

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

***PUBLIC HEARING ITEM #2 – APPEAL OF CONDITIONAL USE PERMIT
PA-16-48 – HAS BEEN CONTINUED TO NOVEMBER 1, 2016**

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

TUESDAY, SEPTEMBER 20, 2016
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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

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

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 Staff at the Council Chambers entrance. Speaker cards may be submitted to the City Clerk staff 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 Staff. 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)(2) for 1 potential case.

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 –
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.]

Pastor Rod Randall, Harbor Trinity Baptist 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.

PRESENTATIONS:

1. Mayor's Award – Randy Barth, Founder & CEO, THINK Together Shalimar Learning Center

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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. READING FOLDER

- a. Claims received by the City Clerk: Edwin Cruz, Cheryl Giacomino and Wallace M. Joan

RECOMMENDATION:

City Council receive and file.

2. WARRANT RESOLUTION NO. 2563 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-18 FOR \$2,218,726.96, 16-18 "A" FOR \$-2,217.28, and 16-19 FOR \$2,181,414.07; AND CITY OPERATING EXPENSES FOR \$2,822,051.37; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2563.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF SEPTEMBER 6, 2016 - Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of September 6, 2016.

4. **AMENDMENT TO SITE LEASE AGREEMENT WITH T-MOBILE WEST TOWER LLC** - Office of the Chief Executive Officer

RECOMMENDATION:

Staff recommends that the City Council approve the amendment to the Lease Agreement with T-Mobile West LLC for the cell tower located at Costa Mesa Tewinkle Park.

5. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00689 FOR PARKWAY IMPROVEMENTS AT 1726 SUPERIOR AVENUE, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS15-00689 in the amount of \$56,336.52 to Walgreens Family of Companies, 106 Wilmot Rd, Deerfield, IL 60015.

6. **MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER PROGRAM – ACADEMIC YEAR 2016-2017**

Police Department/Support Services Division

RECOMMENDATION:

City Council approve the Memorandum of Understanding (MOU) between the City of Costa Mesa and the Newport-Mesa Unified School District pertaining to the School Resource Officer program for academic year 2016-2017.

7. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE “SELECTIVE TRAFFIC ENFORCEMENT PROGRAM”** – Police Department/Field Operations Division

RECOMMENDATION:

1. City Council adopt Resolution 16-xx which authorizes the CEO or his designee to accept the grant awards from the California Office of Traffic Safety for the “Selective Traffic Enforcement Program” (STEP); and
2. Approve Budget Adjustment #17-003 for the total amount of \$165,000 to increase revenue and appropriation for overtime and professional development associated with the 2016 OTS STEP grant.

8. **AWARD THE PURCHASE OF ONE NEW 2017 FORD SUPER DUTY F-450 DRW XL 2WD REGULAR-CAB TRUCK WITH CTEC DUMP BODY AND HOIST AND ONE NEW 2017 FORD SUPER DUTY F-350 DRW XL 2WD REGULAR-CAB TRUCK WITH CTEC STEEL BODY, HIGH PRESSURE WASHING PUMPS AND EQUIPMENT**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve and authorize the Chief Executive Officer to execute a purchase order for the purchase of one 2017 Ford Super Duty F-450 DRW XL 2WD regular-cab truck with a CTEC dump-body and hoist through the National Joint Powers Alliance (NJPA) contract #102811, in conjunction with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$81,276.98; and
2. Approve and authorize the Chief Executive Officer to execute a purchase order for the purchase of one 2017 Ford F-350 DRW XL 2WD regular-cab truck with a CTEC utility body and high pressure spray pumps and equipment through the National Joint Powers Alliance (NJPA) contract #102811, in conjunction with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$80,604.18.

9. **SOLE SOURCE PURCHASE FOR THE REPLACEMENT OF MOBILE RECEIVER RADIOS FOR THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM UPGRADE**

Police Department/Support Services Division

RECOMMENDATION:

City Council approve and authorize the Chief Executive Officer to sign the sole source purchase request for 517 mobile receiver radios and accessories identified as eligible for the radio promotion offered by Motorola in an amount not to exceed \$2,313,666.78.

10. **REQUEST FOR A "RESIDENT ONLY" PARKING RESTRICTION ON MILBRO STREET BETWEEN BAKER STREET AND POST ROAD**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council adopt Resolution 16-xx approving the implementation of a **"Resident Only"** parking restriction on Milbro Street between Baker Street and Post Road; and
2. Authorize the Transportation Services Manager to extend the **"resident only"** parking restriction for a maximum of 1,000 feet as needed.

11. **PORTABLE OFFICE COMPLEX AND SITE CONSTRUCTION - CITY PROJECT NO. 16-15** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept bid withdrawal from Patriot Contracting & Engineering; and
2. Reject all bids; and
3. Adopt Resolution 16-xx declaring that the Portable Office Complex and Site Construction Project No. 16-15 can be performed more economically by employees of the City and authorizing this project to be done by force account (4/5 vote required); and
4. Authorize staff to negotiate contracts with qualified contractors and equipment vendors within the existing budgeted amount; and
5. Authorize the Chief Executive Officer and the City Clerk to execute the Public Works Agreements for this project.

12. **PROFESSIONAL SERVICES AGREEMENT WITH SHOW DEVELOPMENT WEST TO PROVIDE LIGHTING AND ENTERTAINMENT SERVICES FOR THE SNOOPY HOUSE HOLIDAY DISPLAY** - Office of the Chief Executive Officer

RECOMMENDATION:

City Council authorize the City CEO to enter into a Professional Services Agreement with Show Development West, to continue lighting and entertainment services for the Snoopy House Holiday display, for an additional two-year contract, in an amount not to exceed \$50,000.

13. **COOPERATIVE PURCHASE OF OFFICE SUPPLIES THROUGH STAPLES ADVANTAGE** – Finance Department/Purchasing

RECOMMENDATION:

City Council consider and approve a price agreement through National Joint Powers Alliance cooperative Contract #010615-SCC for the purchase and delivery of necessary and approved office supplies with Staples Advantage, for an initial term expiring on September 19, 2017, and optional three (3) one-year extensions.

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

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

1. **PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 671-673 W. 17th STREET AT TWO LOCATIONS: W. 17th STREET AND SUPERIOR AVENUE**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt Resolution 16-xx ordering the vacation of a portion of West 17th Street and Superior Avenue Right-Of-Way (ROW); and
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

2. **APPEAL OF CONDITIONAL USE PERMIT PA-16-48 FOR ARTS AND LEARNING CONSERVATORY AND SHARED PARKING REQUIREMENTS AT 3184 AIRWAY AVENUE, SUITE A**

Development Services Department/Planning Division

RECOMMENDATION: **THIS ITEM HAS BEEN CONTINUED TO NOV. 1, 2016**

~~City Council uphold or reverse the Planning Commission's decision to approve the proposed project, described below:~~

~~Conditional use permit for the following:~~

- ~~• To establish a music/theater arts and learning program for elementary and middle school age children called Arts and Learning Conservatory. The proposed Conservatory will be located in an existing 6,000 square foot industrial building formerly utilized by the Berean Community Church. The building will be used for the following uses: administrative offices; after school music and theatre programs from 4:00 pm to 9:00 pm, Monday through Friday; summer day camp from 8:00 am to 3:00 pm, Monday through Friday, from June 15th through August 15th; and theatrical productions on 6 weekends Friday through Sunday throughout the year.~~
- ~~• To approve a site specific shared parking arrangement due to unique operating characteristics. A parking study prepared by LSA Associates identified a parking demand of 101 parking spaces during the 6 weekends throughout the year with theatrical productions.~~

~~NOTE: The approval of Planning Application PA-16-48 will supersede the current Minor CUP for the Berean Church; and therefore, Zoning Application ZA-10-22 shall be revoked at this location.~~

~~The project was approved by the Planning Commission on June 13, 2016, on a 5-0 vote. An appeal of the Planning Commission's approval was filed on June 17, 2016. This item was continued from the August 2, 2016 City Council meeting.~~

3. **AN ORDINANCE TO ADOPT CODE AMENDMENT CO-16-03 – AMENDMENT TO TITLE 13, CHAPTER II (ZONING DISTRICTS ESTABLISHED); CHAPTER III (PLANNING APPLICATIONS), CHAPTER IV (CITYWIDE LAND USE MATRIX); CHAPTER V, ARTICLE 7 (DEVELOPMENT STANDARDS FOR INSTITUTIONAL AND RECREATIONAL AND INSTITUTIONAL AND RECREATIONAL SCHOOL DISTRICTS) TO INCLUDE THE INSTITUTIONAL AND RECREATIONAL - MULTI-USE DISTRICT ADOPTED UNDER THE 2015-2035 COSTA MESA GENERAL PLAN; AND TO REZONE 2501 HARBOR BOULEVARD TO INSTITUTIONAL AND RECREATIONAL - MULTI-USE.**

Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission recommends that City Council:

Give first reading to Ordinance 16-09, to be read by title only, and further reading waived, to adopt Code Amendment CO-16-03 to amend Title 13: Chapter II (Zoning Districts Established), Chapter II (Planning Applications), Chapter IV (Citywide Land Use Matrix), and Chapter V, Article 7 (Development Standards for Institutional and Recreational and Institutional and Recreational School Districts) to include the Institutional and Recreational - Multi- Use District the corresponding district to the General Plan land use designation of Multi-Use Center which was adopted under the 2015-2035 Costa Mesa General Plan. The amendment will establish a new zoning district and associated standards for new development within this district. Rezone R-16-04 will rezone 2501 Harbor Boulevard, the current Fairview Developmental Center, from Institutional and Recreational to Institutional and Recreational - Multi-Use.

4. **AN ORDINANCE TO ADOPT CODE AMENDMENT CO-16-02 – AMENDMENT TO TITLE 13, CHAPTER V, ARTICLE 11 (DEVELOPMENT STANDARDS – MIXED-USE OVERLAY DISTRICT) TO INCLUDE THE HARBOR BOULEVARD MIXED-USE OVERLAY DISTRICT AND TO ADD A NEW ARTICLE (ARTICLE 12) PERTAINING TO THE RESIDENTIAL INCENTIVE OVERLAY DISTRICT AS ADOPTED UNDER THE 2015-2035 COSTA MESA GENERAL PLAN**

Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission recommends that City Council:

Give first reading to Ordinance 16-10, to be read by title only, and further reading waived, to adopt Code Amendment CO-16-02 to amend Title 13, Chapter V, Article 11 (Development Standards – Mixed-Use Overlay District) to include the Harbor Boulevard Mixed-Use Overlay District and to add a new article (Article 12) pertaining to the Residential Incentive Overlay District as adopted under the 2015-2035 Costa Mesa General Plan. The amendment will establish standards for new development in these overlay districts.

OLD BUSINESS:

1. [SECOND READING OF ORDINANCE 16-08: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING DA-16-03 APPROVING A FOURTH AMENDMENT TO THE SEGERSTROM HOME RANCH DEVELOPMENT AGREEMENT DA-00-01](#)
Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading to Ordinance No. 16-08, to be read by title only, and further reading waived, approving a fourth amendment to the Segerstrom Home Ranch Development Agreement No. DA-00-01.

NEW BUSINESS:

1. [APPOINTMENT TO SENIOR COMMISSION](#)
Office of the Chief Executive Officer/City Clerk's Division

RECOMMENDATION:

Staff recommends that the City Council:

Make an appointment to fill one vacancy on the Senior Commission.

2. [REQUEST TO CANCEL THE REGULARLY SCHEDULED CITY COUNCIL MEETING OF OCTOBER 18, 2016 AND CONSIDER A CALL FOR A SPECIAL CITY COUNCIL MEETING FOR EITHER OCTOBER 17 OR 19, 2016](#)
Office of the Chief Executive Officer

RECOMMENDATION:

1. City Council consider the cancellation of the regularly scheduled City Council meeting of October 18, 2016; and
2. Consider a Call for a Special City Council meeting on either Monday, October 17th or Wednesday, October 19, 2016.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

September 1 through September 30, 2016 – **Festival of Children**. This year marks the 15th Annual Festival of Children, a community-wide charity that is held every weekend throughout September. Family and children of all ages are invited to enjoy a month long festival that offers free family activities. For more information, please call (877) 492-5437 or visit www.festivalofchildren.org.

Friday, September 16, 2016 through Sunday, October 2, 2016 – **Blame it on the Movies!**, Vanguard University's Lyceum Theater. A collection of over 75 of the most well-known songs from the most well-known films ranging from Gone with the Wind to Footloose, Blame It On The Movies! is a travel through cinematic history. For more information, please visit: <http://www.vanguard.edu/theatre/>

Thursday, September 22, 2016 - **2016 OC Fair and Community Open House**, 7-8:30 p.m. OC Fair and Event Center-Administration Building, 88 Fair Drive. The OC Fair & Event Center Management Team is inviting neighbors and members of the community to attend a public open house to discuss the 2016 OC Fair. No RSVP required. For more information, please call: (714) 708-1501.

Thursday, September 22, 2016 through Saturday, September 24, 2016, **Kern Plays Rachmaninoff**, 8 p.m. Segerstrom Center for the Arts, 600 Town Center Drive. Rachmaninoff's "Rhapsody on a Theme of Paganini" is performed by Olga Kern, a popular favorite with Orange County audiences. Classical music and Orchestra performances. For more information, please visit www.scfta.org.

Saturday, September 24, 2016 - **SOCO Farmers Market**, 9 a.m.-2 p.m., SOCO Collection, 3303 Hyland Avenue. Every Saturday from 9 a.m.-2 p.m. Enjoy seasonal fresh produce, live music, local meats, eggs, juices, sweets, nuts, sauces, dips, ready -made foods, warm out-of-the-oven breads and more! For more information, please visit: <http://www.farmermark.com/soco/>.

Saturday, September 24, 2016 - **48th U.S. National Speedway Championship**, 6-10 p.m. OC Fair and Event Center, 88 Fair Drive. Costa Mesa Speedway puts fans right on top of all the action from the comfort of Arena style grandstand seating. Family fun event and will feature the run for the annual United States National Championship. For more information, please visit: CostaMesaSpeedway.net.

Saturday, September 24, 2016 - **Cruisen' for a Cure**, 6 a.m.-4 p.m. OC Fair and Event Center, 88 Fair Drive. A full day of more than 3,500 hot rod, classic & muscle cars plus other activities including more than 200 vendors, live music, prizes and food. Free prostate cancer screening will be available for men 40 and older. For more information, please visit: cruisinforacure.com.

Tuesday, September 27, 2016 – **Get Connected with Council Member Katrina Foley**, 6 p.m. City Hall, 77 Fair Drive. Enjoy a one hour forum with council member Katrina Foley to discuss an update on the library and skatepark expansion and rehab homes. For more information, please call (714) 754-5000.

Saturday, October 1, 2016 - **The Godfather-Live in Concert**, 1 p.m. and 7:30 p.m. Segerstrom Center for the Arts, 600 Town Center Drive. Nino Rota's iconic score accompanied by the film's traditional Italian folk music and jazz comes to live on stage, performed live by a symphony orchestra while the film is simultaneously shown in high definition on the big screen. For more information, please visit: www.scfta.org.

Saturday, October 1, 2016 - **Roaring 20's Gala**, 6-9 p.m. EnVy Lounge, 4647 MacArthur Blvd, Newport Beach, 92660. Join the Costa Mesa High School Foundation for a fun night to raise funds for academics and athletics. For more information, please contact: info@cmhsfoundation.org.

Saturday, October 1, 2016 - **Pancake and Rummage Sale**, 8 a.m.-noon, Early College High School, 2990 Mesa Verde Dr. E. Those interested in donating are asked to drop off items in the Multi-Purpose Room, 8-10 a.m during school days. Also, 4-6 p.m. on Friday, September 30. Looking for books, CD's, clothes, games and working electronics. For more information, please contact: earlycollegehighschoolptsa@gmail.com.