

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

***NEW BUSINESS ITEM #1 HAS BEEN WITHDRAWN FROM THE AGENDA**

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

TUESDAY, OCTOBER 20, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 5:45 P.M.

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

KATRINA FOLEY
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related 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 documents may be posted—whenever possible on the city’s website at 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 cityclerk@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 may be submitted to the City Clerk during the Public Comment period for non-agenda items, up to 6:40 p.m. or prior to the last speaker, whichever is earlier. Any speakers on non-agenda items not heard prior to 6:40 p.m. will be allowed to speak at the end of the meeting. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. 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 copying and distribution to the City Council that is 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting AFTER 3:00 p.m., 10 copies will need to be provided for distribution. Please note that NO copies of written communication will be made AFTER 3:00 p.m. 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 regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
2. Conference with Legal Counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(2).
3. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2), and Government Code Section 54956.9(d)(4) for one potential case.

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 – 5:45 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor Pro Tem 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 Mike Hanifin, St. Joachim Catholic Church, 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.

PRESENTATIONS:

1. Mayor's Award – Knots of Love – Christine Fabiani

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 during the Public Comment period for non-agenda items, up to 6:40 p.m. or prior to the last speaker, whichever is earlier. Any speakers on non-agenda items not heard prior to 6:40 p.m. will be allowed to speak at the end of the meeting. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Speakers may only complete one card per person. Each speaker is limited to three minutes. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of City Council. 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.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Pro Tem Righeimer
2. Mayor Mensinger
3. Council Member Foley
4. Council Member Genis
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 adopt and approve Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Patrick Almaguer, Donna Casey, and Ramon Gutierrez.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2544 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-21 FOR \$2,109,250.50; AND CITY OPERATING EXPENSES FOR \$1,631,635.95; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID –**
Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2544, to be read by the title only, and waive further reading.

4. **FAIRVIEW PARK CATTAIL REMOVAL – CITY PROJECT NO. 15-14** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Fairview Park Cattail Removal Project, City Project No. 15-14; and
2. City Council award a contract to McNabb Construction, Inc. in the amount of \$215,460.00; and
3. City Council approve Budget Transfer No. 16-124 in the amount of \$232,000.00; and
4. City Council authorize the Mayor and City Clerk to execute the Agreement.

5. **MINUTES OF CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF OCTOBER 6, 2015** – Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council approve the minutes.

6. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE HARBOR BOULEVARD IMPROVEMENTS** – Public Services Department/ Transportation Services Division

RECOMMENDATION:

1. City Council award a Professional Services Agreement for the design of the Harbor Boulevard Improvements to Civil Source, In., 9930 Research Drive, Suite 200, Irvine, CA 92618, in the amount of \$139,850; and
2. City Council authorize the Mayor and City Clerk to execute the Professional Services Agreement.

7. **RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS** – Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council adopt Resolution 15-XX, to be read by title only, and further reading waived, approving the submittal of grant applications for transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2016-17 through 2018-19.

8. **BUDGET ADJUSTMENT AND ACCEPTANCE OF GRANT FROM HOAG FOR MEDICAL TRANSPORTATION PROGRAM** – Parks and Community Services Department

RECOMMENDATION:

City Council authorize a budget adjustment in the amount of \$100,000 to accept a grant from Hoag for the Medical Transportation Program through the Costa Mesa Senior Center.

9. [A RESOLUTION 2015-XX CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY OF COSTA MESA TO JOIN THE CALIFORNIAFIRST PROGRAM](#) – Office of the Chief Executive Officer

RECOMMENDATION:

City Council consider and adopt Resolution No. 15-XX, to be read by title only, and further reading waived, consenting the inclusion of properties within the City's Jurisdiction into the CaliforniaFIRST Program.

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

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

1. [AN ORDINANCE FOR THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-02 \(DA-15-02\) AND RESOLUTION TO ADOPT NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-15-01 FOR THE SEGERSTROM TOWN CENTER SUBAREA AT THE SOUTHEAST CORNER OF BRISTOL/SUNFLOWER](#) – Planning Division/ Development Services Department

RECOMMENDATION:

1. City Council adopt Resolution No. 15-XX, to be read by title only, and further reading waived, for SP-15-01 North Costa Mesa Specific Plan Amendment; and
2. City Council give first reading to Ordinance No. 15-XX, to be read by title only, and further reading waived, to approve the Second Amendment to the Development Agreement DA-00-02 for Segerstrom Town Center.

2. [PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19TH STREET](#) – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt Resolution No. 15-XX, to be read by title only, and further reading waived, ordering the vacation of excess Right-Of-Way at 752 West 19th Street; and
2. City Council authorize the execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS: NONE

NEW BUSINESS:

1. ~~DISCUSSION OF CITY'S APPEAL FEES AND PROCEDURES~~
THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- October 15, 2015 – November 29, 2015, KURIOUS – Cabinet Curiosities, Cirque do Soleil, OC Fair and Events Center, for more information, please visit www.cirquedusoleil.com
- Wednesday, October 21, 2015 from 9:30 a.m. to 11:30 a.m. Business Preparedness Academy – National University with South Coast Metro Alliance and the Costa Mesa Chamber of Commerce. For more information, please contact Brenda Emrick at (714)-327-7406.
- Wednesday, October 21, 2015 from 6:30 p.m. – 9:00 p.m., NMUSD College and Career Night, OC Fair and Events Center, for more information, please visit www.nmusd.us
- Saturday, October 24, 2015 and Sunday, October 25, 2015 from 12:00 p.m. – 10:00 p.m., LFestival: Feria Cultural LatinoAmericana, OC Fair and Events Center, for more information, please visit <http://ns.ocfair.com/ocf2/Calendar/ViewEvent.asp?EventId=3646>
- Sunday, October 25, 2015 from 10:00 a.m. – 4:00 p.m., Annual Trick or Treat Festival and Halloween Hearse and Bug Show, OC Market Place, 88 Fair Drive, Costa Mesa, for more information, please visit <http://www.ocmarketplace.com/contents/Entertainment.aspx>
- Tuesday, October 27, 2015 at 5:00 p.m., City Council Special Closed Session Meeting – 77 Fair Drive – Council Chambers.
- Friday, October 30, 2015 from 11:30 a.m. – 1:00 p.m., Monster Mash at the Costa Mesa Senior Center, 695 W. 19th St. Please contact the Senior Center directly at (949) 645-2356, preregistration required and space is limited.