

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

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

TUESDAY, SEPTEMBER 1, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:30 P.M. (SPECIAL TIME)
REGULAR MEETING – 5:45 P.M.

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

CITY OF THE ARTS

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

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 – 5:30 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: 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).
2. Conference with legal counsel regarding existing litigation: *City of Costa Mesa, et al., v. Civic Center Barrio Housing Corporation*, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).

The City Council and Successor Agency to the Redevelopment Agency and the Costa Mesa Housing Authority 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 Council Member 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.]

Father Michael Hanifin, St. Joachim Catholic 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 – Hank Panian

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Foley
2. Council Member Genis
3. Council Member Monahan
4. Mayor Pro Tem Righeimer
5. Mayor Mensinger

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: Arthur Lopez and Christopher Thompson.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2541 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-15 "A" FOR \$147.00, 15-16 FOR \$2,148,593.52, 15-16 "A" FOR \$1,532.51, AND 15-17 FOR \$2,167,454.92; AND CITY OPERATING EXPENSES FOR \$3,611,956.29; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2541, to be read by the title only, and waive further reading.

4. **SOLE SOURCE PURCHASING OF ZOLL CARDIAC MONITORS** – Fire Department

RECOMMENDATION:

City Council approve and authorize the Chief Executive Officer to sign the sole source purchase request for specialized cardiac monitors and associated accessories from Zoll Medical Corporation in an amount not to exceed \$419,000.

5. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING AUGUST 4, 2015** – Chief Executive Officer’s Department/ City Clerk’s Office

RECOMMENDATION:

City Council approve the minutes.

6. **RELEASE BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00082 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17519 LOCATED AT 2157 AND 2159 TUSTIN AVENUE, COSTA MESA, CALIFORNIA** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council release the Performance and Labor and Material Bonds (Certificate No. 784497S) in the amounts of \$15,000.00 each for street improvements and (Certificate No. 784907S) for setting corner monuments in the amount of \$500.00 to White-Warmington Tustin Avenue Associates, L.P. (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

7. **CONTRACT FOR PARKING TICKET CITATION PROCESSING SERVICES** – Police Department/Support Services/Traffic

RECOMMENDATION:

City Council approve and authorize the Chief Executive Officer to execute the service agreement for parking ticket citation processing services through the City of Sausalito Performance Agreement with Data Ticket, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$125,000 annually, with the option to renew for four (4) additional one year terms, upon mutual agreement of both parties.

8. **AUTHORIZE CONTRACT, APPROVE VEHICLE PURCHASES AND BUDGET ADJUSTMENT FOR POLICE DEPARTMENT VEHICLES** – Finance Department

RECOMMENDATION:

1. City Council authorize the lease contract with Enterprise Fleet Management, Inc.; and
2. City Council approve the purchase of eight additional unbudgeted vehicles for a total of 17 vehicles in FY 2015-16; and
3. City Council approve the budget adjustment to fund vehicle purchases.

9. **DEL MAR AVENUE MEDIAN IMPROVEMENTS (FROM NORTHBOUND NEWPORT BOULEVARD TO 300 FEET EAST), CITY PROJECT NO. 15-12** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Del Mar Avenue Median Improvements (from NB Newport Boulevard to 300 feet east), City Project No. 15-12; and
2. City Council approve Budget Adjustment No. 16-003 in the amount of \$158,000; and
3. City Council award a construction contract to HYM Engineering, Inc., 6380 Roland Street, Buena Park, CA 90621, in the amount of \$299,422; and
4. City Council authorize the Mayor and City Clerk to execute the Public Works Agreement.

10. **DOCUMENT CONVERSION AND IMAGING SERVICES** – Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council authorize the Chief Executive Officer to execute the manual purchase order for conversion, scanning, imaging, and indexing services through the County of Orange Regional Cooperative Agreement No. MA-017-12011896 with Matrix Imaging Products, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$110,000 annually, with the option to renew four (4) additional one year terms, upon mutual agreement of both parties.

11. **MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICERS** – Police Department

RECOMMENDATION:

City Council approve the Memorandum of Understanding between the City of Costa Mesa and the Newport-Mesa Unified District pertaining to the School Resource Officer Program for academic year 2015-2016.

12. **APPOINTMENT OF CITY NEGOTIATORS FOR THE CITY OF COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS PER THE COIN ORDINANCE** – Chief Executive Officer’s Office

RECOMMENDATION:

1. City Council designate Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City’s representatives in negotiations with Costa Mesa Division Managers Association CMDMA as the salary reopener; and
2. City Council authorize Staff to have the independent fiscal analysis completed per the requirements of the COIN Ordinance.

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

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

1. **CODE AMENDMENT CO-15-02: AN AMENDMENT TO TITLE 8 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VAPING IN PUBLIC FACILITIES AND THE REGULATION OF SMOKING LOUNGE USES** – Planning Division/Development Services Department

RECOMMENDATION:

City Council conduct the Public Hearing and introduce for first reading, Ordinance No. 15-10, to be read by title only, and waive further reading.

2. **FIRST READING OF THE CAPITAL ASSET NEEDS ORDINANCE** – Finance Department

RECOMMENDATION:

City Council conduct the Public Hearing and introduce for first reading, Ordinance No. 15-07, to be read by title only, and waive further reading, regarding the Capital Asset Needs Ordinance.

3. PUBLIC HEARING FOR THE VACATION OF RIGHT-OF-WAY AT 970 WEST 16TH STREET – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council conduct the Public Hearing and adopt Resolution 15-XX, to be read by title only, and waive further reading, ordering the vacation of excess Right-Of-Way (ROW) at 970 West 16th Street; and
2. City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

4. PUBLIC HEARING FOR THE VACATION OF A FLOWAGE EASEMENT 970 WEST 16TH STREET – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council conduct the Public Hearing and adopt Resolution 15-XX, to be read by title only, and waive further reading, ordering the vacation of a flowage easement at 970 West 16th Street; and
2. City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 15-09: AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CODE AMENDMENT CO-15-04, AMENDING TITLE 13, CHAPTER XI, ARTICLE 5 AND CHAPTER XII RELATING TO PARK IMPACT FEES FOR MULTI-FAMILY RESIDENTIAL RENTER DEVELOPMENT (APARTMENTS) IN COSTA MESA** – Planning Division/Development Services Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 15-09, to be read by title only, and waive further reading.

NEW BUSINESS:

1. [GENERAL PLAN SCREENING GPS-14-04 FOR PROPOSED 28-UNIT RESIDENTIAL PROJECT AT 440 FAIR DRIVE](#) – Planning Division/ Development Services Department

RECOMMENDATION:

City Council Accept or deny General Plan amendment request for processing to amend the land use designation from Neighborhood Commercial to Planned Development Residential related to development of a 28-unit residential development at 440 Fair Drive.

2. [COUNCIL DIRECTION FOR ALLOCATION OF FIELD USE FEES](#) – Chief Executive Office

RECOMMENDATION:

City Council provide direction to staff on allocation of field use fees paid by the Matt Leinart Flag Football Program.

3. [DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE FOR 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE](#) – CEO's Office/Administration

RECOMMENDATION:

City Council designate a member of the City Council as Costa Mesa's voting delegate and a voting delegate alternate for the 2015 League of California Cities Annual Conference.

4. [REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01 AND PA-14-41](#) – Chief Executive Officer's Office

RECOMMENDATION:

City Council provide direction responsive to the request for a refund of the appeal fees in the amount of \$690.00 to Ms. Ann Parker and in the amount of \$1,220.00 to Ms. Carrie Renfro.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Friday, September 4, 2015, 5:30 p.m. – 7:30 p.m. – First Friday Road Show, Costa Mesa City Hall Parking Lot, 77 Fair Drive.
- Festival of Children – Weekends in September, South Coast Plaza. For more information, please visit www.festivalofchildren.org
- Friday – Sunday, September 4 – 6, OC Fair & Event Center, 33rd Annual Car Show Benefiting the Warrior Foundation – Freedom Station in San Diego, www.labordaycruise.org
- Monday, September 7, 2015 – Labor Day – City Hall will be Closed
- Tuesday, September 8, 2015 at 5:00 p.m. – City Council and Planning Commission Joint Study Session Meeting – Neighborhood Community Center – 1845 Park Ave
- Wednesday, September 9, 2015 at 6:00 p.m., Orange Coast College Vision 2020 Facilities Master Plan Public Meeting, OCC Library Classroom 11, Free parking will be available in Lots D & E off of Merrimac
- Sunday, September 13, 2015 at 2:00 p.m. – Meet the Mayor – 77 Fair Drive
- Friday, September 18, 2015 from 5:30 a.m. – 7:30 a.m. – Walk with the Mayor – Estancia High School Parking Lot – 2323 Placentia Avenue
- Friday, September 18, 2015, from 4:30 p.m. – 6:30 p.m., Senior Center Casino Night
- Saturday, September 19, 2015 – 10:00 a.m. – 1:00 p.m. – Back to School Safety Fair – Civic Center – 77 Fair Drive – For more information, please contact David Cho in the Transportation Services Division at 714-754-5017.
- Saturday, September 19, 2015, 6:00 p.m. – 10:00 p.m., Beat the Drum for the Arts: Costa Mesa High School Annual Gala, Grand Terrace At South Coast Plaza. For more information, please visit www.cmhsfoundation.org
- Sunday, September 20, 2015, 1:00 p.m. – 5:00 p.m., FLASHBACK: A Celebration of Costa Mesa's Historical Society & Neighborhood Community Center.
- Sunday, September 26, 2015, Cruisin' for a Cure, OC Fair & Event Center, World's Largest one-day charity car show prostate cancer awareness. For more information, please visit www.crusinforacure.com