



City of Costa Mesa Council Agenda

TUESDAY, JULY 6, 2010

Allan R. Mansoor
Mayor

Wendy Leece
Mayor Pro Tem

Katrina Foley
Council Member

Eric Bever
Council Member

Gary Monahan
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Allan Roeder

Development Services Director
Kimberly Brandt

Public Services Director
Peter Naghavi

City Clerk
Julie Folcik

Council Chambers, 77 Fair Drive
5:00 p.m. – Closed Session and 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].

CLOSED SESSION

5:00 p.m.

At the conclusion of the Public Comment, the City Council will recess to Conference Room 1B for Closed Session. Please note that if there are not any closed session items listed, City Council will convene at its regular meeting time of 6:00 p.m.

I ROLL CALL

- II PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items listed on the Closed Session agenda. Each member of the public will be given three (3) minutes to speak.

III CLOSED SESSION:

1. Pursuant to Government Code Section 54957.6, conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).

CLOSED SESSION – continued

2. Conference with Legal Counsel – Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), pursuant to Government Code Section 54956.9 (a).

RECESS TO STUDY SESSION:

The Council will recess to and convene an Agenda Review Study Session beginning at 5:30 p.m. in Conference Room 1-A of City Hall. The public is welcome to attend and offer comment.

Pursuant to Resolution No. 07-80, each member of the public will be given an opportunity to speak for two (2) minutes on Study Session agenda items. A maximum overall time of (15) minutes will be permitted for public comment. Note that no action may be taken by the City Council prior to the 6:00 p.m. meeting.

RECONVENE REGULAR MEETING

**REGULAR CITY COUNCIL AGENDA
6:00 p.m.**

PLEDGE OF ALLEGIANCE Council Member Katrina Foley

**MOMENT OF SOLEMN
EXPRESSION** Pastor Chris Warner, OC Crosspoint

[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

CLOSED SESSION REPORT

PRESENTATIONS Employee of the Month – Officer Frank Christian

Employee of the Month – EMS Coordinator, Larry Grihalva

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

PLEASE NOTE:

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

IV 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.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Wendy Leece
2. Mayor Allan Mansoor
3. Council Member Katrina Foley
4. Council Member Gary Monahan
5. Council Member Eric Bever

VI **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 12.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

Minutes

2. Regular Meeting of May 4, 2010, Regular Meeting of May 18, 2010, and Regular Meeting of June 1, 2010.

Recommendation: Approve

Warrants

3. Warrant Resolution 2323, funding Payroll No. 10-12 for \$2,333,249.89 and Payroll No. 10-11A for \$278.08 and City operating expenses for \$782,877.69 including payroll deductions.

Recommendation: Approve

4. Warrant Resolution 2324, funding City operating expenses for \$1,498,704.03.

Recommendation: Approve

5. Warrant Resolution 2325, funding Payroll No. 10-13 for \$2,362,086.16 and City operating expenses for \$452,752.82 including payroll deductions.

Recommendation: Approve

Administrative Actions

6. [Award Formal Bid Item No. 1136, for parking ticket citation processing services with Data Ticket, Inc., 4600 Campus Drive, Suite 200, Newport Beach, for a two-year term beginning July 7, 2010 through July 6, 2010, with the option of three additional one \(1\)-year extensions, in an amount not to exceed \\$125,000 per year.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign; authorize the City Manager to sign extensions of contract upon recommendation by the Police Department.

CONSENT CALENDAR – continued

7. [Professional Services Agreement with A.C.T. GIS, 19000 Grovewood Drive, Corona, for Geographic Information System \(G.I.S.\) support services, for the term beginning July 1, 2010 through June 30, 2011, in the amount of \\$110,475.](#)

Recommendation: Approve; authorize the Mayor and City Clerk to sign

8. [Completion of Parkway Concrete Repair and New Sidewalk Construction, City Project No. 09-10, by C.J. Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

9. [Completion of Rehabilitation of Bear Street \(From Baker Street to Bristol Street\), City Project No. 09-24, by R.J. Noble Company, 15505 East Lincoln Avenue, Orange.](#)

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

10. [Authorize refund of cash deposit in the amount of \\$9,240 to Michael Howarth, 514 Via Lido Nord, Newport Beach, in connection with Encroachment Permit No. PS09-00282 for street improvements located at 918 Sunset Drive, Costa Mesa.](#)

Recommendation: Approve

11. [Release of Maintenance Bond \(Certificate No. SU 5014567\), in the amount of \\$64,300, to Headlands Reserve, LLC, 24849 Del Prado, Dana Point, in connection with the Coastal Sage Scrub Restoration Project at Fairview Park.](#)

Recommendation: Approve

CONSENT CALENDAR – continued

12. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT, for local Fire Safety members of the California Public Employees' Retirement System \(CalPERS\)](#)

Recommendation: Adopt resolution; authorize City Clerk to execute the required CalPERS certifications and documents

13. [Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for the Orange County Fair, beginning July 16, 2010 through August 15, 2010, in an amount not to exceed \\$380,000.](#)

Recommendation: Approved; authorized the City Manager or his designee to sign.

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

RECESS THE REGULAR CITY COUNCIL MEETING AND CONVENE TO THE SPECIAL JOINT MEETING OF THE REDEVELOPMENT AGENCY (RDA) AND THE CITY COUNCIL

ROLL CALL

CLERK'S STATEMENT The Redevelopment Agency Special Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Thursday, July 1, 2010

MINUTES

1. Regular Redevelopment Agency meeting minutes of May 11, 2010

Recommendation: Approve

PUBLIC COMMENTS

AGENCY/COUNCIL MEMBERS' COMMENTS AND SUGGESTIONS

WARRANT RESOLUTIONS

1. Ratify Warrant Resolution CMRA-395, approve Warrant Resolution CMRA-396.

Recommendation: Ratify and approve

NEW BUSINESS

1. [Funding Commitments of Agency and City to USA Properties Fund Relating to Proposed Harper's Pointe Senior Apartment Project](#)

For the Redevelopment Agency:

- (a) Approve recommended Agency funding Pointe Senior Apartment Project commitment to make a 55-year residual receipts loan of up to \$990,000 to Harper's Pointe, L.P., a partnership created by USA Properties Fund ("Developer"), to fund the land acquisition and new construction of the 53-unit Harper's Pointe Senior Apartments ("Project") located at 845 West Baker Street, contingent upon the California Tax Credit Allocation Committee (TCAC) award of 9% or 4% Tax Credits to Developer for the Project and other funding commitments, including \$743,000 from the County of Orange (HOME funds) and \$757,000 under the auspices of the Mental Health Services Act Housing Program (MHSA) program, as set forth in the Commitment Letter (Attachment No. 4); and

Recommendation: Approve

- (b) Authorize the Executive Director to execute the Commitment Letter and to take necessary actions to effectuate the transaction contemplated by the Commitment Letter. Detailed terms and conditions of an Agency Loan Agreement and implementing documents, as defined in the Commitment Letter, are contingent upon review and approval by Special Counsel to the City and by the City Attorney and subject to the assumptions and analysis in the Keyser Marston Associates' ("KMA") economic report dated as of June 24, 2010 (Attachment No. 6) ("KMA Report").

Recommendation: Approve

For the City Council:

- (a) Approve recommended City funding commitment to make a 55-year residual receipts loan of up to \$385,000 (funding source limited to HOME Program funds) to Developer to fund the land acquisition and new construction of the Project, contingent upon TCAC’s award of 9% or 4% Tax Credits to Developer for the Project and other funding commitments, including \$743,000 from the County of Orange (HOME funds) and \$757,000 under the auspices of MHSA program, as set forth in the Commitment Letter (Attachment No. 4).

Recommendation: Approve

- (b) Authorize the City Manager to execute the Commitment Letter and to take necessary to effectuate the transaction contemplated by the Commitment Letter. Detailed terms and conditions of a City Loan Agreement and implementing documents, as defined in the Commitment Letter, are contingent upon review and approval by Special Counsel to the City and by the City Attorney and subject to the assumptions and analysis in the KMA Report (Attachment No. 6).

Recommendation: Approve

REPORTS

Agency Attorney

Executive Director

<p>ADJOURN THE SPECIAL JOINT MEETING OF THE REDEVELOPMENT AGENCY AND RECONVENE REGULAR CITY COUNCIL MEETING</p>
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VII PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)

- 1. [PUBLIC HEARING: Development Agreement Amendment DA-10-01 for C.J. Segerstrom & Sons, Henry T. Segerstrom Properties, LLC, and Ruth Ann Moriarty Properties, LLC, for the Segerstrom Home Ranch Development Agreement \(DA-00-01\), located at 1201 South Coast Drive. Environmental Determination: Final Program Environmental Report SCH No. 2000071050 adopted December 3, 2001.](#)

- (a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING DEVELOPER IN COMPLIANCE WITH HOME RANCH DEVELOPMENT AGREEMENT (DA-00-01).

Recommendation: Adopt resolution

- (b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THIRD AMENDMENT TO HOME RANCH DEVELOPMENT AGREEMENT DA-00-01 FOR HOME RANCH PROPERTY LOCATED NORTH OF THE INTERSTATE I-405, EAST OF HARBOR BOULEVARD, AND SOUTH OF SUNFLOWER AVENUE.

Recommendation: Introduce ordinance, read by title only, and waived further reading

- 2. [PUBLIC HEARING: Request for Review by Mayor Pro Tem Leece of the Planning Commission's approval of Planning Application PA-09-18, for Master Plan to construct a three-story, 53-unit senior housing project over a one-story, 4,980-sq. ft. retail building \(four stories total\), with up to 10% compact parking spaces \(seven total\) in the SoBECA Urban Plan, located at 845 Baker Street, in C1/Mixed-Use Overlay zone. Environmental determination: exempt.](#)

Recommendation: Adopt resolution to uphold, or reverse Planning Commission's decision to approve the project

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).

[Supplemental Staff report](#)

- 3. [PUBLIC HEARING: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING THE SOLID WASTE HAULING FRANCHISE FEE.](#)

Recommendation: Adopt resolution

- 4. [PUBLIC HEARING: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, INCREASING DOG LICENSING FEES.](#)

Recommendation: Adopt resolution

5. [PUBLIC HEARING: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE CIVIL FINES AND PENALTIES SCHEDULE PURSUANT TO SECTION 1-40 OF THE COSTA MESA MUNICIPAL CODE.](#)

Recommendation: Adopt resolution

VIII OLD BUSINESS

No Old Business has been scheduled.

IX NEW BUSINESS

1. [Developmental Impact Fee Deferral Program - Council Policy 500-15](#)

Recommendation: Approve; adopt Council Policy 500-15

2. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUPPORTING THE CALIFORNIA JOBS INITIATIVE, temporarily suspending the implementation of the California Global Warming Solutions Act \(AB 32\).](#)

Recommendation: Provide direction

X REPORTS

City Attorney:

City Manager:

- XI ADJOURNMENT – Adjourn to July 13, 2010 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting is July 20, 2010.

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.



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

NOTICE AND CALL OF A

SPECIAL JOINT MEETING OF THE

CITY OF COSTA MESA CITY COUNCIL AND THE REDEVELOPMENT AGENCY

NOTICE IS HEREBY GIVEN that a Special Joint Meeting of the Costa Mesa City Council and the Redevelopment Agency will be held on Tuesday, July 6, 2010, at 6:00 p.m., in the City Council Chambers, 77 Fair Drive, Costa Mesa. The purpose of the Special Joint Meeting is to conduct a meeting to discuss the following items:

MINUTES

1. Regular Redevelopment Agency meeting minutes of May 11, 2010

WARRANTS

1. Ratify Warrant Resolution CMRA-395, approve Warrant Resolution CMRA-396.

NEW BUSINESS

1. Funding Commitments of Agency and City to USA Properties Fund Relating to Proposed Harper's Pointe Senior Apartment Project

For the Redevelopment Agency:

- (a) Approve recommended Agency funding Pointe Senior Apartment Project commitment to make a 55-year residual receipts loan of up to \$990,000 to Harper's Pointe, L.P., a partnership created by USA Properties Fund ("Developer"), to fund the land acquisition and new construction of the 53-unit Harper's Pointe Senior Apartments ("Project") located at 845 West Baker Street, contingent upon the California Tax Credit Allocation Committee (TCAC) award of 9% or 4% Tax Credits to Developer for the Project and other funding commitments, including \$743,000 from the County of Orange (HOME funds) and \$757,000 under the auspices of the Mental Health Services Act Housing Program (MHSA) program, as set forth in the Commitment Letter (Attachment No. 4); and

- (b) Authorize the Executive Director to execute the Commitment Letter and to take necessary actions to effectuate the transaction contemplated by the Commitment Letter. Detailed terms and conditions of an Agency Loan Agreement and implementing documents, as defined in the Commitment Letter, are contingent upon review and approval by Special Counsel to the City and by the City Attorney and subject to the assumptions and analysis in the Keyser Marston Associates' ("KMA") economic report dated as of June 24, 2010 (Attachment No. 6) ("KMA Report").

For the City Council:

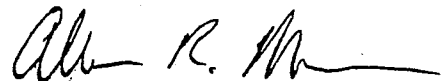
- (a) Approve recommended City funding commitment to make a 55-year residual receipts loan of up to \$385,000 (funding source limited to HOME Program funds) to Developer to fund the land acquisition and new construction of the Project, contingent upon TCAC's award of 9% or 4% Tax Credits to Developer for the Project and other funding commitments, including \$743,000 from the County of Orange (HOME funds) and \$757,000 under the auspices of MESA program, as set forth in the Commitment Letter (Attachment No. 4).
- (b) Authorize the City Manager to execute the Commitment Letter and to take necessary to effectuate the transaction contemplated by the Commitment Letter. Detailed terms and conditions of a City Loan Agreement and implementing documents, as defined in the Commitment Letter, are contingent upon review and approval by Special Counsel to the City and by the City Attorney and subject to the assumptions and analysis in the KMA Report (Attachment No. 6).

REPORTS

Agency Attorney

Executive Director

DATED this 2nd day of July, 2010.



Mayor of the City of Costa Mesa

ATTEST:



City Clerk of the City of Costa Mesa