

# AMENDED AGENDA

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

(ADDITION - CLOSED SESSION ITEM)

### 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, MAY 20, 2014**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**SPECIAL CLOSED SESSION - 4:30 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](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].

## **SPECIAL CLOSED SESSION – 4:30 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 Police Officers Association (CMPOA), 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 City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. 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.
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, 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 Pro Tem Mensinger

## **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.]*

Doug Jacks, 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.

**PRESENTATION** - None

## **PUBLIC COMMENTS**

**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. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of City Council.

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

## **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: Jorge Urbano-Miguel; Yolanda Arroyo; Dillion Giedt; Ronald Campbell; Leonard Tovar; and Brenda Hale.

RECOMMENDATION: Receive and file.

**3. WARRANT RESOLUTION 2515: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-09 "A", 14-10, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-09 "A" for \$1,997.16, Payroll No. 14-10 for \$2,097,288.29, and City operating expenses for \$2,170,529.84.**

RECOMMENDATION: Approve Warrant Resolution No. 2515, to be read by title only and further reading waived.

**4. A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY ADOPTING A BUDGET FOR THE HOUSING AUTHORITY FOR FISCAL YEAR 2014-2015**

RECOMMENDATION:

City Council and Housing Authority adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY 14-15.

**5. RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014**

RECOMMENDATION:

Staff recommends that the City Council take the following actions:

1. Adopt Resolution No. 14-XX, to be read by title only and waive further reading, calling and giving notice to conduct a General Municipal Election on November 4, 2014 for the election of two members to the City Council; and
2. Adopt Resolution No. 14-XX, to be read by title only and waive further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election; and
3. Adopt Resolution No. 14-XX, to be read by title only and waive further reading, adopting regulations pertaining to Candidates Statements.

6. PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FIRE STATION #4 (PLACENTIA) RENNOVATION/ADDITION PROJECT

RECOMMENDATION:

1. City Council award a Professional Services Agreement to IDS Group for architectural and engineering services for the extension of the apparatus bay and the addition of a vehicle storage building at fire station 4 in the amount of \$57,820; and
2. Authorize an additional contingency appropriation of \$14,000 for services which may include AutoCAD conversion of as-built plans, geotechnical investigation, and pre-construction destructive testing; and
3. Authorize the Mayor to execute the Professional Services Agreement.

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

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

1. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-99-09 – A CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE SANDPIPER MOTEL LOCATED AT 1967 & 1977 NEWPORT BOULEVARD

RECOMMENDATION:

The Planning Commission recommends that the City Council take the following action:

1. Deny the applicant's appeal and uphold the revocation of Conditional Use Permit PA-99-09 on the basis that the Sandpiper Motel has operated in violation and/or as a public nuisance such that revocation of the Conditional Use Permit is appropriate; and
2. Adopt Resolution No. 14-xx, "A Resolution of the City Council of the City of Costa Mesa Upholding the Revocation of Conditional Use Permit PA-99-09 for the Sandpiper Motel to Rent Up to 40% of its rooms to Long-term tenants", to be read by title only and waive further reading.

## OLD BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING APPROVAL TO ADOPT REZONE R-13-02 FOR A REZONE \(OR CHANGE\) OF THE ZONING CLASSIFICATION OF THE 4.17-ACRE DEVELOPMENT SITE FOR THE 125 EAST BAKER APARTMENT PROJECT FROM COMMERCIAL LIMITED \(CL\) TO PLANNED DEVELOPMENT RESIDENTIAL – HIGH DENSITY \(PDR-HD\) AT 125 EAST BAKER STREET](#)

### RECOMMENDATION:

City Council give second reading to Ordinance No. 14-05, to be read by title only and waive further reading.

2. [AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING APPROVAL TO ADOPT ZONING CODE AMENDMENT CO-13-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THE 125 EAST BAKER APARTMENT PROJECT. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: TABLE 13-58 \(PLANNED DEVELOPMENT STANDARDS\) TO ALLOW A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THIS PROJECT AT 125 EAST BAKER STREET](#)

### RECOMMENDATION:

City Council give second reading to Ordinance No. 14-06, to be read by title only and waive further reading.

## NEW BUSINESS

1. [GENERAL PLAN SCREENING GPS-14-02 FOR PROPOSED 236-UNIT RESIDENTIAL APARTMENT PROJECT AT 2277 HARBOR BOULEVARD](#)

### RECOMMENDATION:

City Council accept or deny General Plan amendment request for processing to amend the land use designation from General Commercial to Planned Development Residential related to development of a 236-unit apartment complex project.

2. [RENEWAL OF THE USER AGREEMENT WITH HARBOR SOARING SOCIETY](#)

### RECOMMENDATION:

1. City Council approve the recommended changes proposed by the Parks and Recreation Commission to the User Agreement with the Harbor Soaring Society; and
2. Approve the Parks and Recreation Commission's recommendation to renew the User Agreement with the Harbor Soaring Society for five years.



**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting, June 3, 2014, 5:00 p.m.**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

- Friday, May 30 – Sunday, June 1, 2014 - 67<sup>th</sup> Annual Lions Club Fish Fry & Carnival (Carnival only Friday). Fish Dinners, Opportunity Drawing, Carnival Rides, Vendors, Entertainment and more. Admission is FREE! For more information, please visit, [www.cmnhlions.com](http://www.cmnhlions.com)
- Friday, June 6<sup>th</sup>, 2014, 5:30-7:30 p.m. - First Fridays Road Show will be held in the front parking lot of City Hall. Event features classic cars, food, and a live DJ. This event is free to the public.