



City of Costa Mesa Council Agenda

TUESDAY, MAY 3, 2011

Gary Monahan
Mayor

Jim Righeimer
Mayor Pro Tem

Wendy Leece
Council Member

Eric Bever
Council Member

Stephen Mensinger
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

Development Services Director
Kimberly Brandt

Public Services Director
Peter Naghavi

City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
6:00 p.m. – Council Meeting

TIME LIMIT FOR CITY COUNCIL MEETINGS: Except by majority vote of the City Council to continue, meetings shall conclude at midnight. If there is unfinished business on the Agenda, those items will be continued to the next regularly scheduled City Council meeting, pursuant to Resolution No. 05-8.

Welcome to the City Council Meeting

Your attendance at this public meeting is valued and appreciated.

The following City codes, guidelines, and reminders are provided for your information:

1. 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."
2. All cell phones and pagers are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.
3. 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.

4. Please use the podiums on either side of the dais to speak to the City Council. Direct all verbal communications, requests, and/or questions to the Mayor.

5. Any written communications, pictures, etc., to be provided to the Council should be directed to the City Clerk. Any exhibits to be displayed on the overhead screen may be given to the appropriate staff member.

NOTE: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (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].

PLEDGE OF ALLEGIANCE Council Member Eric Bever

MOMENT OF SOLEMN EXPRESSION Minister Adam Kimber, Costa Mesa Church of Christ

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The Council disclaims any intent to endorse or sponsor the views of any speaker. Interested presenters, please contact the City Clerk's office.]

ROLL CALL

ANNOUNCEMENTS There's always something happening in Costa Mesa!

The Mayor will announce upcoming events and activities in the community which are sponsored by or affiliated with the City.

Please refer to the last page of the agenda for a detailed list of announced events and activities. These may also be found on the City's website.

PRESENTATIONS The RANCH After-School Program

SPEAKERS: PLEASE PRINT YOUR NAME AND ADDRESS ON THE SPEAKER FORM(S) AND PRESENT TO THE CITY CLERK PRIOR TO THE ITEM.

PLEASE NOTE:

- **YELLOW FORM IS FOR PUBLIC COMMENTS OF TOPICS NOT ON THE AGENDA.**
- **GREEN FORM IS FOR SPECIFIC AGENDA ITEMS. PLEASE FILL OUT FOR EACH AGENDA ITEM YOU WISH TO ADDRESS.**

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 (3) minutes each to address any item within the City Council's jurisdiction and which is not listed on the Agenda. The three (3) minute per speaker time limit may be extended for good cause by the Mayor, or by majority vote of City Council Members. Questions and comments made by public speakers may be addressed by Council during Council Comments.

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. Items removed from the Consent Calendar will be discussed and voted upon immediately following City Council action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Mayor, state their name, city in which they reside, and item number to be addressed.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 4.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular meetings of April 5, 2011 and April 19, 2011.

Recommendation: Approve

Warrants

3. [Warrant Resolution 2366, funding Payroll No. 11-08 for \\$2,210,788.71, and Payroll No. 11-07A for \\$2,138.48, and City operating expenses for \\$1,027,823.68, including payroll deductions.](#)

Recommendation: Approve

4. [Warrant Resolution 2367, funding City operating expenses for \\$373,227.66.](#)

Recommendation: Approve

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

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

1. [PUBLIC HEARING: Request for Review by Mayor Gary Monahan of the Planning Commission's determination for Planning Application PA-10-38, for Alison Nguyen, authorized agent for Kathy Nguyen, for a minor design review to construct a detached two \(2\)-story, two \(2\)-unit residential common interest development \(condominiums\) including deviation from the following residential design guidelines with respect to second to first floor ratio \(80 percent recommended; 98 percent proposed including second floor balcony and areas "open to below" and second floor side setbacks \(10-foot average recommended; five feet proposed\). Environmental Determination: Exempt.](#)

Recommendation: Adopt resolution to uphold, reverse, or modify Planning Commission's decision

- Communication from the public

2. [PUBLIC HEARING: Fiscal Year 2011-2012 Funding Priorities for Community Development Block Grant \(CDGB\) and Home Investment Partnership Program \(HOME\)](#)

Recommendation: Continue public hearing to June 7, 2011

- (a) Recommended allocation for the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Application
- (b) Recommended allocation for the Fiscal Year 2011-2012 HOME Investment Partnership Grant
- (c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, authorizing the City Chief Executive Officer to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Chief Executive Officer to act in connection with the submission of the Annual Action Plan, and to provide such additional information as may be required.

3. [PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 9, CHAPTER 2, ARTICLE 8 \(FIREWORKS SALES\) OF THE COSTA MESA MUNICIPAL CODE REGARDING EXTENDING THE DAYS FOR SELLING AND DISCHARING FIREWORKS WITHIN THE CITY; AND AMENDING CORRESPONDING COUNCIL POLICY 400-2 RELATIVE TO THE SAME.](#)

Recommendation: Introduce ordinance for first reading, to be read by title only and to waive further reading; and approve amendment to Council Policy 400-2.

- [Communication from the Public](#)

OLD BUSINESS

1. [From the meeting of April 19, 2011, Appointments to various Council-appointed committees](#)
 - (a) Access, Building, Fire and Housing Board of Appeals
Recommendation: Appoint member(s)
 - (b) Redevelopment and Residential Rehabilitation (3R) Committee
Recommendation: Appoint member(s)
2. Reports from City Council working groups
 - (a) Economic Development and Development
 - (b) Sports and Recreation
 - (c) Policies, Procedures, and General Plan/Circulation
 - (d) Budget and Capital Improvements
 - (e) Motel Issues

NEW BUSINESS

1. [Potential revisions to the Sign Code](#)

Recommendation: Provide direction

- [Supplemental Memo](#)
- [Communication from the public](#)

2. [Planning Commission priorities for technological efficiencies for consideration in preparation of the upcoming budget](#)

Recommendation: Provide direction

3. [General Plan Screening Request GPS-11-01 for commercial property at the former site of the Lincoln Mercury dealership located at 2626 Harbor Boulevard, Costa Mesa, to amend designation from General Commercial to Medium Density Residential.](#)

Recommendation: Accept for processing

4. [Authorization for staff time to research Sex Offender Ordinance.](#)

Recommendation: Provide direction

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Wendy Leece
2. Council Member Stephen Mensinger
3. Mayor Gary Monahan
4. Mayor Pro Tem Jim Righeimer
5. Council Member Eric Bever

REPORTS

City Attorney:

Chief Executive Officer:

CLOSED SESSION:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA) pursuant to Government Code Section 54957.6
2. Conference with legal counsel, regarding existing litigation: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.
3. Conference with legal counsel, regarding existing litigation: Orange County Directors' Association, et al. v. City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00364374, pursuant to subdivision (a) of Government Code Section 54956.9.
4. Conference with legal counsel, regarding existing litigation: James, et al. v. City of Costa Mesa and City of Lake Forest, United State District Court Case No. 8:10-cv-00402, Ninth Circuit Court of Appeal Case No. 10-55769, pursuant to subdivision (a) of Government Code Section 54956.9.
5. Conference with legal counsel, regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 – (one case).

CLOSED SESSION REPORT

ADJOURNMENT – Adjourn to May 10, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: May 17, 2011.

Agenda related writings or documents provided to a majority of the City Council members after distribution of the City Council Agenda Packet (GC 54957.5).

Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted, whenever possible, and as part of the agenda, on the City's website at www.ci.costa-mesa.ca.us.

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

MAY 2011

- Saturday, May 14th 9:00 a.m. The OC Health & Fitness Expo will be held at the Westin South Coast Plaza. This expo is an innovative and interactive series of fitness classes, mind & body providers and seminars for the entire family. Tickets may be purchased at the door or in advance. For further information call 800-BBX-9087 or online at www.bbxinc.com
- Sunday, May 15th at 2:30 p.m. The Costa Mesa Historical Society will host a presentation by Fred Bockmiller, President of the Board of Mesa Consolidated Water District speaking on the 50 years of the Water District, where your water comes from and the issues facing us in the future. Admission is free. For further information call 949-631-5918 or online at www.costamesahistory.org