

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."

TUESDAY, JANUARY 5, 2016
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\)](#)

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].

SPECIAL CLOSED SESSION – 4:30 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: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
2. Conference with Legal Counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc., v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01852, pursuant to California Government Code Section 54956.9(d)(2).
3. Conference with Legal Counsel regarding existing litigation: Phillip A. Luchesi and Karen S. Luchesi, v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court, Case No. 30-2015-00824266-CU-WM-CXC, pursuant to California Government Code Section 54956.9(d)(2).
4. 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.

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, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 5:45 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Monahan

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.]

Imam Qazwini, The Islamic Educational Center of Orange County, 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 – Estancia Football and Costa Mesa Pop Warner and Cheer

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Walter MacDonald, Matt Grimmond, Suzanne Kustner, Sandra Moreno, Newport Condominium Association, and Donna Vanmil.

RECOMMENDATION:

City Council receive and file.

2. WARRANT RESOLUTION NO. 2548 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-24 "A" FOR \$0.00; 15-25 FOR \$2,102,671.99; 15-25 "A" FOR \$1,615.76; AND 15-26 FOR \$2,272,366.01; AND CITY OPERATING EXPENSES FOR \$5,661,747.88; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2548, to be read by the title only, and waive further reading.

3. MINUTES OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF NOVEMBER 3, 2015 AND DECEMBER 1, 2015; MINUTES OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY MEETING OF NOVEMBER 17, 2015; AND MINUTES OF THE SPECIAL CLOSED SESSION OF THE CITY COUNCIL MEETINGS OF DECEMBER 8, 2015 AND DECEMBER 11, 2015 – Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council approve the minutes.

4. **WEST 19TH STREET CORRIDOR PEDESTRIAN IMPROVEMENT PROJECT, FEDERAL PROJECT HSIPL-5312 (086), CITY PROJECT NO. 13-10** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Traffic Development Services, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. City Council release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

5. **FINAL MAP FOR TRACT NO. 17824 LOCATED AT 2880 MESA VERDE DRIVE, COSTA MESA, CALIFORNIA** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17824 and authorize signing of the Map by the City Clerk and the City Engineer.

6. **APPARATUS ROOM EXTENSION AND RESCUE VEHICLE STORAGE BUILDING FIRE STATION NO. 4, CITY PROJECT NO. 15-10** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve Change Order Number 4 in the amount of \$45,000.00.

7. **ADOPTION OF THE FY 2015-2016 STATEMENT OF INVESTMENT POLICY** – Finance Department

RECOMMENDATION:

City Council and the Successor Agency to the Costa Mesa Redevelopment Agency (Successor Agency) adopt Resolutions, to be read by title only, and further reading waived, approving the Statement of Investment Policies for Fiscal Year 2015-2016 and delegating investment activities to the City Treasurer.

8. **RESTATEMENT OF LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF THE HARBOR AREA, INC.** – Chief Executive Office

RECOMMENDATION:

1. City Council approve the Restatement of Lease Agreement with the Boys and Girls Club of the Harbor Area, Inc.; and
2. City Council authorize the Mayor and City Clerk to sign the Restatement of Lease Agreement.

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

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

1. **AN ORDINANCE TO ADOPT CODE AMENDMENT CO-15-06: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CULTIVATION OF MARIJUANA AND/OR MEDICAL MARIJUANA** – Planning Division/Development Services Department

RECOMMENDATION:

City Council give first reading to Ordinance No. 16-01, to be read by title only, and further reading waived, to adopt Code Amendment 15-06 amending Costa Mesa Municipal Code Title 13, Chapter I definitions and enforcement, Chapter IV City Wide Land Use, and adding new Article 20 to Chapter IX, Special Land Use Regulations.

2. **“RESIDENT ONLY” PARKING RESTRICTION ON PUBLIC STREETS – POLICIES AND PROCEDURES** – Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council introduce Ordinance No. 16-02, to be read by title only, and further reading waived, to amend Costa Mesa Municipal Code Section 10-221, et seq., Article 3, Chapter XI (Stopping, Standing or Parking Restricted or Prohibited on Certain Streets) of Title 10 regarding Resident Permit Parking for first reading; and
2. City Council adopt the revised “Guidelines for Consideration of Installation or Removal of Resident Only Permit Parking.”

OLD BUSINESS:

1. [SECOND READING OF ORDINANCE 15-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 8-76, 8-77, AND 8-83 OF CHAPTER IV \(GARBAGE, RUBBISH, AND WEEDS\), OF TITLE 8 \(HEALTH SANITATION\), OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MANDATORY COMMERCIAL WASTE AND ORGANICS RECYCLING](#) – Public Services Department/Administration

RECOMMENDATION:

City Council adopt and give second reading to Ordinance No. 15-16, to be read by title only, and further reading waived, to amend sections 8-76, 8-77, and 8-83 of Chapter IV (Garbage, Rubbish, and Weeds) of Title 8 regarding Mandatory Commercial Waste Recycling and new requirements of Mandatory Organics Recycling required by the State of California.

NEW BUSINESS:

1. [CHANGES TO THE TEMPORARY SIGN CODE/POLICY](#) – Development Services/Code Enforcement

RECOMMENDATION:

City Council provide direction to Staff as to any changes City Council wishes to make to the existing Sign Code or policy as it applies to all temporary signs, including political campaign signs. Also direct staff on their participation in filming/video production of candidates' forums and inclusion of such forums on the City's website.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Thursday, January 7, 2016 - Saturday, Jan. 9, 2016 – **Lin Plays Mozart**, 8:00 p.m., Segerstrom Center for the Arts, 600 Town Center Drive. Violinist Cho-Liang Lin serves as conductor and featured soloist, including both Mozart's Violin Concerto No. 4 and his grand and festive "Haffner" Symphony. For more information, please visit: <http://www.scfta.org/Events/Detail.aspx?id=12411>
- Monday, January 11, 2016 - **Planning Commission Meeting**, 6:00 p.m., Council Chambers, 77 Fair Drive. For more information and the agenda, please visit: <http://www.costamesaca.gov/index.aspx?page=1966>

- Tuesday, January 12, 2016 – **Blood Pressure Clinic**, 9:00 a.m.-10:30 a.m., Senior Center, 695 W 19th St. Nurses are available to take your blood pressure reading, free of cost. For more information, please contact: 949-645-2356.
- Tuesday, January 12, 2016 – **Newport Mesa Unified School District Board of Education Meeting**, 6:00 – 8:00 p.m., 2985 Bear Street, located in the Boardroom, For more information visit:
http://estancia.nmusd.us/calendar/view?id=1446976497885&return_url=1450726144536
- Thursday, January 14, 2015 – **Dilijan Chamber Players with Armen Guzelimian**, 8:00 p.m. Segerstrom Center for the Arts, 600 Town Center Drive. An exciting program of Russian music from the 19th and early 20th centuries For more information or for tickets please visit:
<http://www.scfta.org/Events/Detail.aspx?id=12901>
- Monday, January 18, 2016 – **Martin Luther King Jr. Day**, City Hall will be Closed
- Monday, January 18, 2016 – **11th Annual Mesa Verde Classic Charity Golf Tournament**, Mesa Verde Country Club, <http://www.birdeasepro.com/MVCC2016>
- Tuesday, January 19, 2016 – **Pechanga Indian Casino**, 8:30 a.m. – 5:00 p.m., Senior Center, 695 W 19th St., \$36. For more information, please contact the Senior Center at 949-645-2356
- Thursday, January 21, 2016 at 2:00 p.m. at 77 Fair Drive, Room 1A, Costa Mesa – **Oversight Board Meeting**