

# **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, JULY 15, 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)754-5225 or e-mail [Brenda.Green@costamesaca.gov](mailto: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 yellow 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 green 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.
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 legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for two potential cases.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Police Management Association (CMPMA) pursuant to Government Code Section 54957.6.
3. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.

**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.]*

Father Moushegh Tashjian, St. Mary Armenian 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**

National Night Out Presentation by Kelly Vucinic.

Mayor's Cup Presentation to Costa Mesa American Little League and Costa Mesa National Little League teams.

## **PUBLIC COMMENTS**

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## 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: Rafael Cortes; and Greg Fournier.

RECOMMENDATION: Receive and file.

3. **WARRANT RESOLUTION 2519: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-13 "A", 14-14 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-13 "A" for \$2.02, Payroll No. 14-14 for \$2,083,410.02, and City operating expenses for \$2,559,897.82.** – Finance Department

RECOMMENDATION: Approve Warrant Resolution No. 2519, to be read by title only and further reading waived.

4. RED HILL AVENUE REHABILITATION PROJECT (FROM BRISTOL STREET TO PAULARINO AVENUE), CITY PROJECT NO. 13-02 – Public Services  
Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by R.J. Noble Company 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. HARBOR BOULEVARD WIDENING FROM SOUTH COAST DRIVE TO SUNFLOWER AVENUE – CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES  
– Public Services Department/Transportation Division

RECOMMENDATION:

1. City Council award a Professional Services Contract for an amount not to exceed \$120,364 to CivilSource, Inc., 9890 Irvine Center Drive, Irvine, CA 92618, for Construction Management and Inspection Support Services for the Harbor Boulevard Widening project; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

6. SAFE TRANSIT STOPS PROGRAM APPLICATIONS – Public Services  
Department/Transportation Services Division

RECOMMENDATION:

City Council adopt Resolution No. 14-xx, to be read by title only and waive further reading, approving the submittal of a grant funding application for three (3) bus stop improvement projects under the Orange County Transportation Authority's (OCTA) Measure M2 Project W – Safe Transit Stops Program.

7. APPROVE THE PURCHASE REQUEST FOR THE REPLACEMENT AND INSTALLATION OF OUTDOOR DUTY LOCKERS PURSUANT TO THE TERMS OF THE PROFESSIONAL SERVICE AGREEMENT WITH OLPIN – Police Department/Field  
Operations Division

RECOMMENDATION:

1. City Council approve and authorize the CEO to sign the Professional Services Agreement for the Replacement and Installation of Outdoor Duty Lockers with Olpin Group, Inc., 3520 E. Enterprise Drive, Anaheim, CA 92807 in the amount of \$82,761.36, including tax.
2. Approve Budget Adjustment #15-002 for the appropriation of Narcotics Asset Forfeiture Fund undesignated funds in the amount of \$82,761.36 for the purchase of duty lockers.

8. **AWARD CONTRACT FOR ANNUAL TRANSIENT OCCUPANCY TAX AUDIT SERVICES**  
– Finance Department

RECOMMENDATION:

1. City Council award contract for annual transient occupancy tax audit services for fiscal years 2014, 2015 and 2016 to Mayer Hoffman McCann, P.C., in the total amount of \$58,500 with an option to extend the contract in one-year periods, for a minimum of two fiscal years; and
2. Authorize City Chief Executive Officer to sign and execute a professional services agreement with the selected audit firm.

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

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

1. **APPROVE CERTIFICATION OF SPECIAL ASSESSMENTS FOR DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS** – Finance Department/Operations Division

RECOMMENDATION:

1. City Council hold Public Hearing; and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, entitled “A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations”.

2. **PUBLIC HEARING FOR THE VACATION OF A PORTION OF SUPERIOR AVENUE AT 1677 SUPERIOR AVENUE** – Public Services Department/Engineering Division

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 Superior Avenue Right-Of-Way at 1677 Superior Avenue; and
2. Authorize execution of the Quit Claim Deed by the Mayor and the City Clerk.

3. **GENERAL PLAN AMENDMENT GP-14-01 / LOT LINE ADJUSTMENT LL-14-03 LOCATED AT 320 E. 18<sup>TH</sup> STREET** – Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council take the following actions:

1. Find that the Project is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) –General Rule; and
2. Adopt Resolution No. 14-xx, to be read by title only and waive further reading, for General Plan Amendment GP-14-01, pending approval as part of future General Plan Cycle to change the land use designation of a 16-foot by 63-foot strip of land (1,009 Sq. Ft) within an existing church site from Public/Institutional to Medium Density Residential and approving Lot Line Adjustment LL-14-03 to move the rear property line to the north by 16 feet for future residential development, subject to conditions; and
3. Introduce for first reading Ordinance No. 14-xx, to be read by title only and waive further reading, approving Rezone R-14-01, of a 16-foot by 63-foot strip of land within an existing church site from I&R (Institutional and Recreational District) to R2-MD (Multiple Family Residential – Medium Density District).

4. **SECOND READING FOR THE PRE-ZONING AND PROPERTY TAX EXCHANGE AGREEMENT FOR THE SANTA ANA/COLLEEN ISLAND ANNEXATION** –Chief Executive Officer’s Department

RECOMMENDATION:

Staff recommends that the City Council give second reading and consider for adoption Ordinance 14-xx, to be read by title only and waive further reading, regarding pre-zoning of the Santa Ana/Colleen Annexation Area, and adopt Resolution No. 14-xx, to be read by title only and waive further reading, for the Property Tax Exchange Agreement between the City of Costa Mesa and the County of Orange.



5. **CODE AMENDMENT CO-13-03 TO TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS** – Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission recommends that the City Council take the following actions with regard to the proposed ordinance adopting modifications to Title 13, Chapter IX, Article 8 of the Costa Mesa Municipal Code with regard to motels (“Motel Ordinance”):

1. That City Council find that the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment; and
2. Introduce for first reading Ordinance No. 14-xx, to be read by title only and waive further reading, regarding Code Amendment CO-13-03 to Title 13, Chapter IX, Article 8 Governing Motels.

**OLD BUSINESS**

1. **AN ORDINANCE OF THE CITY OF COSTA MESA REPEALING AND REPLACING COSTA MESA MUNICIPAL CODE SECTION 11-15 RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PRIVATE PROPERTY** – Chief Executive Officer’s Department

RECOMMENDATION:

City Council give second reading and consider for adoption Ordinance No. 14-08, to be read by title only and waive further reading, regarding rewards for information leading to the apprehension of individuals who damage property.

2. **SECOND READING OF THE ORDINANCE AMENDING SECTION 2-61 RELATING TO CONDUCT WHILE ADDRESSING THE CITY COUNCIL AND ADDING SECTION 2-87 (SEVERABILITY)** – City Attorney’s Office

RECOMMENDATION:

City Council give second reading and consider for adoption Ordinance No. 14-09, to be read by title only and waive further reading.

**NEW BUSINESS - NONE**

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**CONTINUED PUBLIC COMMENTS**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting August 5, 2014 at 5:00 p.m.**

## **UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

- Tuesday evenings in July, 2014, 5:30-7:45 p.m. (music starts at 6:15) – Costa Mesa Concerts in the Park. More info: [www.costamesafoundation.org](http://www.costamesafoundation.org)
- Friday, July 11 – Sunday, August 10, 2014 – OC Fair. More info: [www.ocfair.com](http://www.ocfair.com)
- Monday, July 28, 2014 – Costa Mesa Community Golf Classic. Costa Mesa Country Club, Los Lagos Course. More info: [www.costamesachamber.com](http://www.costamesachamber.com)