

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, JANUARY 21, 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.

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: 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 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.]

Father Tashjian, St. Mary Armenian 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.

PRESENTATIONS

Sister City Presentation

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

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: David B. Thompson

b. Requests for Alcohol Beverage Control Licenses:

- For Fresh & Easy, at 1835 Newport Blvd., Suite C140, a fiduciary transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine) and "86" (Instructional Tasting).
- For Al Forno Cafe, at 1525 Mesa Verde Drive East, Suites 124 and 125, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Aloha Grill, at 1749 Newport Blvd., a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
- For Kitakata Ramen Ban Nai, at 891 Baker Street, Suite B21, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Pub 33, at 1562 Newport Blvd., #C&D, an original State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise).

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2507: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-01 AND 13-26 "A" AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-01 for \$2,209,017.52, Payroll No. 13-26 "A" for -11.68 and City operating expenses for \$1,054,820.89.**

RECOMMENDATION: Approve Warrant Resolution No. 2507, to be read by title only and further reading waived.

4. **BAKER STREET AND BEAR STREET INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 11-10**

RECOMMENDATION:

1. City Council accept the work performed by C.T. & F., Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

5. **19th STREET REHABILITATION FROM NEWPORT BOULEVARD TO PARK AVENUE – CITY PROJECT NO. 12-20**

RECOMMENDATION:

1. City Council accept the work performed by All American Asphalt and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

6. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00415 FOR STREET IMPROVEMENTS AT 449 HAMILTON ST, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS12-00415, in the amount of \$18,925.00 to Do Construction And Design Inc., (Contractor), 10495 Bolsa Avenue, Westminster, California 92683.

7. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00123 FOR STREET IMPROVEMENTS AT 2269 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS13-00123 in the amount of \$17,824.80 to Dennis Gimian, 3 Rana, Irvine, CA 92612.

8. **COOPERATIVE AGREEMENTS FOR THE NEWPORT BOULEVARD AND ADAMS AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS**

RECOMMENDATION:

1. City Council approve the Cooperative Agreements between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the Newport Boulevard and Adams Avenue Traffic Signal Synchronization (TSS) Projects; and
2. Authorize the Mayor and City Clerk to execute the above agreements.

9. **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEES TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA ENTITLED: AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR THE FY 2013 URBAN AREAS SECURITY INITIATIVE (UASI)”.**

RECOMMENDATION:

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2013 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorize the Police Department to accept FY 2013 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$5,121. This amount will reimburse training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic Preparedness-approved training for police, fire, and city personnel; and
3. Approve Budget Adjustment No. 14-022 in the amount of \$5,121 to increase revenue and appropriate the grant funds to the Police Department’s operating budget.

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

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

1. [GENERAL PLAN AMENDMENT GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT UPDATE TO THE 2000 GENERAL PLAN: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT”.](#)

RECOMMENDATION:

City Council adopt Addendum to Final Program EIR and approve General Plan Amendment GP-13-03 for the proposed 2013-2021 Housing Element, by adoption of Resolution No. 14-xx, to be read by title only, and waive further reading.

OLD BUSINESS - NONE

NEW BUSINESS

1. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-13-08\) FOR AN 89-UNIT RESIDENTIAL AND LIVE/WORK DEVELOPMENT LOCATED AT 1620 THROUGH 1644 WHITTIER AVENUE](#)

RECOMMENDATION:

City Council provide feedback on the proposed project as described below:

- Urban Master Plan screening for an 89-unit detached residential development, consisting of 3 stories and a roof deck. 40 of the units are live/work, 27 units are residential lofts, and 22 units are traditional residential. The site has a General Plan land use designation of Light Industry and a zoning classification of MG (General Industrial). The site is also located within the Mesa West Bluffs Urban Plan.

2. [EXCESSIVE USE OF RESOURCES COST RECOVERY AMOUNT RESOLUTION: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING THE INVOICE PERIOD AND COST RECOVERY AMOUNT FOR EXCESSIVE USE OF POLICE SERVICES UNDER CHAPTER VI OF TITLE 14 OF THE COSTA MESA MUNICIPAL CODE”.](#)

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, regarding the cost recovery amount for excessive use of resources by lodging establishments.

3. **CITY STAFF REORGANIZATION: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-58 BY ESTABLISHING NEW CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION” AND “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-59 BY AMENDING THE FIRE ADMINISTRATIVE ASSIGNMENT PAY”.**

RECOMMENDATION:

Staff recommends that the City Council:

1. Authorize the following 12 positions:
 - a. Senior Maintenance Worker (2 positions)
 - b. Public Right of Way Coordinator
 - c. Assistant Chief Executive Officer/Administrative Services Director
 - d. Deputy City Clerk
 - e. Human Resources Analyst
 - f. Buyer
 - g. Battalion Chief – Administration
 - h. Police Officers (4 positions); and
2. Create a Parks and Community Services Department (no staffing changes); and
3. Approve Resolution Nos. 14-xx and 14-xx, to be read by title only and waive further reading; and
4. Appropriate \$600,000 from the General Fund fund balance to fund these positions for the remainder of FY 2013-14.

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

**ADJOURNMENT – To Special Joint Study Session with the Planning Commission,
January 28, 2014, 4:30 p.m.**

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Tuesday, January 28, 2014 – Special Joint City Council and Planning Commission Study Session: General Plan Update - Land Use Alternatives, 4:30 p.m., Emergency Operations Center (EOC), Civic Center, 77 Fair Drive, Costa Mesa.
- Tuesday, February 11, 2014 – Budget: Mid-Year Review, 4:30 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.

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