

AGENDA

CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* AND SPECIAL AGENDA FOR THE COSTA MESA HOUSING AUTHORITY*

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY*

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER".

**TUESDAY, JULY 1, 2014
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 3:30 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)754-5221 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 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 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 – 3:30 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 Employees Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Association (CMFA), and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.
3. Conference with legal counsel regarding existing litigation: Costa Mesa City 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).
4. 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).
5. Conference with legal counsel regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, 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 Monahan

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 Dave Manne, Cavalry Chapel

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 - None

PUBLIC COMMENTS

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Cecilia DeCrona; Jesus Garcia; Henry Lloyd/Mid-Century Insurance Company; and Roberto Garcia.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2518: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-12 "A", 14-13 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-12 "A" for \$368.77, Payroll No. 14-13 for \$2,028,981.98, and City operating expenses for \$2,245,293.12** – Finance Department

RECOMMENDATION: Approve Warrant Resolution No. 2518, to be read by title only and further reading waived.

4. **SALARY RESOLUTIONS FOR CLASSIFICATION REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA)** – Chief Executive Officer's Department/Human Resources Division

RECOMMENDATION:

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, which implements salary range adjustments for job classifications represented by the CMPMA.

5. **PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES AGREEMENT** – Information Technology Department

RECOMMENDATION:

City Council authorize the City CEO to sign the Purchase Requisition in the amount of \$127,334 for the renewal of software maintenance and services agreement with SunGard Public Sector Inc., 1000 Business Center Drive, Lake Mary, FL 32725-5585.

6. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA PURSUANT TO ORDINANCE NO. 75-60** – Police Department

RECOMMENDATION:

City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading.

7. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Contract Change Order No. 1 to the Professional Services Agreement with Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in the amount of \$600,000.00 to secure additional services on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved Capital Improvement Program (CIP) projects; and
2. Authorize the Chief Executive Officer to execute the Contract Change Order.

8. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council award a contract to KABBARA Engineering, 121 North Harwood Street, Orange, CA 92866, in an amount not to exceed \$208,863.00 for design services, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

9. **SUNFLOWER AVENUE AT ANTON BOULEVARD TRAFFIC SIGNAL MODIFICATION, FEDERAL PROJECT No. HSIPL-5312 (085), CITY PROJECT NO. 13-13** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Sunflower Avenue at Anton Boulevard Traffic Signal Modification, Federal Project No. HSIPL-5312 (085), City Project No. 13-13; and
2. Award a construction contract to PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside, CA 92504, in the amount of \$238,823.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

10. **MAINTENANCE AGREEMENTS FOR SR-55 GATEWAY IMPROVEMENT PROJECT**
–Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Agreement for Maintenance of the proposed Gateway Monument Sign and a Landscape Maintenance Agreement between the City of Costa Mesa and the State of California Department of Transportation (Caltrans) for the SR-55 Gateway Improvement Project; and
2. Authorize the Public Services Director to work with Caltrans to make minor adjustments to the agreements; and
3. Authorize the Mayor and the City Clerk to execute the final agreements.

11. HARBOR BOULEVARD/ADAMS AVENUE IMPROVEMENT PROJECT – CONTRACT

CHANGE ORDER – Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve Contract Change Order (CCO) in the amount of \$478,000 for the Harbor Boulevard/Adams Avenue Improvement Project, City Project No. 13-09; and
2. Approve Budget Adjustment – BA No. 14-030 in the amount of \$100,000; and
3. Authorize the Chief Executive Officer to execute the CCO.

12. 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 February 4, 2014; Regular Meeting of the City Council and Successor Agency/Special Housing Authority Meeting of February 18, 2014; Regular Meeting of the City Council and Successor Agency of March 4, 2014; Regular Study Session of May 13, 2014; and Regular Meeting of the City Council and Successor Agency/Special Joint Housing Authority Meeting of May 20, 2014.

13. ONE-YEAR EXTENSION OF ARCHITECTURAL SERVICES CONTRACT FOR COUNCIL CHAMBERS CONSTRUCTION RELATED TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM UPGRADES – Chief Executive Officer's Department/Video Production Division

RECOMMENDATION:

1. City Council approve the attached professional services agreement that replaces the expired Dougherty + Dougherty contract for architectural services related to the upgrades in the City's audio/visual and broadcasting equipment in the Council Chambers; and
2. Authorize the CEO to increase the scope of the professional services agreement to include design work associated with the conversion of the print shop to a community meeting room to provide more quality meeting space in anticipation of a new central library at the Neighborhood Community Center. It's anticipated that this additional work could be done with the savings from Dougherty + Dougherty's original contract, though staff recommends a contingency amount of \$20,000 be added for potential unforeseen expenditures.

14. COOPERATION AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY FOR AN ADVANCE AND LOAN OF FUNDS BY THE CITY TO THE AUTHORITY RELATING TO CIVIC CENTER BARRIO HOUSING CORPORATION PROJECTS LOCATED AT 707, 711 W. 18TH ST., 745 W. 18TH ST., 717, 721 JAMES ST. AND 734, 740, 744 JAMES ST.; AUTHORIZE APPROPRIATION FROM THE CITY'S GENERAL FUND FOR SUCH LOAN – Chief Executive Officer's Department/City Special Counsel

RECOMMENDATION:

City Council adopt Joint City Council/Authority Resolution No. 14-xx, to be read by title only and waive further reading, approving a Cooperative Agreement, with attached Loan Agreement, between the City and the Authority and Authorizing the City's Appropriation of Funds to Pay the First Lien Balances from the General Fund Relating to Civic Center Barrio Housing Corporation Projects located at 707, 711 W. 18th St., 745 W. 18th St., 717, 721 James St. and 734, 740, 744 James Street.

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

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

OLD BUSINESS - NONE

NEW BUSINESS

1. RENEWAL OF THE USER AGREEMENT WITH THE HARBOR SOARING SOCIETY – Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Parks and Recreation Commission's proposed changes to the User Agreement with the Harbor Soaring Society, and extension of the agreement for the use of a portion of Fairview Park for a five (5) year term.

2. ATHLETIC FIELD USE AND ALLOCATION POLICY INFORMATION AND RECOMMENDATIONS – Parks and Community Services Department

RECOMMENDATIONS:

Staff recommends that the Council approve the amended Athletic Field Use and Allocation Policy.

3. **COUNCIL AUTHORIZATION FOR THE IMPLEMENTATION OF SECURITY CAMERA SYSTEMS AT VARIOUS LOCATIONS INCLUDING THE CITY CORPORATION YARD FACILITY, KEY ACCESS POINTS ALONG THE JOANNE BIKE TRAIL, THE EXTERIOR AREA SURROUNDING THE SENIOR CENTER, THE VOLCOM SKATE PARK, AND VARIOUS LOCATIONS IN FAIRVIEW PARK** – Chief Executive Officer’s Department

RECOMMENDATION:

It is recommended that the City Council authorize staff to proceed with the planning and bid process for security camera systems for the following facilities/areas:

1. City Corporation yard facility at 2300 Placentia; and
2. Locations along the Joanne Bike trail to provide enhanced security for pedestrian users and monitoring of graffiti activity; and
3. Costa Mesa Senior Center to provide enhanced security for users of the facility. Cameras will be installed on the exterior only; and
4. Volcom skate park to provide enhanced security; and
5. Strategic locations in and around Fairview Park.

4. **FIRST READING OF ORDINANCE REPEALING AND REPLACING COSTA MESA MUNICIPAL CODE SECTION 11-15 RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PROPERTY** – Chief Executive Officer’s Department

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, Ordinance No. 14-xx, to be read by title only and waive further reading, regarding rewards for information leading to the apprehension of individuals who vandalize property.

5. **FIRST READING OF THE ORDINANCE AMENDING SECTION 2-61 RELATING TO CONDUCT WHILE ADDRESSING THE CITY COUNCIL AND ADDING SECTION 2-87 (SEVERABILITY)** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, Ordinance No. 14-xx, to be read by title only and waive further reading, regarding conduct while addressing the City Council; and adding a severability clause.

6. **CITY COUNCIL CONSIDER PROPOSED CHARTER FOR PLACEMENT ON THE BALLOT FOR THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION** -

City Attorney's Office

RECOMMENDATION:

The recommendation is for the City Council to:

1. Review and approve the requested changes in the draft charter; and
2. Decide whether to place the proposed charter on the general election ballot by adopting the following resolutions:
 - A. Resolution No. 14 – 40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA PROPOSING A MEASURE FOR SUBMISSION TO THE VOTERS OF THE QUESTION WHETHER THE CITY OF COSTA MESA SHALL ESTABLISH HOME RULE BY ADOPTING THE PROPOSED CHARTER AS APPROVED BY THE CITY COUNCIL, ADDING THE MEASURE TO THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 AS CALLED BY RESOLUTION NO. 14-26, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE ESTABLISHED IN SECTION 10403 OF THE ELECTIONS CODE
 - B. Resolution No. 14 – 41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS
 - C. Resolution No. 14 – 42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER SUBMITTED AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting July 15, 2014 at 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Tuesday evenings in July, 2014, 5:30-7:45 p.m. (music starts at 6:15) – Costa Mesa Concerts in the Park. More info: www.costamesafoundation.org
- Friday, July 11 – Sunday, August 10, 2014 – OC Fair. More info: www.ocfair.com
- Monday, July 28, 2014 – Costa Mesa Community Golf Classic. Costa Mesa Country Club, Los Lagos Course. More info: www.costamesachamber.com