

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 1, 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 after distribution of the City Council Agenda Packets will be made available for public inspection at the City Clerk office. Additionally, binders containing these agenda-related documents will be 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

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.

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), 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 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 Christian Parra, Harbor Christian Fellowship

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

- Presentation by Project Cuddle (Debbe Magnusen)

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. 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. 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. **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: Lee Ramos; and Mercury Insurance/Colton Jackson.

RECOMMENDATION: Receive and file

3. **WARRANT RESOLUTION 2491: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-18 "A" AND 13-19 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-18 "A" for \$6,545.91, Payroll No. 13-19 for \$1,983,661.39 and City operating expenses for \$889,429.65.**

RECOMMENDATION: Approve

4. **WARRANT RESOLUTION 2492: 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 \$907,996.60.**

RECOMMENDATION: Approve

5. **WEST 19th STREET CORRIDOR PEDESTRIAN IMPROVEMENT PROJECT, FEDERAL PROJECT NO. HSIPL-5312 (086), CITY PROJECT NO. 13-10**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the West 19th Street Corridor Pedestrian Improvement Project, City Project No. 13-10; and
2. Approve Budget Adjustment No. 14-008, in the amount of \$87,972; and
3. Award a construction contract to Traffic Development Services, Inc., 4215 Tierra Rejada Road, Moorpark, CA 93021, in the amount of \$456,972.00 (base bid only); and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM" AND "SOBRIETY CHECKPOINT GRANT PROGRAM"**

RECOMMENDATION:

1. City Council adopt Resolution which authorizes the CEO or his designee to accept the grant awards from the California Office of Traffic Safety for: the "Selective Traffic Enforcement Program" (STEP); and the "Sobriety Checkpoint Grant Program"; and
2. Approve Budget Adjustment No. 14-007 for the total amount of \$168,923 to increase revenue and appropriation for overtime, professional development and equipment costs associated with the 2013 OTS STEP grant (\$74,523) and OTS Sobriety Checkpoint Grant Program (\$94,400).

7. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00458 FOR STREET IMPROVEMENTS AT 274 BROADWAY, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS11-00458 in the amount of \$5,000 to SCEL Properties LLC, 620 Newport Drive, Newport Beach, California, 92660.

8. [REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00172 FOR STREET IMPROVEMENTS AT 164 FLOWER STREET, COSTA MESA, CALIFORNIA](#)

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS13-00172 in the amount of \$13,338.32 to Sam-Costa Mesa LLC, 20201 SW Birch Street, Suite 100, Newport Beach, California, 92660.

9. [ESTABLISHMENT OF THE NEW CLASSIFICATION OF COMMUNITY OUTREACH WORKER](#)

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, which establishes the new Community Outreach Worker job classification; and corresponding salary range (\$24.41 to \$32.71 per hour).

10. [SECOND READING OF ORDINANCE TO REPEAL MUNICIPAL CODE SECTION 10-354](#)

RECOMMENDATION:

City Council give second reading and adopt Ordinance 13-03 entitled, "An Ordinance of the City Council of the City of Costa Mesa Repealing Section 10-354 of Chapter XIX of Title 10 of the Costa Mesa Municipal Code, relating to solicitation of employment, business or contributions to and from moving vehicles".

11. [MINUTES:Special Joint Meeting of the City Council and the Orange County Fairgrounds Authority of August 10, 2010; Regular Meeting of September 3, 2013; and Special Meeting of September 24, 2013.](#)

12. [INFORMATION TECHNOLOGY: ESTABLISHMENT OF AN INFORMATION TECHNOLOGY DEPARTMENT AND INFORMATION TECHNOLOGY DIRECTOR POSITION](#)

RECOMMENDATION:

1. Staff recommends that the City Council direct staff to establish an Information Technology Department including the establishment of a full-time Information Technology Director job classification; and
2. Adopt Resolution No. 13-xx, which amends Resolution No. 08-59 by establishing the new Information Technology Director job classification with a salary range of \$10,444 to \$13,995 per month.

13. SERVER INFRASTRUCTURE UPGRADE

RECOMMENDATION:

1. City Council approve and authorize the CEO to sign the Purchasing Agreement in the amount of \$205,203.24 for the upgrade of the City's server infrastructure with Abtech Technologies, Inc., 2042 Corte Del Nogal #D, Carlsbad, CA 92011; and
2. Approve Budget Adjustment No. 14-009 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$133,741.54), Proposition 172 Fund (\$11,629.70) and General Fund IT Budget (\$59,832.00) in the total amount of \$205,203.24 for this purchase.

14. AMENDMENT TO REPROGRAPHIC SERVICES CONTRACT WITH ORANGE COUNTY PUBLISHING SERVICES

RECOMMENDATION:

Staff recommends that the City Council approve the amendment to the reprographic services contract with Orange County Publishing Services (County of Orange) for offset printing, reprographics and bindery services in an amount not to exceed \$100,000 for each contract year. The original agreement was for a three (3) year term with two (2) one-year renewals.

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

OLD BUSINESS

1. [PUBLIC NUISANCE ABATEMENT ORDINANCE](#)

Staff recommends that the City Council give second reading and adopt Ordinance 13-04 entitled, “An Ordinance of the City Council of the City of Costa Mesa Repealing Chapter I (In General) and Replacing it with Chapters I (In General), II (Property Maintenance Standards) and III (Public Nuisance Abatement) of Title 20 (Property Maintenance) of the Costa Mesa Municipal Code Relating to the Abatement of Public Nuisances.

NEW BUSINESS

1. [PUBLIC NUISANCE ABATEMENT FINE RESOLUTION](#)

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 13-xx, regarding public nuisance violation fines.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, October 15, 2013, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Tuesday, October 8, 2013 – Tenant Rights Workshop, 3:00 p.m. to 5:00 p.m., Neighborhood Meeting Center, 1845 Park Avenue, Costa Mesa, Ca 92626
- 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.