

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, MARCH 4, 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.

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 City Employee Association (CMCEA), 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 Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.
3. Conference with legal counsel regarding existing litigation: Ress Financial Corporation, a California Corporation v. Thomas Hewko, an individual, and City of Costa Mesa, a public entity, et al., Orange County Superior Court Case No. 30-2013-00661459-CU-OR-CJC, 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 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.]

Pastor Mike Gibson, Christ Lutheran Church and School

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

Arbor Day "March 7, 2014" Presentation by Jerry Klemer, Arbor Day Chairman, Rotary Club of Newport-Balboa.

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 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: Lloyd Collins; David DeMarco; David Calvin; and Elizabeth Wood.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2510: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-04 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-04 for \$2,034,031.11 and City operating expenses for \$1,453,522.45.**

RECOMMENDATION: Approve Warrant Resolution No. 2510, to be read by title only and further reading waived.

4. **PARK AVENUE ALLEY (ALLEY NO. 10), BAKER STREET ALLEY (ALLEY NO. 44), AND FULLERTON AVENUE ALLEY (ALLEY NO. 104) IMPROVEMENT PROJECT – CITY PROJECT NO. 13-03**

RECOMMENDATION:

1. City Council accept the work performed by Grigolla & Sons Construction Company, 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. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00456 FOR PARKWAY IMPROVEMENTS AT 3180 AIRWAY AVENUE, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS13-00456 in the amount of \$18,896.59 to Synder Langston, 17962 Cowan, Irvine, CA 92614.

6. **COOPERATIVE AGREEMENTS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM PROJECTS**

RECOMMENDATION:

1. City Council approve Cooperative Agreements between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for four (4) Bicycle Corridor Improvement (BCI) Program projects; and
2. Authorize the Mayor and City Clerk to execute the above agreements.

7. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITYWIDE SCHOOL ZONE TRAFFIC CALMING PROJECT**

RECOMMENDATION:

1. City Council award a Professional Services Agreement to KOA Corporation, 2141 W. Orangewood Avenue, Suite A, Orange, CA 92868, in the amount of \$63,500; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

8. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE AND STREET CLOSURES FOR THE 2014 ORANGE COUNTY MARATHON](#)

RECOMMENDATION:

City Council adopt Resolution No. 14-xx, to read by title only and waive further reading, designating the event route for the 2014 Orange County (OC) Marathon and approve the temporary street closures for May 4, 2014, as requested for the 2014 OC Marathon.

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

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

1. [AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42](#)

RECOMMENDATION:

City Council approve and give first reading of Ordinance No. 14-xx, to be read by title only and waive further reading, adding new regulations for small lot subdivisions in multiple family residential zones and urban plan areas.

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, UPHOLDING THE PLANNING DIVISION'S ZONING APPROVAL OF BUILDING PERMIT APPLICATION \(BC13-00844\) FOR CONSTRUCTION OF ADDITIONS TO THE FIRST AND SECOND STORY OF AN EXISTING TWO-STORY RESIDENCE](#)

RECOMMENDATION:

City Council approve Resolution No. 14-xx, to be read by title only and waive further reading, upholding the Planning Commission's decision to affirm the Planning Divisions Zoning Approval to allow construction of first and second story additions to an existing two-story residence subject to conditions of approval.

3. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO UPHOLD THE PLANNING COMMISSION'S ACTION AND TO APPROVE PLANNING APPLICATION MASTER PLAN PA-13-21, AND TENTATIVE TRACT MAP 17658 FOR DEVELOPMENT OF 36-UNIT LIVE/WORK AND RESIDENTIAL PROJECT AT 2023, 2025 AND 2027 PLACENTIA AVENUE](#)

RECOMMENDATION:

City Council approve Resolution No. 14-xx, to be read by title only and waive further reading, upholding the Planning Commission's decision to approve the proposed project, described below:

The proposed project involves development of 30 three-story live/work units and six two-story residential units at 2023, 2025, and 2027 Placentia Avenue. The project proposal includes the following:

1. Adoption of an Initial Study/Mitigated Negative Declaration; and
2. Planning Application PA-13-21 – Urban Master Plan for development of a 36-unit live/work and residential project on two industrial zoned parcels within the Mesa West Bluffs Urban Plan Area. The project includes the following deviations:
 - Deviation from live/work standards to allow six residential units with no workspace; and
 - Deviation from the minimum work space requirement for 24 units (250 SF required, 118 SF proposed for 24 units); and
 - Deviation from rear setback requirement abutting residential zone (20 feet required, 10 feet proposed for first floor); and
3. Tentative Tract Map 17658 – Subdivision of a 1.88-acre property for condominium purposes to allow private sale and ownership of the 36 live/work and residential units.

OLD BUSINESS

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 11-15 TO CHAPTER 1 \(GENERAL\) OF TITLE 11 \(OFFENSES-MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING CITY PROPERTY](#)

RECOMMENDATION:

City Council consider for second reading Ordinance No. 14-02, to be read by title only and waive further reading, relating to rewards for information leading to the arrest and conviction of persons vandalizing City property.

2. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING CHAPTER XIII TO TITLE 11 OF THE COSTA MESA MUNICIPAL CODE, RELATING TO SEX OFFENDERS PROHIBITED FROM CITY PARKS AND SPORTS FACILITIES](#)

RECOMMENDATION:

City Council consider for second reading Ordinance No. 14-03, to be read by title only and waive further reading, which repeals Chapter XIII to Title 11 of the Costa Mesa Municipal Code relating to Sex Offenders Prohibited from City Parks and Sports Facilities.

NEW BUSINESS - NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, March 18, 2014, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Friday, March 7, 2014 – First Friday Road Show, 5:30 p.m. - 8:30 p.m., In the front parking lot of City Hall, 77 Fair Drive, Costa Mesa.
- April 7-11, 2014 – Spring Camp Costa Mesa: K through 6th Grade, Balearic Community Center, 1975 Balearic Drive, Costa Mesa. For further information, contact the Parks and Recreation Department at (714) 754-5300.
- Saturday, May 3rd, 2014 – Arts in the Park event, 12:00 p.m. – 3:00 p.m., Estancia Park, 1900 Adams Avenue, Costa Mesa. For further information, contact (714) 754-5322.
- Sunday, May 4th, 2014 – Orange County Marathon
- Thursday, May 8th, 2014 – Mayor’s Celebration of Leadership