

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, NOVEMBER 5, 2013
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

Speaker's Card/Request to Speak: If you would like to address the City Council on a scheduled agenda item – including a Consent Calendar item, a Regular Council Business item, a Public Hearing item, or Public Comments – please complete the Request to Speak Form. The card is at the table at the entrance to the City Council Chamber. Please identify on the card your name, address and the item on which you would like to speak and return to the City Clerk. The Request to Speak Form assists the Mayor in ensuring that all persons wishing to address the City Council are recognized. It also ensures the accurate identification of meeting participants in the City Council minutes. Your name will be called at the time the matter is heard by the City Council. City policy is to limit public testimony to up to three minutes per speaker depending on relevant circumstances (unless the time limit is extended by the Mayor), which includes the presentation of electronic or audio visual information. Speakers may not yield their time to other persons.

Please take notice that the order of scheduled agenda items below and/or the time they are actually heard, considered and decided 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 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].

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 Organizations: Costa Mesa City Employees Association (CMCEA), Costa Mesa Division Managers Association, and Costa Mesa Fire Fighters Management Association pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: Costa Mesa City 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 – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b) 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 Council Member Monahan

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.]

Lynell Brooks, Vanguard/Newport Mesa 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.

PRESENTATIONS

- Parks and Recreation Commission Goals Update by Byron De Arakal, Parks and Recreation Commission Chairman

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. Please complete the Request to Speak Form and return to the City Clerk.

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

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: Shirley Gates; Sacha Dhillon; John Fithian; Rita Castenada; and Donna Contino.

RECOMMENDATION: Receive and file

3. **WARRANT RESOLUTION 2495: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-20 "A" AND 13-21 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-20 "A" for \$1,549.76, Payroll No. 13-21 for \$2,008,951.69 and City operating expenses for \$1,118,800.92.**

RECOMMENDATION: Approve Warrant Resolution No. 2495, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2496: 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 \$2,386,501.74.**

RECOMMENDATION: Approve Warrant Resolution No. 2496, to be read by title only and further reading waived.

5. **WARRANT RESOLUTION 2497: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-21 "A" AND 13-22 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-21 "A" for \$111.96, Payroll No. 13-22 for \$2,005,788.24 and City operating expenses for \$1,538,700.29.**

RECOMMENDATION: Approve Warrant Resolution No. 2497, to be read by title only and further reading waived.

6. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00170 FOR STREET IMPROVEMENTS FOR PARCEL MAP 2007-231 LOCATED AT 3128 RED HILL AVENUE, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

1. City Council release the Faithful Performance Bond (Certificate No. 786227S) in the amount of \$26,326; and
2. Release the Labor and Material Bond (Certificate No. 786227S) in the amount of \$13,163 for street improvements; and
3. Release the Monumentation Bond (Certificate No. 786228S) in the amount of \$500 for setting corner monuments to BKM 3128 Red Hill Associates, LLC (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

7. **FINAL MAP FOR TRACT NO. 17457 LOCATED AT 1856 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17457 and authorize signing of the Map by the City Clerk and the City Engineer.

8. **FINAL MAP FOR TRACT NO. 17606 LOCATED AT 678 WEST 19TH STREET COSTA MESA, CALIFORNIA**

RECOMMENDATION:

1. City Council waive the Drainage Fee requirements for Tract No. 17606; and
2. Approve the Final Map for Tract No. 17606 and authorize signing of the Map by the City Clerk and the City Engineer.

9. **STREET AND HIGHWAY DEDICATION AT 2803 ROYAL PALM DRIVE – ADAMS AVENUE**

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, dedicating a portion of City property at 2803 Royal Palm Drive, (next to Fire Station No. 1), for street and highway purposes.

10. **PARKS AND RECREATION COMMISSION GOALS UPDATE**

RECOMMENDATION:

City Council to receive and file.

11. **HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-09**

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Harbor Boulevard and Adams Avenue Intersection Improvements, City Project No. 13-09; and
2. Award a construction contract to All American Asphalt, in the amount of \$2,737,737; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

12. **RETIREMENT OF POLICE SERVICE DOG TORNADO AND THE SALE OF POLICE SERVICE DOG TORNADO TO OFFICER CHARLES OLIVER**

RECOMMENDATION:

1. City Council approve the retirement of Police Service Dog Tornado and commend him for six and a half years of outstanding service to the community; and
2. Approve the sale of Police Service Dog Tornado to Officer Charles Oliver as per the attached purchase agreement and authorize the Chief of Police to enter into such agreement.

13. **AMENDMENT TO REFUND POLICY**

RECOMMENDATION:

City Council approve the amended Refund Policy increasing the dollar amount threshold for administrative approval of refunds to \$15,000.

14. MOBILE DATA COMPUTER (MDC) REPLACEMENT

RECOMMENDATION:

1. City Council approve and authorize the CEO to sign the Purchasing Agreement in the amount of \$388,300.80 for the replacement of the current Police Department Mobile Data Computers (MDC) with Datalux Corporation, 155 Aviation Drive, Winchester, VA 22602; and
2. Approve and authorize the CEO to sign the Purchasing Agreement in the amount of \$120,476.16 for the replacement of the current Fire Department Mobile Data Computers (MDC) with L3 Mobile-Vision, Inc., 90 Fanny Road, Boontown, NJ 07005; and
4. Approve Budget Adjustment No. 14-012 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$388,300.80) and Proposition 172 Fund (\$120,476.16) in the total amount of \$508,776.96 for this purchase.

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

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

1. 2013 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES

RECOMMENDATION:

1. City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, of the City Council of the City of Costa Mesa, California, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduce Ordinance No. 13-xx, for first reading, to be read by title only, and waive further reading and set for second reading at the City Council's November 19, 2013 meeting. (This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 13-03.)

2. RESOLUTION OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS REGARDING THE SANTA ANA/COLLEEN COUNTY ISLAND IN EASTSIDE COSTA MESA

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, that requests the Local Agency Formation Commission of Orange County ("OC LAFCO") to initiate proceedings for the annexation of the unincorporated County of Orange ("County") island known as the Santa Ana/Colleen Island ("Island") to the City of Costa Mesa ("City").

3. **ORDINANCE TO AMEND TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF “SINGLE HOUSEKEEPING UNIT”**

City Council, per the recommendation of the Planning Commission, introduce Ordinance No. 13-xx, for first reading, to be read by title only and further reading waived, amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of “single housekeeping unit”.

4. **CODE AMENDMENT CO-12-07: CONSIDERATION OF TWO PROPOSED ORDINANCES REGARDING HOOKAH PARLORS**

RECOMMENDATION:

City Council consider the following options regarding Hookah Parlors:

1. City Council introduce Ordinance No. 13-xx, for first reading, to be read by title only and waive further reading regarding Hookah Parlors; or
2. City Council adopt Ordinance No. 13-xx, an Urgency Ordinance, to be read by title only and waive further reading regarding Hookah Parlors.

OLD BUSINESS - NONE

NEW BUSINESS

1. **URBAN MASTER PLAN SCREENING REQUEST (UMP-13-06) FOR A 14-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2075 PLACENTIA AVENUE**

RECOMMENDATION:

City Council provide feedback on the proposed 14-unit three-story live/work project within the Mesa West Bluffs Urban Plan Area.

2. **AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES**

RECOMMENDATION:

City Council introduce Ordinance No. 13-xx, for first reading, to be read by title only and waive further reading.

3. INTRODUCTION OF PROPOSED EXCESSIVE USE OF RESOURCES ORDINANCE

RECOMMENDATION:

Staff is seeking City Council and public input on a proposed ordinance to recover costs from motels that generate higher than usual calls for service for criminal activity, thereby using excessive city resources. The Council may direct staff to place the first reading of said ordinance on a future City Council meeting agenda.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Study Session, November 12, 2013, 4:30 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Saturday, November 9th, 2013 – Costa Mesa High School Foundation event honoring the City of Costa Mesa’s 60th Anniversary and Costa Mesa High School Alumni, 6:30 p.m. to 10:30 p.m., The OC Mix at SOCO, 3313 Hyland, Costa Mesa, for more information contact (714) 604-9310.
- Friday, December 13th – Tuesday, December 24th, 2013 - Snoopy Open House, City Hall, 77 Fair Drive, Costa Mesa.