

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, APRIL 21, 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 writings or documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

[Any related writings or 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 writings and documents may be posted—whenever possible or as part of the agenda — 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 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).
2. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Myra Bailey v. City of Costa Mesa, a municipal corporation, et al, Orange County Superior Court Case No. 30-2013-00676207, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association (CMCEA) v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).

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.]

Reverend Julie Elkins, First United Methodist Church of 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 – Karen McGlinn, CEO of Share Our Selves (SOS)

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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: Abraam Guirguis

RECOMMENDATION:

City Council receive and file.

- 3. WARRANT RESOLUTION NO. 2534 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 15-08 FOR \$2,068,818.25; AND CITY OPERATING EXPENSES FOR \$1,755,350.99; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department**

RECOMMENDATION:

Approve Warrant Resolution No. 2534, to be read by the title only, and waive further reading.

- 4. FINAL MAP FOR TRACT NO. 17781 LOCATED AT 2026 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA – Public Services Department/ Engineering Division**

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17781 and authorize signing of the map by the City Clerk and the City Engineer.

5. [MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF APRIL 22, 2014; MINUTES OF THE SPECIAL STUDY SESSION OF APRIL 29, 2014; MINUTES OF THE SPECIAL JOINT STUDY SESSION OF THE CITY COUNCIL AND PLANNING COMMISSION OF JUNE 10, 2014; MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING OF SEPTEMBER 20, 2011, APRIL 15, 2014; AND APRIL 7, 2015; AND MINUTES OF THE SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL OF APRIL 14, 2015](#) – Chief Executive Officer’s Department/City Clerk’s Office

RECOMMENDATION:

City Council approve the minutes.

6. [NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET](#) – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a Public Hearing on June 2, 2015 for the vacation of a portion of Fullerton Avenue Right-Of-Way (ROW); and
2. City Council Adopt Resolution No. 15-xx, to be read by title only, and waive further reading, of intent to vacate a portion of Fullerton Avenue Right-Of-Way (ROW).

7. [REQUEST FOR “RESIDENT ONLY” PARKING RESTRICTION ON WALLACE AVENUE BETWEEN VICTORIA STREET AND HAMILTON STREET](#) – Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council adopt the attached Resolution No. 15-xx (Attachment 1), to be read by title only, and waive further reading, approving the implementation of a “Resident Only” parking restriction on Wallace Avenue, between Victoria Street and Hamilton Street; and
2. City Council authorize the Transportation Services Manager to extend the “Resident Only” parking restriction for a maximum 1,000 foot radius from the above limits, as needed.

8. **PROFESSIONAL SERVICES AGREEMENT WITH TRI PLANNING GROUP FOR INTERIM MANAGEMENT ASSISTANCE REGARDING COMMUNITY IMPROVEMENT EFFORTS** – Chief Executive Officer’s Department

RECOMMENDATION:

City Council provide authorization for the City CEO to enter into a Professional Services Agreement (Attachment 1) with the Tri Planning Group to provide interim management assistance regarding community improvement efforts in an amount not to exceed \$100,000.

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

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

1. **APPEAL OF PLANNING APPLICATION PA-14-39 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A CONVENIENCE STORE WITHOUT ALCOHOLIC BEVERAGE SALES AND WITH A VARIANCE FROM THE LANDSCAPED SETBACK REQUIREMENT LOCATED AT 2281 NEWPORT BOULEVARD (UNION 76)** – Planning Division/Development Services Department

RECOMMENDATION:

1. City Council uphold the Planning Commission’s approval of the proposed convenience store, including a specific requirement for a Buyer’s Notice related to the restriction on alcoholic beverage sales in the new convenience store; or
2. City Council reverse the Planning Commission’s decision and deny the proposed project.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE 15-03 FOR CODE AMENDMENT CO-15-01 RELATED TO SMALL LOT ORDINANCE** – Development Services Department

RECOMMENDATION:

City Council give second reading, to be read by title only and further reading waived, and adopt Ordinance No. 15-03, amending Title 13, Chapter V, Article 2.5, Residential Small Lot Subdivision, of the Costa Mesa Municipal Code.

NEW BUSINESS:

1. [**AUTHORIZATION OF CONSTRUCTION OF COMMUNITY MEETING ROOM AND OUTDOOR MEETING SPACE AND REMODEL EMPLOYEE LOUNGE AT CITY HALL**](#) – Office of the Chief Executive

RECOMMENDATION:

1. City Council approve designating \$992,000 to convert City Hall's former print shop into a community meeting room with broadcasting capabilities; and direct City staff to issue a Notice Inviting Bids (NIB) for the conversion of the former print shop into a community meeting room; and
2. City Council direct City staff to issue a Notice Inviting Bids (NIB) to remodel employee/community lounge; and
3. City Council consider authorizing Request for Proposals (RFPs) for design, construction documents and bids for an outdoor meeting space on the south side of City Hall adjacent to the new community meeting room.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting – May 5, 2015, at 5:00 p.m.

UPCOMING COMMUNITY ACTIVITIES,

- Friday – Sunday, April 24 - 26, 2015 – OC Fair Imaginology, OC Fair & Event Center, 88 Fair Drive, 36th annual non-profit education and entertainment fair, www.ocfair.com
- Saturday, April 25, 2015 – Costa Mesa Community Run, Estancia High School: 2323 Placentia Ave, www.cmrun.org
- Saturday, April 25, 2015 - Epilepsy Walk Orange County, 8:30am - 2pm, TeWinkle Park., www.epilepsysupportnet.org
- Friday, May 1, 2015 from 5:30 p.m. – 7:30 p.m., First Friday Road Show, at Civic Center: 77 Fair Drive, Costa Mesa.
- Saturday, May 3, 2015 - OC Marathon, www.ocmarathon.com
- Thursday, May 14, 2015, 5:30 – 9:00 p.m., Mayor's Celebration: The Art of Leadership, Samueli Theater at Segerstrom Center of the Arts, 600 Town Center Drive, www.artofleadershipcelebration.com
- Thursday, May 14, 2015 7:00 p.m., Friends of the Costa Mesa Libraries present: Through the Eyes of... Emily Meek,., www.friendscmlibraries.org
- Thursday, May 21, 2015 6:00 p.m., Community Meeting – FY 2015-16 – Proposed Budget, Conference Room 1A, 77 Fair Dr., Costa Mesa