

**ACTION REPORT
AGENDA
CITY OF COSTA MESA
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, OCTOBER 6, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:30 P.M. (SPECIAL TIME)
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

SPECIAL CLOSED SESSION CALL TO ORDER

The meeting was called to order by the Mayor at 5:37 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Mensinger, Mayor Pro Tem Righeimer, and Council Member Foley, Council Member Genis, and Council Member Monahan

Council Members Absent: None

1. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, pursuant to California Government Code Section 54956.9(a).

FOR INFORMATIONAL PURPOSES ONLY

REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 5:45 P.M.

CALL TO ORDER

ROLL CALL

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger
Absent: None

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

CONSENT CALENDAR:

Item 9 was pulled for separate consideration.

Items 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: None

Motions carried: 5-0

- 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**

ACTION:

City Council adopted and approved Ordinances and Resolutions by reading title only, and further reading waived.

- 2. READING FOLDER**

- a. Claims received by the City Clerk: Southern California Edison, and Erica Berthold.

ACTION:

City Council receive and filed.

FOR INFORMATIONAL PURPOSES ONLY

3. **WARRANT RESOLUTION NO. 2543 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-19 FOR \$2,073,899.05, 15-19 "A" FOR \$690.41; AND 15-20 FOR \$2,091,956.75; AND CITY OPERATING EXPENSES FOR \$2,435,921.02; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approve Warrant Resolution No. 2543, to be read by the title only, and waived further reading.

4. **2013-2014 SLURRY SEAL PROJECT, CITY PROJECT NO. 13-15**

ACTION:

1. City Council accepted the work performed by American Asphalt South, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Faithful Performance Bond one (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

5. **MINUTES**

ACTION:

City Council approved the minutes of the Special Joint Study Session of the City Council and Planning Commission Meeting of September 8, 2015, the minutes of the City Council and Successor Agency to the Redevelopment Agency and Special Joint Meeting with the Costa Mesa Housing Authority Meeting of September 15, 2015; and minutes of the Special Closed Session of the City Council Meeting of September 22, 2015.

7. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00187 FOR STREET IMPROVEMENTS LOCATED AT 2300 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**

ACTION:

City Council released the Faithful Performance Bond (Certificate No. 389246-C) in the amount of \$67,350 and Labor and Materials Bond (Certificate No. 389246-C) in the amount of \$67,350 for street improvements to Action Development (Contractor), 19060 Rising Sun Road, Corona, California 92881.

FOR INFORMATIONAL PURPOSES ONLY

8. NOTICE OF INTENT FOR THE VACATION OF A PORTION OF SIDEWALK AND LANDSCAPE EASEMENT AT 580 ANTON BOULEVARD

ACTION:

1. City Council set the Public Hearing for November 3, 2015 for the vacation of a portion of Sidewalk and Landscape Easement at 580 Anton Boulevard; and
2. City Council adopted Resolution No. 15-53, to be read by title only, and further reading waived, of intent to vacate a portion of Sidewalk and Landscape Easement.

10. AWARD THE PURCHASE OF ONE NEW 2015 CATERPILLAR 420F BACKHOE LOADER

ACTION:

City Council approved and authorized the Chief Executive Officer to execute an agreement for the purchase of one (1) new 2015 Caterpillar Backhoe Loader, model 420-F2, with an extended warranty and two (2) Caterpillar pin-lock buckets, through the National Joint Powers Alliance (NJPA) #032515-CAT with Quinn CAT Company, 25961 Wright Street, Foothill Ranch, CA 92610 in the amount of \$127,734.63.

11. AWARD THE PURCHASE OF ONE NEW 2016 FORD F450, 'ROADLINE' STENCIL PAINT TRUCK

ACTION:

City Council approved and authorized the Chief Executive Officer to execute an agreement for the purchase of a 2016 Ford F450, 2-wheel drive supercab truck with a 'Roadline TPMT' stencil/paint truck bed through the National Joint Powers Alliance (NJPA) #102811-NAF with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076 in the amount of \$114,759.27.

12. DONATION OF PARATRANSIT VEHICLE FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM

ACTION:

City Council accepted the donation of a 2007 Ford El Dorado, Paratransit Vehicle from the Orange County Transportation Authority (OCTA) Senior Mobility Program.

FOR INFORMATIONAL PURPOSES ONLY

13. HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENT PROJECT, CITY PROJECT NO. 13-09

ACTION:

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. City Council released the Labor and Material Bond seven (7) months after the filing date; released the Faithful Performance Bond one (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

14. PROFESSIONAL AUDIO/VIDEO DESIGN SERVICES FOR CITY COUNCIL CHAMBERS, CONFERENCE ROOM 1A AND NEW COMMUNITY MEETING ROOM; AND AUDIO/VIDEO RELATED CONSTRUCTION MANAGEMENT SERVICES

ACTION:

1. City Council awarded a professional services agreement to Triton Technology in an amount not to exceed \$136,125 for audio/video consulting services to:
 - a) Update City's existing audio/video design and specifications for upgrades to City Council Chambers, Conference Room 1A and Costa Mesa TV broadcast systems, and
 - b) Provide audio/video design services for a new community meeting room located in the former print shop of City Hall; and
 - c) Provide related audio/video construction management services; and
2. City Council authorized the City's Chief Executive Officer to execute the Professional Services Agreement.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE

OLD BUSINESS: NONE

NEW BUSINESS:

1. PROPOSED GENERAL PLAN LAND USE ALTERNATIVE FOR THE YEAR 2015-2025 GENERAL PLAN UPDATE

For the Proposed General Plan Land Use Alternative, City Council gave staff the following direction:

A1-A. Residential Incentive Overlay on Newport Blvd. within 500-ft. Radius Area

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (03:40:45)

MOTION: Residential Incentive Overlay to consist of 40 du/acre along Newport Boulevard on the properties Council Member Monahan must abstain from voting on as delineated on the attached map (attachment 1), due to residence and place of business within 500' radius of properties in the overlay zone; and staff to return with a traffic study.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley and Council Member Genis

Abstain: Council Member Monahan

Absent: None

Motion failed: 2-2-1

Council Member Monahan returned to the dais.

A1-B. Residential Incentive Overlay on Newport Blvd. and Harbor Blvd.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (03:44:44)

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION:

City Council approved the Residential Incentive Overlay along Newport Boulevard (Attachment 2) and Harbor Boulevard (Attachment 3) consisting of 40 du/acre, excluding the properties pertaining to Council Member Monahan's conflict of interest area (Attachment 1); and Staff to return with a traffic study.

MOVED/SECOND: Council Member Foley/Council Member Genis

MOTION: To not include a Residential Incentive Overlay consisting of 40 du/acre along Harbor Boulevard.

SUBSTITUTE MOTION: (03:45:20)

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MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION

City Council approved the Residential Incentive Overlay along Newport Boulevard (Attachment 2) and Harbor Boulevard (Attachment 3) consisting of 40 du/acre, excluding the properties pertaining to Council Member Monahan's conflict of interest area (Attachment 1); and Staff to return with a traffic study. This includes parcels identified in blue on Newport Boulevard (Attachment 2).

A2. Segerstrom Home Ranch

MOVED/SECOND: Council Member Foley/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Segerstrom Home Ranch at a maximum of 1.2 million square feet, or 0.64 FAR of office uses on the development site.

A3. Sakioka Lot 2

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Sakioka Lot 2 at a maximum density of 80 dwelling units per acre without any changes to the existing trip budget, maximum 660 units, any other development standards as specified in the North Costa Mesa Specific Plan; and no increase in the trip budget.

A4. SoBECA

Discussion ensued regarding maximum amount of dwelling per acre, density, and traffic trips.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (04:02:30)

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION:

City Council approved SoBECA Mixed-use Overlay Zone with a site-specific density of 40 dwelling units per development lot with an overall cap of 20 du/acre in the overall urban plan area; and capped at a maximum number of 450 units.

A5. Harbor Mixed-Use Overlay Zone

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (04:10:47)

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved South End of Harbor Mixed-Use Overlay Zone as a new mixed-use planned development area with a maximum 1.0 FAR and maximum specified residential density of 20 du/acre; and does not include mobile home parks.

A6. Fairview Development Center

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (04:17:41)

MOTION: Property with a new land use designation of .25 FAR Institutional; minimum 25% open space for recreational purposes, and maximum cap of 500 dwelling units at maximum 25 du/acre.

MOVED/SECOND: Council Member Foley/Council Member Genis

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SUBSTITUTE MOTION: Direct Staff to return with alternatives to carve out the Shannon Mountain project, address issues raised by Council; and provide additional information on Senate Bill 82.

The motion failed by the following roll call vote:

Ayes: Council Member Foley and Council Member Genis

Nays: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Absent: None

Motion failed: 2-3

Council Member Monahan withdrew his previous motion.

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Fairview Development Center property with a new land use designation consisting of: 0.25 FAR Institutional, minimum 25% open space for recreational purposes, and maximum cap of 500 dwelling units for the entire site at 15 du/acre; except 300 dwelling units at 25 du/acre for the Shannon Mountain site (12 acre site) is allowed.

A7. LA times Site

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the LA Times Site at a maximum 0.64 FAR for office uses and 0.54 FAR for retail/commercial uses in a Commercial Center land use designation.

FOR INFORMATIONAL PURPOSES ONLY

2. PROPOSED URBAN PLAN AMENDMENT TO AMEND THE SOBECA AND WESTSIDE URBAN PLANS

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council directed Staff to proceed with an Urban Plan Amendment to amend the SoBECA and Westside Urban Plans.

MOTION: To continue the meeting past midnight.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger.

Nays: None

Absent: None

Motion carried: 5-0

3. GENERAL PLAN SCREENING GPS-14-04 FOR PROPOSED 28-UNIT RESIDENTIAL PROJECT AT 440 FAIR DRIVE

MOVED/SECOND: Council Member Foley/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council accepted the General Plan Amendment request for processing to amend the land use designation from Neighborhood Commercial to Planned Development Residential related to development of a 28-unit residential development at 440 Fair Drive.

ITEMS REMOVED FROM THE CONSENT CALENDAR

9. FAIRVIEW PARK NORTH BLUFF TRAIL REALIGNMENT – CHANGE ORDER NO. 3

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council approved Contract Change Order No. 3 in the amount of \$82,727.00 and authorized the Chief Executive Officer to execute Contract Change Order No. 3.

REPORT – CITY ATTORNEY

ADJOURNMENT – The Mayor and City Council adjourned in memory of Forrest Werner at 12:28 a.m.