

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

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

***PUBLIC HEARING ITEM #1 (CODE AMENDMENT CO-16-04)**
& OLD BUSINESS ITEM #1 (CODE AMENDMENT CO-17-03)
HAVE BEEN WITHDRAWN FROM THE AGENDA.

TUESDAY, MAY 16, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

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

AMENDED AGENDA – REGULAR MEETING – May 16, 2017 – PAGE 1

WELCOME TO THE CITY COUNCIL MEETING

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

PUBLIC COMMENTS – CONSENT CALENDAR:

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

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.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to cityclerk@costamesaca.gov.
2. **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.
3. 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 of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 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]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

CLOSED SESSION – 4:00 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 LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: The Kennedy Commission, et al v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Stephanie De La Cruz v. City of Costa Mesa, et al, Orange County Superior Court of California, Case No. 30-2016-00830354-CU-PO-CJC.

The City Council, Housing Authority, 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, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, MAY 16, 2017 – 6:00 P.M.**

CALL TO ORDER

~~NATIONAL ANTHEM~~

PLEDGE OF ALLEGIANCE Mayor Foley

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.]

Pastor Phil Eyskens, The Lighthouse 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.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)

1. Mayor Foley
2. Mayor Pro Tem Genis
3. Council Member Stephens
4. Council Member Righeimer
5. Council Member Mansoor

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. READING FOLDER

Claims received by the City Clerk: Will B. King, Julie Macfarlane, and Bryan Mejia.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2577 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-08 "A" FOR \\$4,799.23 AND 17-09 FOR \\$2,253,507.29; AND CITY OPERATING EXPENSES FOR \\$2,306,104.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2577.

3. [MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 7, 2017 AND STUDY SESSION OF FEBRUARY 14, 2017](#)
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of March 7, 2017 and February 14, 2017.

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4. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: TEWINKLE PARK ADA AND PARKING LOT IMPROVEMENTS, CITY PROJECT NO. 17-01**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications, and working details for the TeWinkle Park ADA and Parking Lot Improvements Project, 970 Arlington Drive, Costa Mesa, CA, 92626, City Project No. 17-01; and
2. Award a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$220,272.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

5. **AWARD THE PURCHASE OF ONE NEW 2017 F-250 PICKUP TRUCK FOR ANIMAL CONTROL**
Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order for the purchase of one 2017 Ford F-250 with animal containment compartments through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076, in the amount of \$64,485.62.

6. **ACCEPT COMPLETION OF RFP NO. 1172, REMOVAL OF A 10,000-GALLON UNDERGROUND STORAGE TANK LOCATED IN THE COSTA MESA POLICE DEPARTMENT** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by MJK Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Material Bond and the Faithful Performance Bond after the Notice of Completion filing date.

7. **PARKING LOT REHABILITATION PROJECT AT VARIOUS LOCATIONS, TANAGER BIKE TRAIL AND BALEARIC COMMUNITY CENTER IMPROVEMENTS, CITY PROJECT NO. 17-02**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications, and working details for the Parking Lot Rehabilitation Project at Various Locations, Tanager Bike Trail and Balearic Community Center Improvements, City Project No. 17-02:

Project "A" – Americans with Disabilities Act (ADA) Parking Stall and Sidewalk Improvements at Fairview Park (2501 Placentia Avenue, Costa Mesa);

Project "B" – Pavement Improvements for City Hall Parking Lot (77 Fair Drive, Costa Mesa);

Project "C" – Pavement Improvements for Fire Station No. 2 (800 Baker Street, Costa Mesa);

Project "D" – Pavement Improvements for Fire Station No. 4 (2300 Placentia Avenue, Costa Mesa)

Project "E" – Tanager Drive, Bike Trail Improvements (South of Tanager Drive from Golf Drive Easterly to Harbor Boulevard); and

Project "F" – Balearic Community Center Playground Pavement Overlay (1975 Balearic Drive, Costa Mesa); and

2. Award a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$880,411.00 (Base Bid plus all Additive Bid Items); and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

8. **ACCEPT COMPLETION OF PROJECT NO. 16-23, DOWNTOWN RECREATION CENTER POOL DECK REHABILITATION PROJECT**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by CJ Concrete Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

9. [ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT, CITY PROJECT NO. 17-04](#) - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council reject all bids; and
2. Authorize staff to re-advertise the project.

10. [PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH JEANELLE HEASTON DBA PERMIT MANAGEMENT SOLUTIONS](#) – City Manager’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment One to the existing Professional Services Agreement with Jeanelle Heaston DBA Permit Management Solutions to increase total compensation by an amount not to exceed \$36,000; and
2. Authorize the City Manager and City Clerk to execute the agreement; and
3. Authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

AGENDA CONTINUED ON THE NEXT PAGE

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

1. PUBLIC HEARING FOR CODE AMENDMENT CO-16-04 – AMENDMENTS TO ARTICLE 1 (ACCESSORY STRUCTURES INCLUDING SHEDS IN RESIDENTIAL DISTRICTS) OF CHAPTER 5 (DEVELOPMENT STANDARDS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND ARTICLE 2 (GENERAL PROVISIONS) AND ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council conduct the public hearing and give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Zoning Code Amendment CO-16-04 to amend Article 1 (Residential Districts) of Chapter V (Development Standards) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code; and
2. Give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Zoning Code Amendment CO-16-04 to amend Articles 2 (General Provisions) and 3 (Sign Regulations) of Chapter VIII (Signs) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code.

OLD BUSINESS:

1. SECOND READING OF ORDINANCE 17-09 CODE AMENDMENT CO-17-03 AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEES, AND AMENDING THE UNCODIFIED PORTION OF SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATED TO THE CREATION, COMPOSITION AND NAME OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE

Development Services Department and City Attorney's Office

RECOMMENDATION:

1. City Council give second reading and adopt Ordinance No. 17-09, to be read by title only, and further reading waived, amending Article 4 of Chapter XII of Title 13 of the Costa Mesa Municipal Code as adopted by Section 5 of Measure Z, Ordinance No. 2016-07, relating to the open space and public park impact fees, and amending the uncodified portion of Section 5 of Measure Z, Ordinance No. 2016-07, related to the creation, composition and name of the Open Space and Recreation Advisory Committee.

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, May 17, 2017 – **38th Annual Les Miller Outstanding Student Award supper**, 5:30-7:30 p.m., Turnip Rose, 1901 Newport Blvd. The Costa Mesa Chamber of Commerce invites you to join them in recognizing overall and scholastic achievement of Costa Mesa's highest achieving students. For more information, please contact: ebenjamin@costamesachamber.com

Thursday, May 18, 2017 – **A Year Unplugged**, 7 p.m., Mesa Verde Country Club, 3000 Clubhouse Rd. Author Sharael Kolberg shares the story of how her family weaned themselves from technology to reclaim family time. For more information, please contact Bob Ooten at (714) 545-9613.

Friday, May 19, 2017– **6th Annual Hiring Fair**, 10 a.m.- 5 p.m., OC Fair and Event Center, 88 Fair Dr. Attend with major corporations and local business, OC cities and government agencies, and take advantage of resume writing workshops and professional headshots. For more information, please visit: info@hiringfair.org.

Friday, May 19, 2017 – **Art it Up**, 3:30-5:30 p.m., Downtown Recreation Center, 1860 Anaheim Ave. Kids grades 7 through 12 are invited to a free afternoon of art. Enjoy a free pizookie while you learn and explore the world of color and art. For more information, (714) 327-7562.

Saturday, May 20, 2017 – **California School Education Foundation's Totally 80's Spring Gala**, 6:30-9:30 p.m., Halecrest Swim and Tennis, 3015 Killybrooke Ln. Enjoy dinner, bar, live DJ, casino night, silent and live auctions and more. All proceeds benefit the school and programming. For more information, please contact Louise Dunham at (714) 721-6968.

Saturday, May 20 through Sunday, May 21, 2017 – **Orange County Model Engineers Public Train Ride**, 10 a.m.- 3:30 p.m. Fairview Park. Enjoy riding two loops through the park. For more information, please visit: www.ocmetrains.org.

Monday, May 22, 2017 – **Meditation**, 10:30-11:30 a.m. Costa Mesa Library, 1855 Park Ave. A heartfulness seminar on inner presence. Learn the heartfulness technique and effective ways to integrate into your daily meditation. For more information, please contact (949) 646-8845.

Tuesday, May 23 through Thursday, May 25, 2017 – **Orange County Family Assessment Week.** A focused effort to reach all of the ecommunity’s homeless families through a combined effort of the County of Orange, 211 OC and the A2 Family Cohort. For more information, please visit: www.homelessfamiliescount.com.

Tuesday, May 23, 2017 – **Costa Mesa Boosters Bingo**, 5 p.m. Costa Mesa Senior Center, 695 West 19th St. Proceeds earned go back to the school and programming. For more information, please contact (949) 645- 2356.

Tuesday, May 23, 2017 – **Movie Nights**, 5 p.m., Costa Mesa Library, 1855 Park Ave. Every Tuesday guests are invited for snacks and a movie. While watching the movie, guests can answer trivia and look at different issues and themes proceeding the film.

Tuesday, May 23, 2017 – **Voices, Veterans Storytelling Project**, 8-10 p.m., Heroes Hall, Medal of Honor plaza, 88 Fair Dr. Empowers veterans to use theater to talk about their experiences and help the community understand the life of a veteran.

Monday, May 29, 2017 – **Memorial Day, City Hall Closed-** All day. 77 Fair Drive. In observance of the Memorial Day holiday, City Hall will be closed.

Monday, May 29, 2017 – **SOCO and the OC Mix After Dark**, 6-8 p.m., SOCO Courtyard, 3303 Hyland Ave. The last Monday of every month, enjoy happy hour and live music. For more information, please visit www.socoandtheocmix.com.