

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 #2 PA-16-60 (CHICK FIL-A) HAS BEEN
WITHDRAWN FROM THE AGENDA**

***CLOSED SESSION #8 HAS BEEN ADDED**

***NEW BUSINESS ITEM #3 POSSIBLE MORATORIUM ON SMALL LOT
ORDINANCE HAS BEEN REVISED**

TUESDAY, JULY 18, 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

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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: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa, et al. v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: James Faulkner v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2017-00926083-CU-PO-CJC.

**7. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for 1 potential case.

8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Sanderson J. Ray Development v. City of Costa Mesa, Orange
County Superior Court of California, Case No. 30-2017-00930947-CU-MC-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.**

AGENDA CONTINUED ON THE NEXT PAGE.

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, JULY 18, 2017 – 6:00 P.M.**

CALL TO ORDER

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Council Member Stephens

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.]

Chaplain Jerry Hallobough, Police Department Chaplain

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. City Manager's Leadership Award for June 2017 – Daniel Inloes, Senior Planner
2. Costa Mesa National Little League Minor B Bulldogs
3. Mayor's Cup Little League All Star Teams

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

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: Aline Brower and Morrigan Dawn.

RECOMMENDATION:

City Council receive and file.

2. [**WARRANT RESOLUTION NO. 2580 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-12 FOR \\$2,177,642.64 AND 17-13 FOR \\$2,273,716.44; AND CITY OPERATING EXPENSES FOR \\$3,400,920.75; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2580.

3. [**MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF MARCH 21, 2017, APRIL 18, 2017, MAY 2, 2017, AND JUNE 6, 2017**](#)

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of March 21, 2017, April 18, 2017, May 2, 2017 and June 6, 2017.

4. **PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES AGREEMENT**
Information Technology Department

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to sign the Purchase Requisition in the amount of \$111,910.01 to fund the Software Maintenance Agreement with SunGard Public Sector Inc. (now Superior) from August 1, 2017 to July 31, 2018.

5. **ADOPTION OF RESOLUTION APPROVING SPECIAL USE PERMIT SL-15-0014 TO OPERATE A SOBER LIVING HOME SERVING SIX RESIDENTS AT 2152 RALEIGH AVENUE** - Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt Resolution No. 17-48 reversing the Planning Commission's denial of Special Use Permit SL-15-0014.

6. **AMENDED AND RESTATED BYLAWS OF THE COSTA MESA HOUSING AUTHORITY (2017)** – City Manager's Office

RECOMMENDATION:

Housing Authority adopt CMHA Resolution approving and adopting the Amended and Restated Bylaws of the Costa Mesa Housing Authority (2017).

7. **REVIEW OF APPLICATIONS TO AND APPOINTMENT OF TENANT COMMISSIONERS TO THE HOUSING AUTHORITY BOARD**
City Manager's Office

RECOMMENDATION:

Housing Authority adopt CMHA Resolution to appoint Tenant Commissioners to the Costa Mesa Housing Authority Board.

8. **FINAL MAP FOR TRACT NO. 17984 LOCATED AT 548 VICTORIA STREET, COSTA MESA, CALIFORNIA** - Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17984 and authorize signing of the Map by the City Clerk and the City Engineer.

9. ALLEYS REHABILITATION PROJECT - CITY PROJECT NO. 16-03

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Mace Avenue Alley (Alley No. 36), 19th Street Alley (Alley No. 70), Flower Street Alleys (Alley No. 77, Alley No. 78, and Alley No. 79), and Broadway Street Alleys (Alley No. 85, Alley No. 86, and Alley No. 88) Improvement Project - City Project No. 16-03; and
2. Award a construction contract to Black Rock Construction Company, 615 N. Berry Street, Unit G, Brea, CA 92821, in the amount of \$899,996.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement; and
4. Approve Contract Change Order No.1 in the amount of \$305,000.00, and authorize the City Manager to execute the Change Order.

10. PLACENTIA AVENUE MEDIAN IMPROVEMENTS, FEDERAL PROJECT NO. HSIPL-5312 (092) - CITY PROJECT NO. 16-04

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Placentia Avenue Median Improvements, Federal Project No. HSIPL-5312 (092) – City Project No. 16-04; and
2. Approve Budget Adjustment No. 18-002 in the amount of \$350,000.00; and
3. Award a construction contract to Beador Construction Company, Inc. 26320 Lespur Circle, Corona, CA, in the amount of \$1,682,299.40 (Base Bid plus Additive Items); and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

11. **SLURRY SEAL PROJECT, CITY PROJECT NO. 16-13**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Slurry Seal Project, City Project No. 16-13; and
2. Award a construction contract to Roy Allan Slurry Seal, Inc., 11922 Bloomfield Avenue, Santa Fe Springs, CA 90670, in the amount of \$543,097.75; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

12. **THIRD AMENDMENT TO THE AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve the Third Amendment to the maintenance agreement with West Coast Arborists, Inc. (WCA), 2200 E. Via Burton Street, Anaheim, CA 92806, extending the term of the existing agreement for tree maintenance services for one (1) year and increasing the compensation by \$164,155.05; and
2. Authorize the City Manager to execute the Amendment.

13. **ARLINGTON DRIVE BIOSWALE & DRY WEATHER DIVERSION PROJECT - CITY PROJECT NO. 17-09** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Arlington Drive Bioswale & Dry Weather Diversion Project - City Project No. 17-09; and
2. Waive a minor irregularity in the bid submitted by the apparent low bidder and award a construction contract to Sully-Miller Contracting Company, 135 South State College Boulevard, Suite 400, Brea, CA 92821, in the amount of \$4,011,000.00 (Base Bid Only); and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIRE MANAGEMENT ASSOCIATION (CMFMA)

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Hold the first public hearing regarding the proposed 2017-2022 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Fire Management Association; and
2. Schedule the second public hearing on August 1, 2017 as required by COIN.

~~THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.~~

~~2. APPEAL OF PLANNING APPLICATION PA-16-60, A CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THROUGH FAST FOOD RESTAURANT WITH WALK-UP SERVICE AND NO INTERIOR SEATING (CHICK-FIL-A) AT 1750 NEWPORT BLVD. (FORMER GRANT BOYS STORE)~~

~~Development Services Department/Planning Division~~

~~**RECOMMENDATION:**~~

~~City Council uphold, reverse, or modify the Planning Commission's decision related to Conditional Use Permit PA-16-60 to deny establishment of a drive-through restaurant (Chick-fil-A) at the former location of Grant Boys store located at 1750 Newport Boulevard.~~

~~The Planning Commission denied the proposal with a 5-0 vote on April 10, 2017. The Planning Commission's decision was appealed by the applicant on April 14, 2017.~~

OLD BUSINESS:

1. **THE LIONS PARK PROJECTS, CITY PROJECT NO. 17-03**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Waive irregularities in the bid submitted by the low bidder and award a construction contract to Tovey/Shultz Construction, Inc., 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530, in the amount of \$28,739,822.00 (Base Bid only); and
2. Authorize the Mayor or City Manager to execute the Public Works Agreement.

NEW BUSINESS:

1. **SIX-MONTH REVIEW OF PLANNING APPLICATION PA-16-55 FOR HOLIDAY (FORMERLY LION'S DEN AND MAISON) 719 WEST 19TH STREET**

Development Services Department/Planning Division

RECOMMENDATION:

City Council receive and file the six-month review of the City Council's approval of Conditional Use Permit PA-16-55 to allow live entertainment including, but not limited to, music, dancing, and open microphones, for an entertainment venue (Holiday, formerly Lion's Den and Maison) within 200 feet of residentially-zoned properties, and on-site valet parking.

2. **REQUESTS FOR WAIVERS OF APPEAL FEE FOR DEVELOPMENT REVIEW PROJECTS** – Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council provide direction regarding the refund process for development fees for appeals.

3. **DISCUSSION OF A POSSIBLE MORATORIUM AS TO THE SMALL LOT ORDINANCE** - Development Services Department

RECOMMENDATION:

City Council provide direction to staff, as appropriate.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Movie Mondays, Mondays, July 10 – August 7, 5:30 p.m. (movie begins approximately 8 p.m., Segerstrom Center for the Arts Julianne & George Argyros Plaza, www.scfta.org)

Costa Mesa Concerts in the Park, Tuesdays, July 11 - 25, preshow begins at 5 p.m. - concerts begin at 6 p.m., Fairview Park, 2525 Placentia Ave, www.costamesaca.gov

OC Fair, July 14 – August 13, Wednesdays – Sundays, www.ocfair.com

Movie in the Park – Finding Dory, Wednesday, July 19, preshow begins at 5:30 p.m. – movie begins at dusk, Balearic Park, 1975 Balearic Drive, www.costamesaca.gov

Summertime Luau, Fridays, July 21 & Aug. 4, from 7 – 9 p.m., Downtown Aquatic Center, 1860 Anaheim Ave., www.costamesaca.gov

Get Tossed Community Cornhole Championship, Costa Mesa Day at the OC Fair, Friday, July 21, from 3 – 7 p.m., OC Fair, www.costamesachamber.com

Werner Escher Community Golf Classic hosted by the Costa Mesa Chamber of Commerce, Monday, July 24, Mesa Verde Country Club, www.costamesachamber.com

Chargers Training Camp, July 30 – August 22, Jack Hammett Sports Complex, 2750 Fairview Rd., times vary, www.chargers.com/camp

20th Annual OCTC Pancake Breakfast 5K, Sunday, August 6 at 8 a.m., Fairview Park, Co-hosted by Estancia High School Cross Country Teams.

Early College High School Ribbon Cutting Ceremony, Wednesday, August 9 at 8 a.m., Early College High School, 2990 East Mesa Verde Drive.

Senior Luau, Friday, August 11, from 5 – 7 p.m., Costa Mesa Senior Center, 695 W. 19th St., www.costamesaca.gov/recreation