

**AGENDA**  
**CITY OF COSTA MESA**  
**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, DECEMBER 2, 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)754-5225 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 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].

## **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: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
2. Conference with Legal Counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc., v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01852, pursuant to California Government Code Section 54956.9(d)(2).
3. Conference with Legal Counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(2).

**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 Leece

**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.]*

Mike Decker, Palm Harvest 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.

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

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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)**

#### **1. GENERAL MUNICIPAL ELECTION**

##### RECOMMENDATION:

1. City Council Adopt Resolution No. 14-78, to be read by title only and waive further reading: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW; and
2. Recognition of Council Member Wendy Leece; and
3. City Clerk administer the Oath of Office for the newly-elected City Council Members.

#### **2. REORGANIZATION**

##### RECOMMENDATION:

1. City Council reorganize by election of Mayor and Mayor Pro Tem.

**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 Title Only and Waive Further Reading.

2. **READING FOLDER**

- a. Claims Received by the City Clerk: Justin Deyle and Steve Alford.

RECOMMENDATION:

City Council Receive and File.

3. **WARRANT RESOLUTION NO. 2526 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-22 "A" FOR \$18,513.66, 14-23 for \$2,065,627.88, 14-23 "A" FOR \$105.96, AND 14-24 FOR \$2,129,535.98; AND CITY OPERATING EXPENSES FOR \$2,076,608.56; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.** – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2526, to be Read by Title Only and Waive Further Reading.

4. **FINAL MAP FOR TRACT NO. 17658 FOR PROPERTY LOCATED AT 2023, 2025 AND 2027 PLACENTIA AVE.** – Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council Adopt Resolution No. 14-xx, to be Read by Title Only and Waive Further Reading Approving the Final Map of Tract No. 17658.

5. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING OF SEPTEMBER 18, 2012 AND OCTOBER 2, 2012; THE MINUTES OF THE ADJOURNED MEETING/STUDY SESSION AND SPECIAL JOINT STUDY SESSION OF DECEMBER 10, 2013; AND THE REGULAR CITY COUNCIL, COSTA MESA HOUSING AUTHORITY AND SUCCESSOR AGENCY OF NOVEMBER 20, 2012](#) – Chief Executive Officer’s Department/City Clerk’s Office

RECOMMENDATION:

City Council Approve the Minutes.

6. [ACCEPT HARBOR BOULEVARD BEAUTIFICATION PROJECT NO. 13-05 – FEDERAL PROJECT NO. RPSTPLE – 5312\(083\)](#) – Public Services Department /Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Jeff Tracy, Inc., DBA Land Forms Construction, and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond six (6) months after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

7. [AWARD CDBG PROJECT: REHABILITATION OF ARNOLD AVENUE, BEACH STREET, COVE STREET, ROSS STREET, SEAL STREET, AND SURF STREET, CITY PROJECT NO. 14-11](#) – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Rehabilitation of Arnold Avenue, Beach Street, Cove Street, Ross Street, Seal Street, and Surf Street, City Project No. 14-11; and
2. Award a construction contract to Copp Contracting, Inc., P.O. Box 457 Buena Park, California 90621-0457, in the amount of \$450,002.50; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

8. [MEASURE M2 EXPENDITURE REPORT](#) – Public Services Department/  
Financing Department

RECOMMENDATION:

City Council approve the Resolution to be Read by Title Only and Waive Further Reading Approving the Measure M2 Expenditure Report.

9. [APPROVAL TO CONTRACT CHANGE ORDER #1 FOR THE WIRING FOR TELEPHONE SERVICE AT THE SENIOR CENTER](#) – Parks and Community Services Department.

RECOMMENDATION:

City Council approve contract change order #1 in the amount of \$14,007.18 for additional wiring at the Senior Center and authorize the Chief Executive Officer to execute the change order.

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

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

**OLD BUSINESS**    None

**NEW BUSINESS**    None

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To an Adjourned Regular Meeting – December 9, 2014 at 6:45 p.m.**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

- Costa Mesa Home Tour for the Holiday 2014, December 4<sup>th</sup> from 10:00 a.m. – 3:00 p.m., at SoCo Collection: 3303 Hyland Ave, Costa Mesa
- First Friday Road Show, December 5, 2014 and January 2, 2015 from 5:30 p.m. – 8:30 p.m., at Civic Center: 77 Fair Drive, Costa Mesa
- Snoopy House Holiday Display from December 12<sup>th</sup> – December 25<sup>th</sup>
- City Hall will be closed for the holidays from December 25, 2014 through January 4, 2015