

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, MAY 6, 2014
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION - 4:00 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 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, 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].

SPECIAL CLOSED SESSION – 4:00 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 Police Officers Association (CMPOA), 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 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).

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 Righeimer

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.]

Rabbi Elie Spitz of Congregation B'nai Israel

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.

PRESENTATION

1. Rabbi Elie Spitz of Congregation B'nai Israel on the Day of Holocaust Remembrance
2. New Ambulance Presentation
3. Provide a Ride Presentation
4. Recognition of St. John the Baptist School Clover Choir and Music Director Yvette Itano

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

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: Godoy Glad; Lou Jean Stead; Julie Fowler; and Southern California Edison.

RECOMMENDATION: Receive and file.

3. WARRANT RESOLUTION 2514: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-07 "A", 14-08, 14-08 "A", 14-09 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-07 "A" for \$3,367.93, Payroll No. 14-08 for \$2,154,038.99, Payroll No. 14-08 "A" for \$1,358.07, Payroll No. 14-09 for \$2,048,020.85 and City operating expenses for \$4,023,608.96.

RECOMMENDATION: Approve Warrant Resolution No. 2514, to be read by title only and further reading waived.

4. 2013 ANNUAL REVIEW OF THE COSTA MESA 2002 GENERAL PLAN

RECOMMENDATION:

Approve 2013 Annual Report of the Costa Mesa 2002 General Plan.

5. CHANGE ORDER – WEST COAST ARBORISTS, INC.

RECOMMENDATION:

- 1. City Council approve Contract Change Order No. 1 to the Professional Services Agreement authorizing payment for additional work in the amount of \$100,000 for tree planting services with West Coast Arborists, Inc., 2200 E. Via Burton Street, Anaheim, California 92806; and
- 2. Authorize the CEO to execute the Contract Change Order.

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

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

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT OF ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RECOMMENDATION:

1. City Council approve recommended allocation of \$1,031,757 for the Fiscal Year 2014-2015 Community Development Block Grant (CDBG) Application; and
2. Approve recommended allocation of \$353,421 for the Fiscal Year 2014-2015 HOME Investment Partnership Grant; and
3. Approve Resolution No. 14-xx, to be read by title only and waive further reading, to authorize the following:
 - o City's Chief Executive Officer (CEO) to act as the official representative of the City in order to submit the Annual Action Plan and all certifications and assurances contained therein; and
 - o CEO to act in connection with the submission of the Annual Action Plan; and
 - o CEO to approve minor changes and provide additional information as may be required.

2. 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANT ALLOCATIONS

RECOMMENDATION:

City Council approve Community Development Block Grant Public Service Grants for Fiscal Year 2014-2015.

3. [125 EAST BAKER STREET APARTMENT PROJECT: FINAL EIR \(STATE CLEARINGHOUSE # 2013081051\); GENERAL PLAN AMENDMENT GP-13-02; REZONE R-13-02; ZONING CODE AMENDMENT CO-13-02; MASTER PLAN PA-13-11, AND DEVELOPMENT AGREEMENT DA-14-02](#)

RECOMMENDATION:

The Planning Commission recommends that the City Council take the following action:

1. Approve Resolution No. 14-xx, to be read by title only and waive further reading, certifying the Final Environmental Impact Report for the project.

Additionally, staff is recommending, based on the recommendation of the Planning Commission, that the City Council grant tentative approval of the General Plan Amendment pending final approval as part of a future General Plan Cycle and take the following actions:

2. Tentatively approve by adoption of Resolution No. 14-xx, to be read by title only and waive further reading, General Plan Amendment GP-13-02; and
3. Give first reading to Ordinance No. 14-xx, to be read by title only and waive further reading, approving Rezone R-13-02; and
4. Give first reading to Ordinance No. 14-xx, to be read by title only and waive further reading, approving Zoning Code Amendment CO-13-02; and
5. Approve by adoption of Resolution No. 14-xx, to be read by title only and waive further reading, Master Plan PA-13-11, subject to conditions of approval and the EIR Mitigation Monitoring and Reporting Program for the project; and
6. Approve Development Agreement DA-14-02 between the applicant and the City of Costa Mesa to fund public infrastructure improvements in the area.

OLD BUSINESS - NONE

NEW BUSINESS

1. [**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2014-2015 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL**](#)

RECOMMENDATION:

It is recommended that the City Council:

1. Receive and file the Business Improvement Area (BIA) annual report for Fiscal Year 2013-14; and
 2. Receive and file audited financial report for Fiscal Year 2012-13; and
 3. Approve Resolution No. 14-xx, to be read by title only and waive further reading, declaring its intention to levy an annual assessment for Fiscal Year 2014-2015 for a Business Improvement Area covering certain Costa Mesa Hotels and Motels and setting the time and place for a public hearing on June 3, 2014.
2. [**REQUEST FOR CITY COUNCIL DIRECTION ON POTENTIAL REVIEW/REVISION OF THE CITY'S SIGN ORDINANCE**](#)

RECOMMENDATION:

City Council provide direction to staff.

3. [**ETHICS POLICY**](#)

RECOMMENDATION:

Staff recommends that the City Council approve City Council Policy 000-15 establishing an Ethics Policy.

ITEMS REMOVED FROM THE CONSENT CALENDAR

CONTINUED PUBLIC COMMENTS

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS

REPORT – CITY ATTORNEY

ADJOURNMENT – To Study Session, May 13, 2014, 4:30 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Thursday, May 8th, 2014, 5:30-9:00 p.m. – The Mayor’s Celebration: Celebrating the Art of Leadership, Samueli Theater at Segerstrom Center for the Arts, 600 Town Center Drive, Costa Mesa. For more information visit www.artofleadershipcelebration.com
- Friday, June 6th, 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.