

# **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, AUGUST 5, 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)754-5225 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].

## **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 Fire Fighters Association (CMFA), 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 legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for one potential case.
4. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(4) for one potential case.

**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.]*

Senior Pastor Tim McCalmont, Presbyterian Church of the Covenant

## 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

Team Leader and Costa Mesa resident Kailualani Tagaloa, 2014 CHOC Walk Ambassador, CHOC Walk in the Park 2014 in October 2014

## 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 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. 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.

## 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: Mark A. Kaufman/Mercury Insurance; Amy Widmer; and Ida Elison.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2520: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-14 "A" AND 14-15 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-14 "A" for \$3,520.59, Payroll No.14-15 for \$2,088,368.12, and City operating expenses for \$2,953,072.22** – Finance Department

RECOMMENDATION: Approve Warrant Resolution No. 2520, to be read by title only and further reading waived.

4. [FINAL MAP TRACT NO. 17639 LOCATED AT 643, 651 W. 17<sup>TH</sup> STREET AND 1695 SUPERIOR AVENUE, COSTA MESA, CALIFORNIA](#)- Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17639 and authorize signing of the Map by the City Clerk and the City Engineer.

5. [FINAL MAP FOR TRACT NO. 17649 LOCATED AT 687 VICTORIA STREET, COSTA MESA, CALIFORNIA](#)- Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17649 and authorize signing of the Map by the City Clerk and the City Engineer.

6. [APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE](#)- Chief Executive Officer's Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Designate Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Management Association (CMPMA); and
2. Authorize staff to have the independent fiscal analysis of the current CMPMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

7. **APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA FIRE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE**- Chief Executive Officer's Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Designate Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Fire Management Association (CMFMA); and
2. Authorize staff to have the independent fiscal analysis of the current CMFMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

8. **CITY COUNCIL RESOLUTION NO. 14-51 AMENDING THE COSTA MESA 2000 GENERAL PLAN FOR THE SECOND CYCLE OF 2014: GP-13-02 FOR 125 EAST BAKER STREET; AND GP-14-01 FOR 320 EAST 18<sup>TH</sup> STREET** – Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council take the following action:

City Council adopt Resolution No. 14-51, to be read by title only and waive further reading, amending the Costa Mesa 2000 General Plan for the second cycle of 2014, in accordance with the Council's actions taken on General Plan Amendments Nos. GP-13-02 and GP-14-01.

9. **EXTENSION OF FTOG, INC. PROFESSIONAL SERVICE AGREEMENT FOR INTERIM BUYER SUPPORT** – Finance Department/Purchasing Division

RECOMMENDATION:

City Council approve an Amendment to Professional Services Agreement (PSA) with FTOG, Inc. to provide Interim Buyer services for six (months) with an increase to the PSA in the amount of \$48,600, while the City completes the hiring process for the full-time permanent Buyer position.

10. **AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCIENTIA CONSULTING GROUP, INC.** – Information Technology Department

RECOMMENDATION:

Staff recommends the following:

1. Approve Amendment Three to the Professional Services Agreement (PSA) with Scientia Consulting Group, Inc. (Scientia) increasing the compensation limit from \$103,000 to \$281,880; and
2. Authorize the City's Chief Executive Officer (City CEO) to sign the amended PSA with Scientia Consulting Group, Inc. in the amount of \$281,880; and
3. Authorize the City CEO to sign the purchase requisition for the amendment PSA; and
4. Approve Budget Adjustment No. 15-006 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund in the amount of \$169,936 to fund 95% of the total cost of the amended compensation limit. The remaining 5% (\$8,944) will come from the approved consulting funds in the Fiscal Year 2014-15 budget of the I.T. Department.

11. **AMENDMENT ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE CITY OF MISSION VIEJO** – Information Technology Department

RECOMMENDATION:

Staff recommends the following:

1. Approve Amendment One to the Professional Services Agreement (PSA) with the City of Mission Viejo (Consultant) increasing the compensation limit from \$49,999 to \$99,999; and
2. Authorize the City's Chief Executive Officer (City CEO) to sign the amended PSA with the Consultant increasing the compensation by \$50,000; and
3. Authorize the City CEO to sign the purchase requisition for the amended PSA.

12. **MINUTES** – Chief Executive Officer's Department/City Clerk's Division

RECOMMENDATION: City Council approve the minutes of the Regular Meeting of the City Council and Successor Agency of June 17, 2014.

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



**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) - NONE**

**OLD BUSINESS**

1. [\*\*SECOND READING OF ORDINANCE NO. 14-11 FOR CODE AMENDMENT CO-13-03 TO TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS\*\*](#) –  
Development Services Department

RECOMMENDATION:

City Council give second reading and consider for adoption Ordinance No. 14-11, to be read by title only and waive further reading, approving Code Amendment CO-13-03 with regard to the proposed ordinance adopting modifications to Title 13, Chapter IX, Article 8 of the Costa Mesa Municipal Code with regard to motels (“Motel Ordinance”).

2. [\*\*SECOND READING OF ORDINANCE NO. 14-10 FOR REZONE R-14-01 FOR 320 E. 18<sup>TH</sup> STREET\*\*](#) - Development Services Department

RECOMMENDATION:

City Council give second reading and consider for adoption Ordinance No. 14-10, to be read by title only and waive further reading, rezoning a 1,009-square foot portion of land at 320 E. 18<sup>th</sup> Street to Multiple-Family Residential – Medium Density (R2-Md).

## NEW BUSINESS

1. [I-405 IMPROVEMENT PROJECT UPDATE, ADOPTION OF RESOLUTION OF CITY POSITION AND CONSIDERATION OF ADOPTION OF RESOLUTIONS TO PUT ADVISORY VOTE MEASURE ON BALLOT](#) –  
Public Services Department/Transportation Services Division

### RECOMMENDATION:

The recommendation is for the City Council to:

Consider adopting the following resolution relating to toll lanes on Orange County freeways:

- A. Resolution No. 14-55, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING IMPLEMENTATION OF TOLL LANES ON I-405 AND ALL OTHER ORANGE COUNTY FREEWAYS WITHOUT A VOTE OF THE ENTIRE ORANGE COUNTY ELECTORATE; and

Consider adopting the following resolutions submitting to the voters at the November 4, 2014 general municipal election an Advisory Vote Measure Relating to the Establishment of Toll Lanes on the I-405 and Other Freeways in Orange County:

- B. Resolution No. 14-56, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE VOTERS OF THE CITY OF COSTA MESA, CALIFORNIA AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY, AS CALLED BY RESOLUTION NO. 14-26.; and
- C. Resolution No. 14-57, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY; AND, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE SAME CITY MEASURE; and
- D. Resolution No. 14 - 58, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

2. **MEASURE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND REGULATION OF MEDICAL MARIJUANA CULTIVATION (“MEASURE”)** – City Attorney’s Office

RECOMMENDATION:

The recommendation is for the City Council to:

Consider adopting the following resolutions submitting to the voters at the November 4, 2014 general municipal election a Measure to Establish Regulation of Medical Marijuana Dispensaries and Regulation of Medical Marijuana Cultivation (“Measure”):

- A. Resolution No. 14 - 52, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ORDERING THE SUBMISSION TO THE VOTERS OF THE CITY OF COSTA MESA, CALIFORNIA A MEASURE RELATING TO A PROPOSED ORDINANCE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND REGULATION OF MEDICAL MARIJUANA CULTIVATION, AS CALLED BY RESOLUTION NO. 14-26; and
  
- B. Resolution No. 14 - 53, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE RELATING TO A PROPOSED ORDINANCE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND REGULATION OF MEDICAL MARIJUANA CULTIVATION; AND, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE SAME CITY MEASURE; and
  
- C. Resolution No. 14 - 54, to be read by title only and waive further reading,  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting September 2, 2014 at 5:00 p.m.**

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Friday, July 11 – Sunday, August 10, 2014 – OC Fair. More info: [www.ocfair.com](http://www.ocfair.com)
- August 15 - 22, 2014 – Costa Mesa Restaurant Week. Enjoy special prix fixe menus or discounts at Costa Mesa's top restaurants. [www.costamesarestaurantweek.org](http://www.costamesarestaurantweek.org)
- Wednesday, August 27, 2014, 6:00-8:00 p.m. – The Great Reach Community Workshop: Safety and Noise Elements, Neighborhood Community Center (NCC), 1845 Park Avenue Costa Mesa, CA 92627. For more information please contact: Minoo Ashabi at (714) 754-5245, [minoo.ashabi@costamesaca.gov](mailto:minoo.ashabi@costamesaca.gov).
- Aug 29, 2014 - Aug 31, 2014 - The Great Labor Day Cruise XXXII. This annual three-day event features more than 1,500 pre-1978 hot rod, classic and muscle cars plus tons of other activities for the entire family including more than 100 vendors, live music and food. [www.occa-inc.com](http://www.occa-inc.com)
- Friday, September 5, 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.