

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 2, 2014
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 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)754-5225 or e-mail Brenda.Green@costamesaca.gov.

WELCOME TO THE CITY COUNCIL MEETING

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: If you wish to address the City Council on a matter not on the agenda, please complete and submit a yellow speaker card to the City Clerk. Speaker cards must be submitted to the City Clerk either prior to the first Public Comment period or prior to the Continued Public Comment period. Up to ten speakers will be given time to address the City Council during the first Public Comment period following Presentations. The Continued Public Comment period will be held at the end of the agenda after Items Removed from Consent Calendar. Members of the public shall only address the City Council one time at any given meeting under either Public Comment period. Speakers may only complete one card per person. Each speaker is limited to three minutes.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA: If you wish to address the City Council on a matter listed on the agenda, please complete and submit a green speaker card to the City Clerk. Speaker cards must be submitted prior to the start of Public Comments on the item. Please identify which item on the agenda you would like to address. Each speaker is limited to three minutes.

The speaker cards are located on the table at the entrance to the City Council Chamber.

Please take notice that the order of scheduled agenda items 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.
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.

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 – 4:30 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 Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for two potential cases.
3. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Police Management Association (CMPMA) pursuant to California Government Code Section 54957.6
4. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Fire Fighters Management Association pursuant to California Government Code Section 54957.6
5. Conference with legal counsel regarding existing litigation: Larry and Pamela Olsen v. City of Costa Mesa, a municipal corporation, et al., United States District Court—Southern District of California, San Diego, (Federal Court), Case No. 08-CV-2035-JAH-BLM, 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 Genis

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 Phil Wood, Redemption 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.

PRESENTATION

Costa Mesa Foundation Presentation by Mr. Jason Werner, Vice President, Costa Mesa Foundation, Concert in the Parks Chairman

PUBLIC COMMENTS

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Holly Eck; Ivin Mood; Mohammad Tavassol; Kathy O'Neill; Elvia Jimenez; Kendra Sturgeon; and Igor Pereira.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2521: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-15 "A", 14-16, 14-16 "A", AND 14-17, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-15 "A" for \$592.92, Payroll No.14-16 for \$2,122,411.38, Payroll No. 14-16 "A" for \$-10.96, and Payroll No.14-17 for \$2,153,995.47 and City operating expenses for \$4,700,208.19** – Finance Department

RECOMMENDATION: Approve Warrant Resolution No. 2521, to be read by title only and further reading waived.

4. **EAST SIDE STREET IMPROVEMENT PROJECT, CITY PROJECT NO. 12-05** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by All American Asphalt 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.

5. **RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF** – Development Services Department/Housing and Community Development Division

RECOMMENDATION:

City Council authorize the City's Chief Executive Officer (CEO) to enter into a one year Professional Services Agreement with Mike Linares, Inc., in an amount not to exceed \$85,000 per fiscal year, with the option to renew for up to four one year periods.

6. **MINUTES** – Chief Executive Officer's Department/City Clerk's Division

RECOMMENDATION:

City Council approve the minutes of the Regular Meeting of the City Council and Successor Agency of March 18, 2014 and June 3, 2014.

7. **POLICE RESERVE OFFICER – SALARY ADJUSTMENT** – Chief Executive Officer's Department/Human Resources Division

RECOMMENDATION:

City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, which amends Resolution No. 12-49 by revising the salary range for the Police Reserve Officer classification.

8. **PROFESSIONAL SERVICES CONTRACT EXTENSION FOR LILLEY PLANNING**

CONSULTANTS – Development Services Department

RECOMMENDATION:

1. It is recommended that the City Council authorize the extension to the existing Professional Services Agreement extension with the Lilley Group, for interim staffing assistance, in an amount not to exceed \$225,000; and
2. Authorize the City Chief Executive Officer to sign the amended Professional Services Agreement with the Lilley Planning Group.

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

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

1. **TEFRA HEARING FOR WHITTIER COLLEGE PROJECT**

RECOMMENDATION:

1. Conduct a Public Hearing, as required by the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code, for the financing by the California Municipal Finance Authority (CMFA) of various improvements and capital projects on the Whittier College campus located at 3333 Harbor Blvd in the City; and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, to become a member of the CMFA and approve the issuance of a loan by the CMFA for the benefit of Whittier College to provide for the financing of the Project; and
3. Authorize the CEO to execute the Joint Powers Agreement of the CMFA.

2. **SECOND READING FOR THE PRE-ZONING AND PROPERTY TAX EXCHANGE AGREEMENT FOR THE SANTA ANA/COLLEEN ISLAND ANNEXATION** – Chief Executive Officer's Department

RECOMMENDATION:

1. City Council conduct the Public Hearing; and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, for the Property Tax Exchange Agreement between the City of Costa Mesa and the County of Orange; and
3. Consider for adoption and give second reading to Ordinance No. 14-xx, to be read by title only and waive further reading, regarding pre-zoning of the Santa Ana/Colleen Annexation Area.

3. [CIVIC OPENNESS IN NEGOTIATIONS \(COIN\) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2013-2016 MEMORANDUM OF UNDERSTANDING \(MOU\) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION \(CMCEA\)](#) – Chief Executive Officer’s Department/Human Resources Division

RECOMMENDATION:

1. City Council conduct the first Public Hearing as required by COIN; and
2. Schedule the second and final Public Hearing as required by COIN for September 16th, 2014.

OLD BUSINESS - NONE

NEW BUSINESS

1. [ARCHITECTURAL AND CONCEPTUAL DESIGN SERVICES FOR THE EVENTUAL REPLACEMENT OF FIRE STATION 1 AND FIRE STATION 2](#) – Chief Executive Officer’s Department

RECOMMENDATION:

Mayor Pro Tem Mensinger requests that the City Council direct staff to proceed with the hiring of an architectural firm to provide conceptual development for the replacement of fire station 1 and fire station 2.

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting September 16, 2014 at 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Friday, September 5, 2014, 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.
- September 2014 – 13th Annual Festival of Children. South Coast Plaza. For more information, please visit, www.FestivalofChildren.org
- Saturday, September 6, 2014 - Scarecrow Workshop. Creative Outlet, 2035 Placentia Ave. Unit F. The Costa Mesa Scarecrow & Pumpkin Festival is back for another exciting year! Come learn the fundamentals of scarecrow building and get a jumpstart on your own scarecrow with this fun class. Register at www.creativeoutletstudios.com.
- Saturday & Sunday, October 4 & 5, 2014, 10 a.m. – 3 p.m. – 2nd Annual Scarecrow and Pumpkin Festival. Goathill Junction, Fairview Park. Enjoy scarecrow contest, pumpkin picking, firetruck rides, train rides, food & treats, face painting, entertainment and more. For more information, please visit www.ocmetrains.org or www.costamesahistory.org
- Saturday, September 27, 2014, 7 a.m. - 5 p.m. – Cruisin for a Cure. OC Fair & Event Center. More than 3,500 hot rod, classic & muscle cars plus other activities including more than 200 vendors, live music, prizes and food. Free prostate cancer screening will be available for men 40 years and older. For more information, please visit www.cruisinforacure.com