

# 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, FEBRUARY 18, 2014  
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. 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](mailto: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, 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.

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 Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Acosta v. City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx), 9th Cir. Case # 10-56854, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, 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 AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY – 6 P.M.**

## **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Righeimer

## **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**

Costa Mesa United

## **PUBLIC COMMENTS**

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

## 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: Jim Eckis; Bryan Meisner; and Adelaide Garulle.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2509: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-02 "A" AND 14-03 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-02 "A" for \$-113.10, Payroll No. 14-03 for \$1,995,329.60 and City operating expenses for \$1,289,244.38.**

RECOMMENDATION: Approve Warrant Resolution No. 2509, to be read by title only and further reading waived.

4. **PROJECT SPECIFIC PROGRAM SUPPLEMENTS TO THE MASTER AGREEMENT NO. 00144S – STATE FUNDED PROJECTS: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO SIGN PROGRAM SUPPLEMENT AGREEMENTS TO THE ADMINISTERING AGENCY-STATE AGREEMENT NO. 00144S FOR STATE FUNDED PROJECTS”.**

RECOMMENDATION:

City Council adopt Resolution No. 14-xx, to be read by title only and further reading waived, authorizing the Public Services Director to execute all Project Specific Program Supplements to the Administering Agency – State Agreement No. 00144S for State Funded Projects.

5. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS**

RECOMMENDATION:

1. City Council award a contract to Onward Engineering, Corp., 300 S. Harbor Blvd., Suite 814, Anaheim, California 92805, in an amount not to exceed \$200,000 to provide Project/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
2. Award a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

6. **AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

RECOMMENDATION:

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority approve Amendment Three, revise existing cap of \$140,000 not to exceed \$200,000 to the Professional Services Agreement with Keyser Marston Associates (KMA) Consulting; and
2. Authorize the City Chief Executive Officer to sign Amendment Three to the Professional Services Agreement with KMA Consulting.

**7. RECOGNIZE AND ALLOCATE HOME PROGRAM INCOME**

RECOMMENDATION:

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority recognize \$247,050 in HOME program income funds and allocate these funds for HOME Administration and the HOME Single Family Rehabilitation Program; and
2. Authorize the City Chief Executive Officer to appropriate any additional HOME program income for FY 2013-2014; and
3. Approve Budget Adjustment No. 14-025 in the amount of \$247,050 to increase revenue and appropriate HOME program income fund to Housing and Community Development's operating budget.

**8. RIMINI STREET ORACLE/PEOPLESOFT SUPPORT SERVICES CONTRACT**

RECOMMENDATION:

City Council authorize the City CEO or his designee to sign the Master Services Agreement and Purchase Requisition for \$110,338 with Rimini Street Incorporated to replace Oracle Corporation in providing support for the City's Oracle/PeopleSoft products.

9. **FISCAL YEAR 2013-14 MID-YEAR BUDGET REPORT**

RECOMMENDATION:

1. City Council approve the recommended uses of the remainder of the FY 2012-13 surplus as follows:
  - a. Increase the Information Technology budget by \$758,770 for the remainder of the infrastructure backbone project (general fund portion) and consider this as a budgeted expense rather than a non-interest bearing loan as originally planned; and
  - b. Increase the General Fund transfer to the Capital Improvement Program Fund by \$300,000; and
  - c. Save the remaining \$1,568,000 in General Fund balance; and
2. Approve the recommended increase of the FY 2013-14 General Fund revenue budget by \$1,900,000 as indicated in Attachment 4 and increase the FY 2013-14 General Fund appropriations by \$1,568,000 as indicated on page 3 of this report; and
3. Approve the allocation of appropriations from the General Fund contingency account to the General Fund departments/projects listed on Attachment 8 including the final \$18,717.03 transfer to the Costa Mesa Community Foundation; and
4. Adjust the budgets of certain non-General Funds as follows:
  - a. Adjust the Capital Improvement Projects Fund by for the Council Chambers audio/visual equipment upgrade as indicated on page 4 of this report; and
  - b. Adjust the Narcotic Asset Forfeiture Fund as described on page 4 of this report; and
  - c. Adjust the budgets of the Measure M2 Funds 415 and 416 as described in page 4 of this report; and
  - d. Establish the new Nuisance Abatement Relocation Assistance Fund as directed by the City's Public Nuisance Abatement Ordinance Section 20-32(b).

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

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

**OLD BUSINESS - NONE**

**NEW BUSINESS**

1. **CITY COUNCIL AND SUCCESSOR AGENCY APPROVAL OF: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BY AND BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY” AND “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY; DIRECTING SUBMITTAL OF SUCH LOAN AGREEMENT TO THE OVERSIGHT BOARD TO CONSIDER THAT THE LOAN AGREEMENT WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH”.**

**RECOMMENDATION:**

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws; and
  2. Successor Agency adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws; Directing Submittal of such Loan Agreement to the Oversight Board to Consider and Find that the City/Agency Loan was for legitimate Redevelopment Purposes; and making other findings in connection therewith.
2. **REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY’S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY’S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)”.**

**RECOMMENDATION:**

Successor Agency adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving the Successor Agency’s Administrative Budget for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 pursuant to Health and Safety Code Section 34177(j) of the Dissolution Laws.

3. **REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 14-15A FOR THE SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014, SUBJECT TO SUBMITTAL TO, AND REVIEW BY THE OVERSIGHT BOARD AND THE DOF PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AUTHORIZE POSTING AND TRANSMITTAL THEREOF”.**

RECOMMENDATION:

Successor Agency adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving the Recognized Obligation Payment Schedule for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 (“ROPS 14-15A”), subject to submittal to and review by the Oversight Board and then by the State Department of Finance (“DOF”). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

4. **PROFESSIONAL SERVICES AGREEMENT FOR PURCHASE AND INSTALLATION OF EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEM**

RECOMMENDATION:

1. City Council award a Professional Services Agreement for the purchase and installation of Emergency Vehicle Preemption (EVP) devices utilizing Global Traffic Technologies (GTT) Global Positioning System (GPS) technology at 25 intersection locations, in 20 fire department emergency vehicles and integrating the equipment in a central system located at the Traffic Management Center (TMC) through DDL Traffic, Inc. in the amount of \$234,236.60 (inclusive of sales tax); and
2. Authorize the Mayor to execute the Professional Services Agreement.

5. **SUMMER YOUTH PROGRAM: ESTABLISH CITY PARTICIPATION WITH EXISTING YOUTH SUMMER RECREATION PROGRAM IN PARTNERSHIP WITH NEWPORT-MESA UNIFIED SCHOOL DISTRICT**

RECOMMENDATION:

It is recommended that the City Council approve in concept and direct staff to establish participation with an existing youth summer recreation program in partnership with the Newport-Mesa Unified School District and authorize funding to be included in the FY 2014-2015 budget.

6. [FIRST READING OF THE ORDINANCE PROVIDING FOR REWARDS FOR INFORMATION LEADING TO THE APPREHENSION OF VANDALS](#)

RECOMMENDATION:

It is recommended 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 public property.

7. [REPEAL OF COSTA MESA MUNICIPAL CODE CHAPTER XIII SEX OFFENDER PARK EXCLUSION ORDINANCE](#)

RECOMMENDATION:

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting, March 4, 2014, 5:00 p.m.**