the time they are actually heard, considered and decided may be modified by the Mayor or the City Council during the course of the meeting, so please stay alert.

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].

SPECIAL CLOSED SESSION – 4:00 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.

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 Division Managers Association, and Costa Mesa Fire Fighters Management Association pursuant to California 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 California Government Code Section 54956.9(a).

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 AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 6 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.]

Pastor Tim McCalmont, Presbyterian Church of the Covenant

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: South Coast Repertory
- Presentation by Jennifer Vaughn, Southern California Gas Company on Advanced Meters

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. Please complete the Request to Speak Form and return to the City Clerk.

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

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.

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

RECOMMENDATION:

City Council waive reading of Ordinances and Resolutions.

2. **READING FOLDER**

a. Claims received by the City Clerk: Donna/Michael Contino

RECOMMENDATION: Receive and file

3. **WARRANT RESOLUTION 2493: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-19 "A" AND 13-20 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-19 "A" for \$0.00, Payroll No. 13-20 for \$2,002,217.35 and City operating expenses for \$1,452,953.21.**

RECOMMENDATION: Approve

4. **WARRANT RESOLUTION 2494: 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 \$631,372.48.**

RECOMMENDATION: Approve

5. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00158 FOR STREET IMPROVEMENTS FOR TRACT 17401 LOCATED AT 2079 AND 2083 THURIN STREET, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council release the Performance and Labor and Material Bonds (Certificate No. 782666S) in the amounts of \$18,340 each for street improvements to White-Thurin Street Associates LP, a California Limited Partnership (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

6. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF SEVERAL ALLEYS**

RECOMMENDATION:

City Council award a contract to Civil Source, 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$124,880 for design services, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

7. **HARBOR BOULEVARD REHABILITATION (FROM BAKER STREET TO SOUTH COAST DRIVE), CITY PROJECT NO. 12-01**

RECOMMENDATION:

1. City Council accept the work performed by R.J. Noble Company and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

8. **PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT - CITY PROJECT NO. 12-04**

RECOMMENDATION:

1. City Council accept the work performed by Black Rock Construction Company and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

9. **EAST SIDE SLURRY SEAL PROJECT, CITY PROJECT NO. 12-06**

RECOMMENDATION:

1. City Council accept the work performed by Pavement Coatings Co. and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

10. **2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: 20TH STREET STORM DRAIN IMPROVEMENTS (FROM PLACENTIA AVENUE TO WALLACE AVENUE) PROJECT – CITY PROJECT NO. 12-12**

RECOMMENDATION:

1. City Council accept the work performed by Excel Paving Company, and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

11. **MINUTES:** Special Joint Study Session Meeting of the Costa Mesa City Council and Planning Commission of September 10, 2013; and Regular Meeting of September 17, 2013.

RECOMMENDATION: Approve

12. **PURCHASE OF DESKTOP COMPUTERS**

RECOMMENDATION:

Staff recommends that the City Council approve and authorize the CEO to sign the Purchasing Agreement in an amount of \$439,328 for desktop computers citywide, with Golden Star Technology Inc., 13043 166th Street, Cerritos, CA 90703.

13. **BROADBAND SERVICE UPGRADE**

RECOMMENDATION:

City Council approve and authorize the CEO to sign the Purchasing Agreement, not to exceed \$91,259.52 annually, for the City's broadband service upgrade with Verizon Business Network Services, Inc., 5055 North Point Parkway, Alpharetta, GA 30022.

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

1. **[REQUEST FOR A REHEARING ON THE MATTER OF FAIRVIEW PARK ENTRYWAY CONCEPT PLANS](#)**

RECOMMENDATION:

Staff recommends that the City Council determine whether sufficient evidence exists to warrant conducting a rehearing on the Fairview Park Entryway Concept Plans (Public Hearing #2 – September 17, 2013 City Council meeting).

OLD BUSINESS - NONE

NEW BUSINESS - NONE

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, November 5, 2013, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- 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.