

AMENDED 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."

NOTE: CLOSED SESSION ITEM #2 ADDED

TUESDAY, NOVEMBER 3, 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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\)](#)

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 anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(4) for one potential case.
2. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) 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 Mensinger

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.]

Principal Caleb McFerran, Christ Lutheran Church & School, 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 – Heidi Beth and Donna Swift

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Mayor Mensinger
2. Council Member Foley
3. Council Member Genis
4. Council Member Monahan
5. Mayor Pro Tem Righeimer

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: Justin Craft and Amy Nield

RECOMMENDATION:

City Council receive and file.

3. WARRANT RESOLUTION NO. 2545 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-21 "A" FOR \$0.00; AND 15-22 FOR \$2,189,295.44; AND CITY OPERATING EXPENSES FOR \$1,724,756.48; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2545, to be read by the title only, and waive further reading.

4. CLEARBROOK LANE ALLEY (ALLEY NO. 46), FLOWER STREET ALLEY (ALLEY NO. 81), BROADWAY ALLEY (ALLEY NO. 89), AND MAGNOLIA STREET ALLEYS (ALLEY NO. 91, ALLEY NO. 93, AND ALLEY NO. 94) IMPROVEMENT PROJECT – CITY PROJECT NO. 15-13 – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Clearbrook Lane Alley (Alley No. 46), Flower Street Alley (Alley No. 81), Broadway Alley (Alley No. 89), and Magnolia Street Alleys (Alley No. 91, Alley No. 93, and Alley No. 94) Improvement Project – City Project No. 15-13; and
2. City Council award a construction contract to Black Rock Construction Company, 615 N. Berry Street, Unit G, Brea, CA 92821, in the amount of \$848,500.00; and
3. City Council authorize the Mayor and City Clerk to execute the Public Works Agreement.

5. MINUTES OF CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF OCTOBER 20, 2015 – Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council approve the minutes.

6. **FINAL MAP FOR TRACT NO. 17848 FOR A 24-UNIT CONDOMINIUM PROJECT AT 650 HAMILTON STREET, COSTA MESA, CALIFORNIA** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17848 and authorize the signing of the Map by the City Clerk and the City Engineer.

7. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council award a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$940,000 to provide Project/Construction Management staff support as-needed for various Council-approved Capital Improvement Program (CIP) projects, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
2. City Council approve Budget Transfer No. 16-123 in the amount of \$450,000.

8. **INDUSTRIAL WAY WATER QUALITY AND STORM DRAIN IMPROVEMENTS, CITY PROJECT NO. 14-08** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Change Order Number 3 in the amount of \$216,266.32; and
2. City Council accept work performed by Lonerock, Inc. and authorize the City Clerk to file the Notice of Completion; and
3. City Council release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

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

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

1. **GENERAL PLAN AMENDMENT GP-14-04/REZONE R-14-04/ ZONING CODE AMENDMENT CO-14-02/AND MASTER PLAN PA-14-27 FOR COSTA MESA APARTMENTS AT 2277 HARBOR BOULEVARD** – Planning Division/ Development Services Department

RECOMMENDATION:

1. City Council approve Initial Study/Mitigated Negative Declaration and General Plan Amendment GP-14-04 by adoption of Resolution No. 15-XX, to be read by title only, and further reading waived; and
2. City Council give first reading to Ordinance No. 15-XX, to be read by title only, and further reading waived, approving Rezone R-14-04; and
3. City Council give first reading to Ordinance No. 15-XX, to be read by title only, and further reading waived, for Zoning Code Amendment CO-14-02; and
4. City Council approve Planning Application PA-14-27 by adoption of Resolution No. 15-XX, to be read by title only, and further reading waived.

2. **CODE AMENDMENT CO-15-04 TO AMEND, REPEAL, AND ADD SECTIONS TO TITLE 13 (PLANNING, ZONING AND DEVELOPMENT), RELATING TO GROUP HOMES, SOBER LIVING HOMES, BOARDING HOUSES, AND RESIDENTIAL CARE FACILITIES OF THE COSTA MESA MUNICIPAL CODE** – Planning Division/ Development Services Department

RECOMMENDATION:

1. City Council approve and give first reading to Ordinance No. 15-XX, to be read by title only, and further reading waived, revising Title 13, of the Costa Mesa Municipal Code with regard to group homes, state licensed facilities and boardinghouses in the Multiple-Family Residential (MFR) zones and Planned Development zones (“MFR Group Home Ordinance”); and
2. City Council approve and give first reading to Ordinance No. 15-XX, to be read by title only, and further reading waived, revising Title 9 of the Costa Mesa Municipal Code with regard to operator’s permits for group homes in the MFR zones.

3. [PLANNING APPLICATION PA-11-03 – CONDITIONAL USE PERMIT FOR A PRIVATE HELISTOP FOR NET DEVELOPMENT CO. AT 3132 AIRWAY AVENUE](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council approve the helistop by adoption of City Council Resolution No. 15-XX, to be read by title only, and further reading waived, subject to conditions of approval.

4. [PUBLIC HEARING FOR THE VACATION OF A PORTION OF SIDEWALK AND LANDSCAPE EASEMENT AT 580 ANTON BOULEVARD](#) – 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 a portion of Sidewalk and Landscape Easement at 580 Anton Boulevard; and
2. City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS:

1. [SECOND READING OF ORDINANCE NO. 15-12 FOR SECOND AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-02 \(SEGERSTROM TOWN CENTER\)](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 15-12, to be read by title only, and waive further reading.

NEW BUSINESS: NONE

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
- Thursday, November 5, 2015 – **YES's 45TH Anniversary 'An Evening of Excellence'**. Radisson Hotel 4545 MacArthur Blvd. Newport Beach, 92660. For more information visit: <http://yesworks.org/an-evening-of-excellence/>
- Thursday, November 5, 2015 at 7:30 p.m., **Ina Garten**, Emmy Award-winning host from Food Network - Segerstrom Center for the Arts, 600 Town Center Drive. For more information visit: <http://www.travelcostamesa.com/event/ina-garten-costa-mesa/>
- Friday, November 6, 2015 through Sunday, November, 8, 2015 - **The 40th Annual 'The Christmas Company'**, OC Fair and Events Center, 88 Fair Drive. For more information visit: <http://ns.ocfair.com/ocf2/Calendar/ViewEvent.asp?EventId=3622>
- Friday, November 6, 2015 from 3:30 p.m. to 6 p.m. - **Dinner & Movie Night** at the Costa Mesa Senior Center – 695 w. 19th Street. \$5 per person and space is limited, contact the Senior Center to register early.
- Tuesday, November 10, 2015 through Sunday, November, 22, 2015 – **42nd Street**, Segerstrom Center for the Arts, 600 Town Center Drive. For more information visit: <http://www.travelcostamesa.com/event/42nd-street-costa-mesa/>
- Wednesday, November 11, 2015, 4 p.m. to 7 p.m., **5th Annual Tri-City Business Expo** – Santa Ana Elks Lodge, 212 S. Elk Lane, Santa Ana. For more information visit: <http://www.costamesachamber.com/event/2015-11-11/2015-tri-city-business-expo-includes-costa-mesa-santa-ana-tustin-chambers>
- Wednesday, November 11, 2015 – **Veteran's Day** – City Hall will be closed
- Friday, November 13th through Sunday, November, 15th, 2015 – **ARTventure Event** South Coast Collection, SOCO, 3303 Hyland Ave, Costa Mesa. For a detailed schedule of events please visit: <http://www.costamesaca.gov/index.aspx?page=1884>
- Friday, November 20, 2015 from 5:30 a.m. – 7:30 a.m. – **Walk with the Mayor** – Estancia High School Parking Lot – 2323 Placentia Avenue, Costa Mesa.
- Thursday and Friday, November 26, 2015 – November 27, 2015 – **Thanksgiving Holiday** – City Hall will be closed.