

AMENDED AGENDA*
CITY OF COSTA MESA
REGULAR CITY COUNCIL, AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING

*NEW BUSINESS ITEM #2 HAS BEEN REMOVED FROM THE AGENDA

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

TUESDAY, MARCH 17, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 5:45 P.M.

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

KATRINA FOLEY
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 cityclerk@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 may be submitted to the City Clerk during the Public Comment period for non-agenda items, up to 6:40 p.m. or prior to the last speaker, whichever is earlier. Any speakers on non-agenda items not heard prior to 6:40 p.m. will be allowed to speak at the end of the meeting. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. 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].

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 legal counsel regarding existing litigation: Costa Mesa City Employees Association (CMCEA) 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 – 5:45 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.]

Jonathan Allbaugh, Vanguard University

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:

1. Presentation by Werner Escher from South Coast Plaza

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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 adopt and approve Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

a. Claims received by the City Clerk: Dino Bonadonna and John Halbakken.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2532 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-04 "A" FOR (-\$4,547.74) AND 15-05 FOR \$2,028,376.04; AND CITY OPERATING EXPENSES FOR \$1,550,339.86; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2532, to be read by the title only, and waive further reading.

4. **APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,500 IN REGARDS TO A DONATION MADE BY THE COSTA MESA COMMUNITY RUN TO THE CITY'S "HAPPY FEET RUNNING CLUB" YOUTH SPORTS PROGRAM** – Parks & Community Services Department

RECOMMENDATION:

City Council authorize a budget adjustment (budget adjustment #15-012) in the amount of \$1,500 to accept a donation from the Costa Mesa Community Run for the youth sports program, "Happy Feet Running Club."

5. [MINUTES OF THE SPECIAL CLOSED SESSION MEETINGS OF THE CITY COUNCIL FOR JULY 25, 2012, JULY 31, 2012, OCTOBER 7, 2013 AND NOVEMBER 26, 2013; AND THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING OF MARCH 3, 2015](#) – Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

City Council approve the minutes.

6. [RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS10-00187 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17176 LOCATED AT 351 W. BAY STREET, COSTA MESA, CALIFORNIA](#) – Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the release of the Performance and Labor and Material Bonds (Certificate No. 4371998) in the amounts of \$18,266.00 each for street improvements and (Certificate No. 4371999) for setting corner monuments in the amount of \$2,750.00 to Bayside West, LLC (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

7. [RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00147 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16990 LOCATED AT 372/378/382 VICTORIA STREET, COSTA MESA, CALIFORNIA](#) – Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the release of the Performance and Labor and Material Bonds (Certificate No. 0176156) in the amounts of \$32,753.00 each for street improvements and (Certificate No. 0176155) for setting corner monuments in the amount of \$1,500.00 to Taylor Morrison of California, LLC (Developer), 8105 Irvine Center Drive, Suite 1450, Irvine, California 92618.

8. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00230 FOR PARKWAY IMPROVEMENTS AT 421 BERNARD STREET, COSTA MESA, CALIFORNIA** – Public Services Department/ Engineering Division

RECOMMENDATION:

City Council authorize a refund cash deposit in connection with the Encroachment Permit No. PS13-00230 in the amount of \$88,185.25 to Behringer Harvard Pacifica, 5510 Morehouse Dr. Suite 200, San Diego CA 92121.

9. **FINAL MAP FOR TRACT NO. 17708 LOCATED AT 2075 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA** – Public Services Department/ Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17708 and authorize the signing of the Map by the City Clerk and the City Engineer.

10. **BLOOD WITHDRAWAL TESTING SERVICES AGREEMENT** – Police Department/Field Operations Division

RECOMMENDATION:

1. City Council award a Professional Services Contract to California Forensic Phlebotomy, Inc., 27762 Antonio Parkway, Suite L1-647, Ladera Ranch, CA, for blood withdrawal testing services for a three-year period for an amount not to exceed \$91,000 per year; and
2. City Council authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. City Council authorize the Chief Executive Officer to sign for any rate increases or any amount above \$91,000 as long as the increase falls within his signing authority.

11. **BRENTWOOD PARK, PHASE II, CITY PROJECT NO. 14-17** - Public Services Department/Engineering Division

RECOMMENDATION:

City Council reject all bids and re-advertise the project.

12. **ENERGY PARTNERSHIP CONTRACT EXTENSIONS BETWEEN SOUTHERN CALIFORNIA EDISON AND SOUTHERN CALIFORNIA GAS AND THE CITY OF COSTA MESA FOR 2015 – 2016** – Office of the Chief Executive Officer

RECOMMENDATION:

1. City Council approve and authorize the Mayor and City CEO to execute the “Second Amendment” to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Edison Company; and
2. City Council approve and authorize the Mayor and City CEO to execute the “Second Amendment” to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Gas Company and adjacent Orange County cities; and
3. City Council authorize the City CEO to execute any subsequent documents approved as to form by the City Attorney necessary to advance, manage or complete Energy Leader Partnership activities.

13. **APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION MEET AND CONFER SALARY REOPENER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE** – Chief Executive Officer’s Department

RECOMMENDATION:

1. City Council designate Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City’s representatives in negotiations with the Costa Mesa City Employees Association (CMCEA) as to the salary reopener; and
2. City Council authorize Staff to have the independent fiscal analysis of the current CMCEA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

14. **AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM** – Police Department/Support Services Division

RECOMMENDATION:

City Council approve the terms of the Amendment to the Joint Agreement for the Operation, Maintenance, and Financial Maintenance of the 800 Megahertz Countywide Coordinated Communications System.

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

1. [CIVIC OPENNESS IN NEGOTIATIONS \(COIN\) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION \(CMPMA\)](#) – Chief Executive Officer’s Department/Human Resources Division

RECOMMENDATION:

1. City Council hold the second Public Hearing as required by COIN; and
2. City Council approve and adopt the CMPMA Side Letter of Agreement (Attachment 1) between the City of Costa Mesa and the CMPMA for 26 consecutive pay periods through and inclusive of February 20th, 2016.

2. [APPEAL OF PLANNING APPLICATION PA-14-40 FOR THE GANAHL LUMBER HARDWARE STORE AND OUTDOOR STORAGE YARD AT 1100 BRISTOL STREET](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council uphold the Planning Commission’s decision and approve PA-14-40 by adopting Resolution 15-xx, to be read by title only and further reading waived, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET.

OLD BUSINESS: None

NEW BUSINESS:

1. **PROFESSIONAL SERVICES AGREEMENT FOR THE UPDATE OF THE OPEN SPACE MASTER PLAN OF PARKS AND RECREATION** – Public Services Department

RECOMMENDATION:

1. City Council award a contract to RJM Design Group, 31591 Camino Capistrano, San Juan Capistrano, CA 92675 in the amount of \$161,270.00 for professional services for the update of the Open Space Master Plan of Parks and Recreation; and
 2. City Council authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
 3. City Council provide direction to Staff as to the status of the Fairview Park Citizens Advisory Committee.
2. **AUTHORIZATION OF CONSTRUCTION OF COMMUNITY MEETING ROOM AND OUTDOOR MEETING SPACE AND REMODEL EMPLOYEE LOUNGE AT CITY HALL** – Office of the Chief Executive

RECOMMENDATION:

- ~~1. City Council approve designating \$992,000 to convert City Hall's former print shop into a community meeting room with broadcasting capabilities; and direct City staff to issue a Notice Inviting Bids (NIB) for the conversion of the former print shop into a community meeting room; and~~
- ~~2. City Council direct City staff to issue a Notice Inviting Bids (NIB) to remodel employee/community lounge; and~~
- ~~3. City Council consider authorizing Request for Proposals (RFPs) for design, construction documents and bids for an outdoor meeting space on the south side of City Hall adjacent to the new community meeting room.~~

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting – April 7, 2015, at 5:00 p.m.

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Community Outreach Meeting on the Paularino Channel Bicycle Trail, Wednesday, March 18, 2015 at 6:00 p.m., Emergency Operations Center (EOC) 99 Fair Dr.
- Walk with the Mayor, Friday, March 20, 2015 from 5:30 a.m. – 7:30 a.m., Estancia High School Parking Lot, 2323 Placentia Avenue.
- Centennial Farm Garden Class: "Dahlias Above and Below the Ground", Saturday, March 21, 2015 from 9:30 – 11:30 a.m., OC Fair & Event Center – Silo Building, Reservation deadline: Thursday, March 19, 2015 www.ocfair.com
- The Living Legacy of the Tuskegee Airmen, Lyon Air Museum, Meet Tuskegee Airmen and listen to their amazing stories starting at 10:30am! Book signings will start after the presentation at 12pm. Saturday, March 21, 2015. For more details and questions, call Lyon Air Museum front desk: 714-210-4585 or email info@lyonairmuseum.org
- 8th Annual "All That Glitters" Gala Presented by The Estancia & TeWinkle Schools Foundation, Saturday, March 21, 2015 from 6:00 p.m. – 11:00 p.m., Costa Mesa Hilton. www.etsfoundation.org/
- Costa Mesa Downtown Recreation Center, Saturday, March 21, 2015 from 11:00 a.m. – 4:00 p.m., 11th Annual Mika CDC C3 Basketball Tournament. For more information, please visit, <http://www.mikacdc.org/2015/02/save-the-date-for-c3-2015.org>
- Special Closed Session, Police Officer's Association Negotiations, Tuesday, March 24, 2015, 9:00 a.m., City Hall – Council Chambers, 77 Fair Drive.
- Special Closed Session, Fire Management and Fire Negotiations, Tuesday, March 24, 2015, 5:00 p.m., City Hall – Council Chambers, 77 Fair Drive.
- Special Closed Session, Police Management Negotiations, Tuesday, April 14, 2015, 5:00 p.m., City Hall – Council Chambers, 77 Fair Drive.
- First Friday Road Show, Friday, April 3, 2015 from 5:30 p.m. – 8:30 p.m., Civic Center, 77 Fair Drive.
- Community Meetings for the Library Project, Thursday, April 16, 2015 and Thursday, May 21, 2015, Neighborhood Community Center, 1845 Park Ave at 6:00 p.m.
- Costa Mesa Community Run, Saturday, April 25, 2015 at 7:00 a.m. located at Fairview Park, 2323 Placentia Ave. For more information, please visit, <https://racegrader.webconnex.com/costamesacommunityrun2015>