

ACTION REPORT: For Informational Purposes Only

ACTION REPORT
CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY*
TUESDAY, MARCH 4, 2014

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

SPECIAL CLOSED SESSION – 4:30 P.M.

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).

REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY–CONVENED 6:16 P.M.

CITY ATTORNEY CLOSED SESSION REPORT –

City Attorney Duarte reported on Closed Session item 3:

(5-0 vote) – City Council approved a settlement wherein the City would receive 121,000 dollars.

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - None

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CONSENT CALENDAR

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 6, 7 and 8.

MOVED/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

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**

ACTION:

City Council waived 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.

ACTION: Received and filed.

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.**

ACTION: City Council approved Warrant Resolution No. 2510, to be read by title only and further reading waived.

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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

ACTION:

1. City Council accepted the work performed by Grigolla & Sons Construction Company, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to 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

ACTION:

City Council approved the refund of 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.

----- **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

MOVED/SECOND: Council Member Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council approved and gave first reading of Ordinance No. 14-04, to be read by title only and waived further reading, adding new regulations for small lot subdivisions in multiple family residential zones and urban plan areas.

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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

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Resolution No. 14-13, to be read by title only and waived 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

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council approved Resolution No. 14-14, to be read by title only and waived 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

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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**

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved and gave second reading of Ordinance No. 14-02, to be read by title only and waived 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**

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

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ACTION:

City Council approved and gave second reading of Ordinance No. 14-03, to be read by title only and waived 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. COOPERATIVE AGREEMENTS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM PROJECTS

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved 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. Authorized 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

MOVED/SECOND: Council Member Leece/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

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

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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

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, and Mayor Pro Tem Mensinger

Nays: None

Recused: Mayor Righeimer

Motion carried: 4-0-1

ACTION:

City Council adopted Resolution No. 14-12, to read by title only and waived further reading, designating the event route for the 2014 Orange County (OC) Marathon and approved the temporary street closures for May 4, 2014, as requested for the 2014 OC Marathon.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – at 11:34 p.m. to Regular Meeting, March 18, 2014, 5:00 p.m.