

COSTA MESA REDEVELOPMENT AGENCY

CHAIRPERSON
KATRINA FOLEY

VICE CHAIRPERSON
WENDY LEECE

AGENCY MEMBER
ERIC BEVER

AGENCY MEMBER
GARY MONAHAN

AGENCY MEMBER
ALLAN MANSOOR

AGENDA OF THE SPECIAL JOINT MEETING OF THE REDEVELOPMENT AGENCY AND CITY COUNCIL

NOVEMBER 10, 2009

ACTING EXECUTIVE DIRECTOR
KIMBERLY BRANDT

AGENCY ATTORNEY
KIMBERLY HALL
BARLOW



AGENCY MEETS 2ND TUESDAY OF EACH MONTH – 6:30 P.M.
COUNCIL CHAMBERS, 77 FAIR DRIVE, COSTA MESA

6:00 p.m.–Closed Session and 6:30 p.m.-Joint Redevelopment/Council Meeting

Persons desiring further information about any agenda item may visit the Redevelopment Agency's web site at www.cmredevelopment.org, call the Redevelopment Office at (714) 754-5635, or come into the Redevelopment Office on the 5th floor of City Hall.

Speakers: Please print your name and address on the blue cards provided.

In compliance with the Americans with Disabilities Act, if special assistance is required to participate in this meeting, please contact the Redevelopment Secretary at (714) 754-5635. Notification 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 ADA Title II).

CLOSED SESSION

6:00 p.m.

At the conclusion of the Public Comment, Redevelopment/Council Members will recess to Conference Room **1B** for Closed Session.

I. ROLL CALL

II. **PUBLIC COMMENTS** – Members of the public are welcome to address the Agency/Council Members on the item listed on the Closed Session Agenda only. Public speakers have three (3) minutes to speak.

III. CLOSED SESSION

1. 1901 Newport Blvd. (Pacifica) Update:

- a. Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one case)
- b. Conference with Legal Counsel – Existing Litigation, pursuant to subdivision (a) of Government Code Section 54956.9 *Pacific Western Bank v. Rutter 1901 Newport LLC*, Superior Court, County of Orange, Case No. 30-2009-00120994.
- c. Conference with Real Property Negotiators – Property: 1901 Newport Boulevard. Agency Negotiator: Allan Roeder, City Manager and Kimberly Brandt, Acting Development Services Director. Negotiating parties: Cordes & Company (appointed receiver). Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

RECESS TO JOINT REDEVELOPMENT AGENCY/COUNCIL MEETING:

Agency Members will recess to and convene a Joint Redevelopment Agency/Council meeting beginning at 6:30 p.m. in the Council Chambers of City Hall. The public is welcome to attend and offer comment.

**RECONVENE JOINT REDEVELOPMENT AGENCY/COUNCIL MEETING
JOINT REDEVELOPMENT AGENCY/COUNCIL AGENDA
6:30 p.m.**

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. CLERK’S STATEMENT

The Joint Redevelopment Agency/Council Meeting Agenda and Notices 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, November 5, 2009.

IV. MINUTES – minutes of the regular Redevelopment meeting of August 11, 2009.

V. PUBLIC COMMENTS

To ensure fair and equal treatment of all who appear before the Redevelopment Agency, and to expedite Agency business, speakers will be limited to three minutes during Public Comments. The Chairperson may extend this time for good cause or by majority vote of the Agency Members.

VI. AGENCY MEMBERS’ COMMENTS AND SUGGESTIONS

VII. WARRANT RESOLUTIONS

1. Ratify Warrant Resolutions CMRA-386 and CMRA-387; approve Warrant Resolution CMRA-388

VIII. OLD BUSINESS - None

IX. NEW BUSINESS

[1. Neighborhood Stabilization Program 1 \(NSP 1\)](#)

RECOMMENDATIONS

CITY COUNCIL:

1. Approve the Neighborhood Stabilization Program Subrecipient Contract Services and Loan Agreement by and among the Cities of Fullerton, Costa Mesa, La Habra and MHC NSP LLC with such changes mutually agreed upon by the City Manager

RECOMMENDATIONS (continued)

- and the City Attorney (or special legal counsel) as are in substantial conformance with the form of the NSP Agreement.
2. Authorize the City Manager to enter into implementing documents on behalf of the City and take actions necessary to carry out the NSP Agreement, including issuance of warrants, and making technical or minor changes after execution, as necessary, to properly carry out the NSP Agreement and the City's participation in the NSP Program in order to comply with NSP notices, implementing regulations or other requirements promulgated by HUD and State HCD.
 3. Authorize the City Manager to approve and execute the affordable housing agreements and related documents necessary to implement the sale of each home pursuant to the NSP Program to qualified Middle Income Households as homebuyers.
 4. Authorize the City Manager to enter into a services contract with the City of Fullerton to utilize the inspection services of the City of Fullerton's Building Department in connection with the NSP Agreement and implementation of the NSP Program in a form and content approved by the City Attorney and to carry out such building inspection services agreement.

REDEVELOPMENT AGENCY:

1. Approve appropriation and expenditure of monies from the Low-to-Moderate Income Housing Fund up to \$360,000 as supplemental funding for the implementation of the NSP Agreement and sale of homes pursuant to the NSP Program to qualified Middle Income Households as homebuyers.
2. Authorize the Executive Director to take actions necessary to carry out the NSP Agreement related to expenditure of such supplemental funding from the Housing Fund, including entering into implementing documents on behalf of the Agency and issuance of warrants, as necessary to properly carry out the NSP Program in cooperation with the City and in compliance with NSP notices, implementing regulations or other requirements promulgated by HUD and State HCD.

RECOMMENDATIONS (continued)

3. Authorize the Executive Director and special counsel to prepare and implement the necessary documents to carry out the Homebuyer assistance component of the NSP Program as funded from the Housing Fund in connection with the resale of each Home to the qualified Middle Income Homebuyer, which documents will include a silent second trust deed with terms that comply with applicable Community Redevelopment Law requirement and NSP notices, implementing regulations, and other legal requirements promulgated by HUC and State HCD.

X. REPORTS

1. Agency Attorney
2. Executive Director

XI. ADJOURN

**Notice and Call of a Special
Closed Session Meeting
of the Costa Mesa Redevelopment Agency
and City Council**

NOTICE IS HEREBY GIVEN that a Special Closed Session Meeting of the Costa Mesa Redevelopment Agency and City Council will be held at 6:00 p.m. on Tuesday, November 10, 2009, in Conference Room 1B of the Costa Mesa City Hall, 77 Fair Drive, Costa Mesa.

The purpose of the Special Closed Session Redevelopment Agency meeting is to discuss the following item:

1. 1901 Newport Blvd. (Pacifica) Update:
 - a. Conference with Legal Counsel – Anticipated Litigation: Initiation of Litigation pursuant to subdivision (c) of Government Code Section 54956.9 (one case)
 - b. Conference with Legal Counsel – Existing Litigation, pursuant to subdivision (a) of Government Code Section 54956.9 *Pacific Western Bank v. Rutter 1901 Newport LLC*, Superior Court, County of Orange, Case No. 30-2009-00120994.
 - c. Conference with Real Property Negotiators – Property: 1901 Newport Boulevard. Agency Negotiator: Allan Roeder, City Manager and Kimberly Brandt, Acting Development Services Director. Negotiating parties: Cordes & Company (appointed receiver). Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

DATED this 5th day of November, 2009.



Katrina Foley, Chairperson
Costa Mesa Redevelopment Agency

ATTEST:

Martha Rosales, Secretary
Costa Mesa Redevelopment Agency

Notice and Call of a Joint Meeting
of the Costa Mesa Redevelopment Agency
and the City Council

NOTICE IS HEREBY GIVEN that a Joint Meeting of the Costa Mesa Redevelopment Agency and the Costa Mesa City Council will be held at 6:30 p.m. on Tuesday, November 10, 2009, in Council Chambers of City Hall, 77 Fair Drive, Costa Mesa.

The purpose of the Joint Redevelopment Agency/City Council meeting is to discuss the following item:

1. Neighborhood Stabilization Program 1 (NSP 1)

CITY COUNCIL ACTIONS:

1. Approve the Neighborhood Stabilization Program Subrecipient Contract Services and Loan Agreement by and among the Cities of Fullerton, Costa Mesa, La Habra and MHC NSP LLC with such changes mutually agreed upon by the City Manager and the City Attorney (or special legal counsel) as are in substantial conformance with the form of the NSP Agreement.
2. Authorize the City Manager to enter into implementing documents on behalf of the City and take actions necessary to carry out the NSP Agreement, including issuance of warrants, and making technical or minor changes after execution, as necessary, to properly carry out the NSP Agreement and the City's participation in the NSP Program in order to comply with NSP notices, implementing regulations or other requirements promulgated by HUD and State HCD.
3. Authorize the City Manager to approve and execute the affordable housing agreements and related documents necessary to implement the sale of each home pursuant to the NSP Program to qualified Middle Income Households as homebuyers.
4. Authorize the City Manager to enter into a services contract with the City of Fullerton to utilize the inspection services of the City of Fullerton's Building Department in connection with the NSP Agreement and implementation of the NSP Program in a form and content approved by the City Attorney and to carry out such building inspection services agreement.

REDEVELOPMENT AGENCY ACTIONS:

1. Approve appropriation and expenditure of monies from the Low-to-Moderate Income Housing Fund up to \$360,000 as supplemental funding for the implementation of the NSP Agreement and sale of homes pursuant to the NSP Program to qualified Middle Income Households as homebuyers.
2. Authorize the Executive Director to take actions necessary to carry out the NSP Agreement related to expenditure of such supplemental funding from the Housing Fund, including entering into implementing documents on behalf of the Agency and issuance of warrants, as necessary to properly carry out the NSP Program in cooperation with the City and in compliance with NSP notices, implementing regulations or other requirements promulgated by HUD and State HCD.

3. Authorize the Executive Director and special counsel to prepare and implement the necessary documents to carry out the Homebuyer assistance component of the NSP Program as funded from the Housing Fund in connection with the resale of each Home to the qualified Middle Income Homebuyer, which documents will include a silent second trust deed with terms that comply with applicable Community Redevelopment Law requirement and NSP notices, implementing regulations, and other legal requirements promulgated by HUC and State HCD

DATED this 5th day of November, 2009.



Katrina Foley, Chairperson
Costa Mesa Redevelopment Agency

ATTEST:

Martha Rosales, Secretary
Costa Mesa Redevelopment Agency