

AGENDA

CITY OF COSTA MESA CITY COUNCIL, COSTA MESA HOUSING AUTHORITY*, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY*

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, JULY 16, 2013
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 regarding any item on this agenda will be made available for public inspection during normal business hours at the City Clerk's Office at City Hall, located at 77 Fair Drive, 1st Floor, Costa Mesa. 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.

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

For those who wish to address the City Council, speaker cards are not required. However, for the purpose of accurate recording of the official minutes, please print your name and address on a speaker card and submit to the City Clerk. Upon invitation, please use the podiums on either side of the dais to speak to the City Council. Please direct all verbal communications, requests, and/or questions to the Mayor.

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 including but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, 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.

NOTE: 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.

The City Council, Costa Mesa Housing Authority, and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

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 Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to 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).
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, Government Code Section 54956.9(a).

REGULAR MEETING OF THE CITY COUNCIL – 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.]

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 - NONE

PUBLIC COMMENTS

To ensure fair and equal treatment of all who appear before the City Council and to expedite City business, speakers will be limited to three minutes each to address any item within the City Council's jurisdiction and not listed on the agenda. Speakers are also invited to comment on items on the agenda, but only at the time in which the agenda item is being heard, and will also be limited to three minutes each. 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. 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. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Mayor, state their name, city in which they reside, and item number to be addressed.

1. READING FOLDER

- a. Claims received by the City Clerk: Robert G. Voll and Robert McKenzie
- b. Requests for Alcohol Beverage Control Licenses:
 1. For Filomena's, LLC, dba Filomena's Italian Kitchen, at 2400 Newport Boulevard #4, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
 2. For 3 Men and a Dog, LLC, dba Jerry's Wood Fired Dogs, at 1510 Adams Avenue, Suite B, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
 3. For Akenavin Corporation, dba Nimman Thai Cuisine, 1450 Baker Street, Suite C, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
 4. For Costa Mesa 55 Tavern & Bowl, LLC, dba Costa Mesa Tavern & Bowl, 1875 Newport Boulevard, Suite L1-111, a person-to-person and premise-to-premise transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).

RECOMMENDATION: Receive and file

2. [MINUTES: Regular Meeting of May 21st, 2013.](#)

RECOMMENDATION: Approve

3. [WARRANT RESOLUTION 2480: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \\$1,117,692.37.](#)

RECOMMENDATION: Approve

4. [WARRANT RESOLUTION 2481: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-13 "A" AND 13-14 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-13 "A" for \\$-4,018.38, Payroll No. 13-14 for \\$2,003,177.64 and City operating expenses for \\$1,611,197.25.](#)

RECOMMENDATION: Approve

5. [NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE](#)

RECOMMENDATION:

1. City Council to set a public hearing on August 20, 2013 for the vacation of a portion of Fullerton Avenue Right-of-Way (ROW); and
2. Adopt Resolution of intent to vacate a portion of Fullerton Avenue Right-Of-Way (ROW).

6. [PROFESSIONAL SERVICES AGREEMENT FOR REFUSE REMOVAL SERVICES AT CITY FACILITIES](#)

RECOMMENDATION:

1. City Council approve the Professional Services Agreement with Ware Disposal Company, Inc., 1018 N. Lincoln Street, Santa Ana, CA 92701, for a two (2) year contract for Refuse Removal Services at City facilities for a not-to exceed cost of \$108,921 annually, if the parties subsequently agree in writing; and
2. Authorize the Public Services Director to extend the Professional Services Agreement each fiscal year, for up to a maximum of five (5) additional one-year terms, as applicable, only if the rate increase is equal to or less than the annual Consumer Price Index (CPI).

7. **PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE FAIRVIEW PARK WETLANDS BOARDWALK**

RECOMMENDATION:

1. City Council award a contract to David Volz Design, 151 Kalmus Drive, Costa Mesa, CA 92626 in the amount of \$124,895 for professional services for the Design of the Fairview Park Wetlands Boardwalk Project; and
2. Approve Budget Adjustment No. 14-004 in the amount of \$124,895; and
3. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement and Budget Adjustment.

8. **FIRST AMENDMENT TO COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) PREDEVELOPMENT LOAN AND COMMITMENT OF HOME PROGRAM FUNDS AGREEMENT**

RECOMMENDATION:

City Council and Housing Authority approve the First Amendment to Community Housing Development Organization (CHDO) Predevelopment Loan and Commitment of HOME Program Funds Agreement ("First Amendment") by and among the City of Costa Mesa ("City") and the Costa Mesa Housing Authority ("Housing Authority") and Mercy House CHDO, Inc. ("Mercy House") and Wakeland Housing and Development Corporation ("Wakeland"). The Mercy House and Wakeland team is collectively referred to as "Developer". The First Amendment increases the Predevelopment Loan by \$85,257, which results in a total commitment of up to \$585,257 in prior years' HOME funds for a permanent supportive housing project to serve the Costa Mesa homeless population.

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

1. **[APPROVE CERTIFICATION OF SPECIAL ASSESSMENTS FOR DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS](#)**

RECOMMENDATION:

1. City Council hold a Public Hearing; and
2. Adopt Resolution No. 13-XX entitled “A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations.”

OLD BUSINESS - NONE

NEW BUSINESS

1. **[URBAN MASTER PLAN SCREENING \(UMP-13-04\) FOR A 29-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 643 AND 651 W. 17TH STREET AND 1677 SUPERIOR AVENUE](#)**

RECOMMENDATION:

City Council provide feedback on the proposed 29-unit live/work project within the 19 West Urban Plan Area.

2. **[GENERAL PLAN SCREENING GPS-13-02 - FOR PROPOSED 208-UNIT RESIDENTIAL APARTMENT PROJECT AT 1973 NEWPORT BOULEVARD](#)**

RECOMMENDATION:

City Council accept or deny General Plan amendment request for processing to amend the land use designation from General Commercial (CG) to High Density Residential (HDR) related to development of a 208-unit apartment complex project.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, August 6, 2013, 5:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Tuesday, July 16, 2013 – Concerts in the Park, Mark Wood & the Parrot Head Band, 5:30 p.m. to 7:45 p.m., Fairview Park, 2525 Placentia Ave., Costa Mesa.
- Tuesday, July 23, 2013 – Concerts in the Park, Kirk Wall as Elvis, 5:30 p.m. to 7:45 p.m., Fairview Park, 2525 Placentia Ave., Costa Mesa.
- Tuesday, July 23, 2013 – General Plan: Visioning Workshop; Free Outdoor Movie Night, 7:00 p.m. to 10:00 p.m., Workshop and Kids Activities from 7 p.m. to 8 p.m., Movie starts at 8 p.m., City of Costa Mesa, outdoor front lawn area of City Hall, 77 Fair Drive, Costa Mesa.
- Friday, July 26, 7 p.m. – City of Costa Mesa Presents “Target Symphony in the Cities” - Free live performance by Pacific Symphony at The Plaza at Segerstrom Center for the Arts to honor Costa Mesa's 60th anniversary. Kids' event at 5:30 p.m. Concert at 7 p.m.
- Tuesday, July 30, 2013 – Special Costa Mesa 60th Anniversary Concert, Rod Piazza & the Mighty Flyers, 5:30 p.m. to 7:45 p.m., Fairview Park, 2525 Placentia Ave., Costa Mesa.
- Saturday, August 3, 2013 - Costa Mesa Night at Angels Stadium at 6:05 p.m. Come watch the Los Angeles Angels of Anaheim play against the Toronto Blue Jays and celebrate Costa Mesa's 60th anniversary with a special opening ceremony. To purchase tickets, visit www.angels.com/costamesa and use promotion code: **cm60** at the check-out.
- Tuesday, August 6, 2013 – National Night Out, at 5:00 p.m., 3030 Harbor Blvd., Costa Mesa.
- Wednesday, August 21, 2013 – General Plan: Land Use Alternative workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Wednesday, September 18, 2013 – General Plan: Circulation Element Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Saturday-Sunday, October 12-13, 2013 - Scarecrow Festival
- Wednesday, October 16, 2013 – General Plan: Circulation Element Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Wednesday, November 20, 2013 – General Plan: Preferred Alternatives Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.
- Wednesday, December 18, 2013 – General Plan: Policy Review Workshop, 6:00 p.m. to 7:30 p.m., City of Costa Mesa Emergency Operations Center (EOC) 99 Fair Drive, Costa Mesa.