

**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, 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

CLOSED SESSION CALL TO ORDER– 5:00 P.M.

ROLL CALL ★

Council Members Present: Mayor Mensinger, Mayor Pro Tem Righeimer, Council Member Genis, and Council Member Monahan (arrived at 5:20 p.m.)

Council Members Absent: Council Member Foley

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.

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 (Arrived at 6:00 p.m.), Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger
Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – NONE

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

CONSENT CALENDAR:

Items 1, 2, 3, 4, 5, 6, 7, and 8

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

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**

ACTION:

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

FOR INFORMATIONAL PURPOSES ONLY

2. READING FOLDER

- a. Claims received by the City Clerk: Justin Craft and Amy Nield

ACTION:

City Council received and filed.

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

ACTION:

City Council approved Warrant Resolution No. 2545, to be read by the title only, and waived 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

ACTION:

1. City Council adopted 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 awarded 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 authorized the Mayor and City Clerk to execute the Public Works Agreement.

5. MINUTES

ACTION:

City Council approved the minutes of the City Council and Successor Agency to the Redevelopment Agency of October 20, 2015

6. FINAL MAP FOR TRACT NO. 17848 FOR A 24-UNIT CONDOMINIUM PROJECT AT 650 HAMILTON STREET, COSTA MESA, CALIFORNIA

ACTION:

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

FOR INFORMATIONAL PURPOSES ONLY

7. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS

ACTION:

1. City Council awarded 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 authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
2. City Council approved 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

ACTION:

1. City Council approved Change Order Number 3 in the amount of \$216,266.32; and
2. City Council accepted work performed by Lonerock, Inc. and authorized the City Clerk to file the Notice of Completion; and
3. City Council 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.

----- **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

1. **MOVED/SECOND:** Council Member Monahan/Mayor Mensinger
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Monahan, Mayor Pro Tem Righheimer and Mayor Mensinger
Nays: Council Member Genis
Absent: None
Motion carried: 4-1

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council approved Initial Study/Mitigated Negative Declaration and General Plan Amendment GP-14-04 by adoption of Resolution No. 15-60, to be read by title only, and further reading waived; and
2. **MOVED/SECOND:** Council Member Monahan/Council Member Foley
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger
Nays: Council Member Genis
Absent: None
Motion carried: 4-1

ACTION:

2. City Council gave first reading to Ordinance No. 15-14, to be read by title only, and further reading waived, approving Rezone R-14-04; and
3. **MOVED/SECOND:** Council Member Monahan/Mayor Mensinger
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger
Nays: Council Member Genis
Absent: None
Motion carried: 4-1

ACTION:

3. City Council gave first reading to Ordinance No. 15-15, to be read by title only, and further reading waived, for Zoning Code Amendment CO-14-02; and
4. **MOVED/SECOND:** Council Member Foley/Mayor Pro Tem Righeimer
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger
Nays: Council Member Genis
Absent: None
Motion carried: 4-1

ACTION:

4. City Council approved Planning Application PA-14-27 by adoption of Resolution No. 15-61, to be read by title only, and further reading waived.

FOR INFORMATIONAL PURPOSES ONLY

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 COSA MESA MUNICIPAL CODE**

1. **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:

1. City Council approved and gave first reading to Ordinance No. 15-11, 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. **MOVED/SECOND:** Mayor Pro Tem Righeimer/Mayor Mensinger

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:

2. City Council approved and gave first reading to Ordinance No. 15-13, 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.

FOR INFORMATIONAL PURPOSES ONLY

3. **PLANNING APPLICATION PA-11-03 – CONDITIONAL USE PERMIT FOR A PRIVATE HELISTOP FOR NET DEVELOPMENT CO. AT 3132 AIRWAY AVENUE**

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger
To approve the helistop by adoption of City Council Resolution No. 15-59, to be read by title only, and further reading waived, subject to conditions of approval.

SUBSTITUTE MOTION: Deny the application.

MOTION/SECOND: Council Member Genis/Council Member Foley

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

ORIGINAL MOTION: 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 helistop by adoption of City Council Resolution No. 15-59, 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**

MOVED/SECOND: Council Member Genis/Council Member Foley

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:

1. City Council adopted Resolution No. 15-58, 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 authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

FOR INFORMATIONAL PURPOSES ONLY

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 15-12 FOR SECOND AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-02 (SEGERSTROM TOWN CENTER)**

MOVED/SECOND: Council Member Monahan/Council Member Genis

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 gave second reading and adopted Ordinance No. 15-12, to be read by title only, and waived further reading.

NEW BUSINESS: NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR: NONE

REPORT – CITY ATTORNEY

ADJOURNMENT – The Mayor and City Council adjourned at 12:59 a.m.