

AMENDED AGENDA

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

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, JANUARY 7, 2014
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 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 will be accepted until the agenda item is called. 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].

CLOSED SESSION – 5:00 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 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, 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 Council Member Genis

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 Phil Eyskens, Lighthouse 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

Presentation by Orange County Grand Jury

Presentation by RSI on the Simon Scholar Program

Presentation by Costa Mesa High School Foundation

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

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: Akil Carter; and Hooshang Pakfar.

RECOMMENDATION: Receive and file

- 3. WARRANT RESOLUTION 2502: 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 \$644,278.01.**

RECOMMENDATION: Approve Warrant Resolution No. 2502, to be read by title only and further reading waived.

- 4. WARRANT RESOLUTION 2503: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-24 "A" AND 13-25 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-24 "A" for \$720.78, Payroll No. 13-25 for \$2,269,045.92 and City operating expenses for \$964,749.23.**

RECOMMENDATION: Approve Warrant Resolution No. 2503, to be read by title only and further reading waived.

- 5. WARRANT RESOLUTION 2504: 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 \$948,972.90.**

RECOMMENDATION: Approve Warrant Resolution No. 2504, to be read by title only and further reading waived.

6. WARRANT RESOLUTION 2505: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-25 "A" AND 13-26 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-25 "A" for \$0.00, Payroll No. 13-26 for \$2,188,009.22 and City operating expenses for \$1,638,928.46.

RECOMMENDATION: Approve Warrant Resolution No. 2505, to be read by title only and further reading waived.

7. WARRANT RESOLUTION 2506: 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 \$554,182.55.

RECOMMENDATION: Approve Warrant Resolution No. 2506, to be read by title only and further reading waived.

8. FINAL MAP FOR TRACT NO. 17501 LOCATED AT 1527 NEWPORT BOULEVARD, COSTA MESA, CALIFORNIA

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17501 and authorize signing of the Map by the City Clerk and the City Engineer.

9. FINAL MAP FOR TRACT NO. 17554 LOCATED AT 132, 134, & 140 INDUSTRIAL WAY, COSTA MESA, CALIFORNIA

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17554 and authorize signing of the Map by the City Clerk and the City Engineer.

10. FINAL MAP FOR TRACT NO. 17519 LOCATED AT 2157 AND 2159 TUSTIN AVENUE, COSTA MESA, CALIFORNIA

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17519 and authorize signing of the Map by the City Clerk and the City Engineer.

11. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00154 FOR STREET IMPROVEMENTS AT 2059 HARBOR BLVD, COSTA MESA, CALIFORNIA**

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS12-00154 in the amount of \$26,937, to West Coast Self Storage Group LLC, 4012 148th St SE Mill Creek, WA 98012.

12. **STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS**

RECOMMENDATION:

City Council authorize staff to issue a Request for Proposal (RFP) to secure consultant services to assist in revising the Streetscape and Median Development Standards.

13. **HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS – CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES**

RECOMMENDATION:

1. City Council award a Professional Services Contract for an amount not to exceed \$192,400 to Onward Engineering, 300 South Harbor Boulevard, Suite 814, Anaheim, CA 92805, for Construction Management and Inspection Support Services for the Harbor Boulevard – Adams Avenue project; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

14. **EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENTS FOR INTERIM IT DIRECTOR AND IT CONSULTANT**

RECOMMENDATION:

Staff recommends that the City Council authorize the City CEO to extend the following existing Professional Services Agreements by approving the following amendments:

1. Amendment One to the contract with NexLevel Information Technology, Inc. (NexLevel IT) for Interim IT Director, in an amount not to exceed \$55,000.00, for a total contract amount of \$104,920.00; and
2. Amendment Two to the contract with Scientia Consulting Group, Inc. (Scientia) for an IT Consultant to assist with technical support functions, in an amount not to exceed \$55,000.00, for a total contract amount of \$103,000.00.

15. **PURCHASE OF MICROSOFT OFFICE PROFESSIONAL 2013 LICENSES THROUGH THE MICROSOFT ENTERPRISE AGREEMENT**

RECOMMENDATION:

Staff recommends the purchase of Microsoft Office Professional Plus licenses through the Microsoft Enterprise Agreement (EA) Program for 448 desktop computers from CompuCom Systems in the amount of \$181,690.88. This amount will be payable in two equal payments of \$90,845.44, with the first payment due in January 2014 (FY 13-14) and the second payment due in July 2014 (FY 14-15).

16. **MINUTES:** Regular Meeting of November 5, 2013; Special Study Session of November 12, 2013; Regular Study Session of November 12, 2013; and Regular Meeting/Special Joint Meeting with the Costa Mesa Housing Authority of November 19, 2013.

RECOMMENDATION: Approve

17. **PROPOSED TRANSFER OF GENERAL PARTNER OF 72-UNIT COSTA MESA FAMILY VILLAGE AFFORDABLE HOUSING PROJECT - REQUEST TO CMHA, AS GROUND LESSOR, FROM SHAPELL, AS GENERAL PARTNER OF GROUND LESSEE, FOR CONSENT TO TRANSFER GENERAL PARTNERSHIP INTEREST IN LESSEE UNDER THREE GROUND LEASES AND RELATED INSTRUMENTS TO WHOLLY-OWNED SUBSIDIARY OF SHAPELL**

RECOMMENDATION:

City Council authorize CMHA Executive Director to sign the Consent Letter substantially in the form attached and return it to Shapell.

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

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

1. **PA-89-36 A2/PA-87-133 A1 (ZA-13-22) AMENDMENT TO PLANNED SIGN PROGRAMS FOR METRO POINTE OFFICE AND RETAIL CENTER 901 SOUTH COAST DRIVE & 950 SOUTH COAST DRIVE**

RECOMMENDATION:

City Council uphold or reverse the Planning Commission's decision to approve the project.

OLD BUSINESS

1. **SECOND READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES”.**

RECOMMENDATION:

Staff recommends that the City Council give second reading and adopt Ordinance No. 14-xx, to be read by title only, and waive further reading, regarding the excessive use of resources.

NEW BUSINESS - NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Special Joint Study Session with the Planning Commission, January 14, 2014, 4:30 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Tuesday, January 14, 2014 – City Council Study Session: General Plan Update - Vision Statement, 4:30 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.
- Wednesday, January 15, 2014 – Supportive Housing Meeting, 6:00 p.m. – 8:00 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.
- Thursday, January 16, 2014 – Supportive Housing Meeting, 6:00 p.m. – 8:00 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.
- Tuesday, January 28, 2014 – City Council Study Session: General Plan Update - Land Use Alternatives, 4:30 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.
- Tuesday, February 11, 2014 – Budget: Mid-Year Review, 4:30 p.m., City Hall, Council Chambers, 77 Fair Drive, Costa Mesa.