

# 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, NOVEMBER 19, 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](mailto: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 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 regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding exposure to litigation: Claimant – Costa Mesa Police Association, pursuant to California Government Code Section 54956.9 (d)(2)(e)(3).
5. Conference with legal counsel regarding anticipated litigation: Significant exposure to litigation, pursuant to California 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 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.]*

Jonathon Murillo, Redemption 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

2013 Scarecrow Festival Presentation by Charlene Ashendorf, Chairperson, Scarecrow Committee

## 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 Card 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. 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: Costa Mesa Police Association; Stacey Lynn Roberts De Michele; Loren Michael Pfautz; Devon Holbert; and Iosana Sipa.

b. Requests for Alcohol Beverage Control licenses:

- For Jorge Vivar, dba Tacos Gil, at 528 W 19<sup>th</sup> Street, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Circle K Stores Inc., dba Circle K 9421, at 3470 Fairview Road, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 9456, at 3006 Harbor Blvd, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3078, at 1654 Santa Ana Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3037, at 111 Del Mar Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).

RECOMMENDATION: Receive and file

3. **WARRANT RESOLUTION 2498: 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 \$567,781.57.**

RECOMMENDATION: Approve Warrant Resolution No. 2498, to be read by title only and further reading waived.

4. WARRANT RESOLUTION 2499: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-22 "A" AND 13-23 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-22 "A" for \$0.00, Payroll No. 13-23 for \$2,017,466.42 and City operating expenses for \$635,525.04.

RECOMMENDATION: Approve Warrant Resolution No. 2499, to be read by title only and further reading waived.

5. FINAL MAP FOR TRACT NO. 17435 LOCATED AT 2070 MAPLE AVENUE, COSTA MESA, CALIFORNIA

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17435 and authorize signing of the Map by the City Clerk and the City Engineer.

6. BICYCLE CORRIDOR IMPROVEMENT PROGRAM APPLICATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21<sup>st</sup> CENTURY FEDERAL TRANSPORTATION ACT FOR THE WEST 19<sup>th</sup> STREET BICYCLE TRAIL PROJECT".

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, approving the submittal of the West 19<sup>th</sup> Street Bicycle Trail Project for potential grant funding under the Orange County Transportation Authority's (OCTA) Bicycle Corridor Improvement (BCI) Program for Fiscal Year 2014-15.

7. RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P".

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, approving the submittal of transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2014-15 through 2017-18.

**ITEM REMOVED FROM THE AGENDA**

**~~8. ART IN PUBLIC PLACES PROGRAM~~**

~~RECOMMENDATION:~~

~~Staff recommends City Council provide direction to the Cultural Arts Committee on establishing an “Art in Public Places Program”.~~

**9. ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2013-2014 STATEMENT OF INVESTMENT POLICY”.**

RECOMMENDATION:

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the City Treasurer.

**10. ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS SUCCESSOR AGENCY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED 2013-2014 STATEMENT OF INVESTMENT POLICY”.**

RECOMMENDATION:

Successor Agency to the Costa Mesa Redevelopment Agency adopt Resolution No. 13-xx, to be read by title only, and waive further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the Successor Agency Treasurer.

**11. MINUTES: Regular Meeting of October 1, 2013; and October 15, 2013.**

RECOMMENDATION: Approve

**12. PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

RECOMMENDATION:

City Council approve contract with Lilley Planning Group in the amount of \$100,000 for planning services from citywide salary savings.



**13. MOBILE DATA COMPUTER (MDC) REPLACEMENT**

RECOMMENDATION:

1. City Council approve and authorize the CEO to sign the Purchasing Agreement in the amount of \$503,742.00 for the replacement of the current Police and Fire Departments' Mobile Data Computers (MDC) with Datalux Corporation, 155 Aviation Drive, Winchester, VA 22602; and
2. Approve Budget Adjustment No. 14-012 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$388,300.80) and Proposition 172 Fund (\$115,441.20) in the total amount of \$503,742.00 for this purchase.

**14. SALARY RESOLUTIONS FOR CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA): "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2014 MOU" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) PURSUANT TO THE 2007-2014 MOU".**

RECOMMENDATION:

1. Staff recommends that the City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopt Resolution No. 13-xx, to be read by title only, and waive further reading, which implements salary range adjustments for job classifications represented by the CMPMA; and
3. Approve Budget Adjustment No. 14-016, in the amount of \$911,450.00.

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

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

1. [ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS”.](#)

**RECOMMENDATION:**

City Council adopt Resolution No. 13-xx, to be read by title only, and waive further reading, to approve the recommendations by the Traffic Impact Fee Ad Hoc Committee and staff as follows:

1. Continue the current traffic impact fee of \$181 per Average Daily Trip (ADT); and
2. Continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and
3. Approve the annual accounting of the Citywide Traffic Impact Fee Program.

**OLD BUSINESS**

1. [BUILDING AND FIRE CODE ADOPTION: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, AND 5-1.3 OF TITLE 5 AND SECTIONS 7-14, 7-15, AND 7-19 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO WITH THE EFFECTIVE DATE OF JANUARY 1, 2014”.](#)

**RECOMMENDATION:**

City Council give second reading to Ordinance 13-06, to be read by title only, and waive further reading, which makes the most recent editions of the Construction and Fire Codes with the applicable amendments in effect within the City of Costa Mesa on January 1, 2014.

**NEW BUSINESS - NONE**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting, December 3, 2013, 5:00 p.m.**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

- Friday, December 6<sup>th</sup>, 2013 – First Friday Road Show, Civic Center, 77 Fair Drive, Costa Mesa.
- Friday, December 13<sup>th</sup> – Tuesday, December 24<sup>th</sup>, 2013 - Snoopy Open House, City Hall, 77 Fair Drive, Costa Mesa.