

AMENDED AGENDA*
CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY*

*NEW BUSINESS ITEM 3 HAS BEEN REMOVED FROM THE AGENDA

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, APRIL 15, 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).
4. 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).
5. Request for Special Leave of Absence: Public Employee, pursuant to California Government Code Section 54957(b)(1).

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.]

David Manne, Calvary Chapel of Costa Mesa

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

Dave Kiff, City Manager, City of Newport Beach, regarding John Wayne Airport issues.

Presentation by Transportation Corridor Authority (TCA) on all electronic tolling (no cash booths)

Recognition of Code Enforcement Officer Mike Tucker and Grace Fellowship Church

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 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. [WARRANT RESOLUTION 2513: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-06 "A" AND 14-07 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-06 "A" for \\$1,957.29, Payroll No. 14-07 for \\$2,055,846.95 and City operating expenses for \\$1,567,440.24.](#)

RECOMMENDATION: Approve Warrant Resolution No. 2513, to be read by title only and further reading waived.

3. [INVESTMENT MANAGEMENT SERVICES UPDATE](#)

RECOMMENDATION:

City Council receive and file.

4. PARKWAY CONCRETE REPAIR (AREA 29) – CITY PROJECT NO. 12-21

RECOMMENDATION:

1. City Council accept the work performed by C.J. Concrete Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

5. MEMORANDUM OF UNDERSTANDING WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR SHARING OF CLOSED CIRCUIT TELEVISION (CCTV) VIDEOS

RECOMMENDATION:

1. City Council approve the attached Memorandum of Understanding between the City of Costa Mesa and the State of California Department of Transportation (Caltrans) for the purpose of sharing Closed Circuit Television (CCTV) video images/streams between Caltrans, participating cities in Orange County, and the City of Costa Mesa; and
2. Authorize the Chief Executive Officer and the City Clerk to execute the above agreement.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON CENTER STREET BETWEEN PLACENTIA AVENUE AND WALLACE AVENUE

RECOMMENDATION:

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving the implementation of a “Resident Only” parking restriction on Center Street, between Placentia Avenue and Wallace Avenue; and
2. Authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed.

7. REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2014 CONCERTS IN THE PARK

RECOMMENDATION:

1. It is recommended that the City Council approve the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2014 Summer Concerts in the Park series in a confined area and with appropriate training for servers; and
2. In addition, grant administrative authority to the CEO to annually authorize such request. The CEO will notify Council via memo of said requests and approvals.

8. REQUEST FOR ALCOHOL SERVICE AND CONSUMPTION AT FAIRVIEW PARK FOR ANNUAL FISH FRY

RECOMMENDATION:

1. It is recommended that the City Council approve the Costa Mesa-Newport Harbor Lions Club's request to sell wine and beer at the 2014 Fish Dry; and
2. In addition, grant administrative authority to the CEO to annually authorize such request. The CEO will notify Council via memo of said requests and approvals.

9. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE

RECOMMENDATION:

Staff recommends that the City Council:

1. Designate Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Association (CMPA); and
2. Authorize staff to have the independent fiscal analysis of the current CMPA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

10. PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE

RECOMMENDATION:

Staff recommends that the City Council provide formal approval, per Council Policy 100-8 for both Mayor Rigeimer and Mayor Pro Tem Mensinger to attend the annual International Conference of Shopping Centers (ICSC) conference in Las Vegas, Nevada on May 18-20, 2014, along with City staff.

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

1. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 1854 FULLERTON AVENUE**

RECOMMENDATION:

1. City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 1854 Fullerton Avenue; and
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

2. **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 FOR 125 EAST BAKER STREET**

RECOMMENDATION:

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

1. Certify the Final Environmental Impact Report for the project.

Additionally, staff is recommending that, 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. APPOINTMENTS TO COUNCIL-APPOINTED COMMITTEES

RECOMMENDATION:

Staff requests that the City Council make appointments to fill vacancies on the following committees:

- Finance Advisory Committee
8 regular member vacancies (8 two-year terms); and
- Fairview Park Committee
1 regular member vacancy (no term expiration); and
- Historical Preservation Committee
1 alternate member vacancy (two-year term).

2. URBAN MASTER PLAN SCREENING REQUEST (UMP-14-01) FOR A 16-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2026 PLACENTIA AVENUE

RECOMMENDATION:

City Council provide feedback on whether or not to accept for processing a proposed Urban Master Plan for a proposed 16-unit live/work project within the Mesa West Bluffs Urban Plan.

3. ~~ETHICS POLICY - REMOVED~~

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 Special City Council meeting, April 22, 2014, 7:00 p.m.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

- Friday, April 25, 2014, 5-8 p.m. – Costa Mesa Community Run Expo at Estancia High School, 2323 Placentia Avenue. Expo features community and vendor booths, classic car show, and race packet pick-up and on-site registration.
- Saturday, April 26, 2014, 6:30 a.m. – Costa Mesa Community Run at Estancia High School and Fairview Park. Packet pick-up and on-site registration begins at 6:30 a.m. 5K and 10K begin at 8 a.m.; 2K begins at 9 a.m. Event features pancake breakfast, and community and vendor booths.
- Saturday, May 3rd, 2014, 12:00 – 3:00 p.m. – Arts in the Park event, Estancia Park, 1900 Adams Avenue, Costa Mesa. For further information, contact (714) 754-5322.
- Sunday, May 4th, 2014 – Orange County Marathon. For more information visit www.ocmarathon.com
- 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