

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

*** NEW BUSINESS ITEM #1 – APPOINTMENTS TO VARIOUS
COMMITTEES HAS BEEN REMOVED FROM THE AGENDA**

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

TUESDAY, MARCH 15, 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

[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 \[cityclerk@costamesaca.gov\]\(mailto:cityclerk@costamesaca.gov\)](#)

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 anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) for 1 potential case – Correspondence received regarding Voting Rights Act.
2. Conference with legal counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(2).
3. 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).
4. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. and Rock Solid Recovery v. City of Costa Mesa, Orange County Superior Court, Case No. 30-2015-00815218-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(2).

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 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 Phil Eyskens, The Lighthouse 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 – Kirk Bauermeister

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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: Ulla J. Clair, and Nancy Smith.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2553 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-05 FOR \\$2,058,461.48; AND CITY OPERATING EXPENSES FOR \\$1,287,233.32; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2553.

3. [MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY](#) – Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of March 1, 2016.

4. **2015 FALL FIELD AUDIT REPORT AND AMENDMENTS TO THE EXISTING FIELD USE AND ALLOCATION POLICY** – Parks and Recreation Department

RECOMMENDATION:

1. City Council receive and file the 2015 Fall Field Audit Report; and
2. City Council approve amendments to the Field Use and Allocation Policy (FUAP) by the Parks and Recreation Commission to include language regarding the auditing procedure and to decrease the local residency requirement from 25% to 10% for Group 6 users.

5. **COMMUNITY BASED TRANSIT CIRCULATOR PROGRAM APPLICATION**

–Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council adopt Resolution 16-XX, approving the submittal of a grant funding application for the Costa Mesa Transit Circulator Project under the Orange County Transportation Authority's (OCTA) Measure M2 Project V – Community Based Transit Circulator Program.

6. **SMALLWOOD PARK IMPROVEMENTS PROJECT, CITY PROJECT NO. 14-13**

– Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications and working details for the Smallwood Park Improvements Project, City Project No. 14-13; and
2. City Council award a construction contract to Micon Construction Inc., 1616 E. Sierra Madre Circle, Placentia, CA 92870, in the amount of \$298,778.00; and
3. City Council authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2016 ORANGE COUNTY MARATHON** – Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council adopt the Resolution 16-XX, designating event routes for the 2016 Orange County (OC) Marathon and approve the temporary street closures for May 1, 2016, as requested for the 2016 OC Marathon.

8. **HARBOR BIKE TRAIL IMPROVEMENT PROJECT, CITY PROJECT NO. 14-14**
– Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications and working details for the Harbor Bike Trail Improvement Project, City Project No. 14-14; and
2. City Council approve Budget Adjustment, BA-16-163 in the amount of \$109,000.00 towards the project; and
3. City Council award a construction contract to KASA Construction Inc., 15148 Sierra Bonito Lane, Chino, CA 91710, in the amount of \$962,356.00; and
4. City Council authorize the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

9. **DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2016 REGIONAL CONFERENCE & GENERAL ASSEMBLY** – Chief Executive Officer's Department/ Administration

RECOMMENDATION:

City Council designate Council Member Genis as the delegate for the upcoming Annual SCAG Regional Conference and General Assembly.

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

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

1. [CIVIC OPENNESS IN NEGOTIATIONS \(COIN\) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2014-2018 MEMORANDUM OF UNDERSTANDING \(MOU\) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION \(CMPA\)](#) – Chief Executive Office/ Human Resources Division

RECOMMENDATION:

1. City Council hold the first public hearing regarding the proposed 2014-2018 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Police Association; and
2. City Council schedule the second public hearing on April 19, 2016 as required by COIN.

2. [APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-38 FOR A RELIGIOUS AND CULTURAL CENTER WITH A DEVIATION FROM SHARED PARKING REQUIREMENTS AT 3184 AIRWAY AVENUE, SUITE J](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council uphold the Planning Commission's denial of Zoning Application ZA-15-38.

OLD BUSINESS: NONE

NEW BUSINESS:

- ~~1. **APPOINTMENTS TO VARIOUS COMMITTEES** – Chief Executive Officer's Department/City Clerk's Office~~

~~RECOMMENDATION:~~

~~Staff recommends that the City Council:~~

- ~~1. Make appointments to fill three regular member vacancies on the Bikeway and Walkability Committee; and~~
 - ~~2. Make appointments to fill three regular member vacancies and one alternate member vacancy on the Cultural Arts Committee; and~~
 - ~~3. Make appointments to fill nine regular member vacancies on the Finance Advisory Committee:
 - ~~a) 5 two-year terms; and~~
 - ~~b) 4 one-year terms; and~~~~
 - ~~4. Make appointments to fill five regular member vacancies and two alternate member vacancies on the Historical Preservation Committee; and~~
 - ~~5. Make appointments to fill four regular member vacancies on the Housing and Public Service Grant Committee; and~~
 - ~~6. Make an appointment to fill one regular member vacancy on the Pension Oversight Committee.~~
- 2. ANIMAL SHELTER SERVICES – Chief Executive Office/Police Department – Administration Division**

RECOMMENDATION:

Staff recommends that the City Council maintain animal care sheltering services with the City's current service provider, Orange County Humane Society (OCHS), throughout the approved contractual agreement which ends January 21, 2018. Staff further recommends that the City Council direct staff to evaluate potential substantive compliance concerns, and remedy identified concerns jointly using both OCHS and City resources while evaluating the progress and finalized terms of the agreement of the County's planned animal shelter in Tustin, tentatively scheduled to open in October 2017.

3. **INITIATIVE PETITION QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, OR ORDERING REPORT** –City Clerk’s Office/City Attorney’s Office

RECOMMENDATION:

- A. Staff recommends that the City Council:
 - 1. City Council accept the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding, “An Initiative To Require Voter Approval On Certain Development Projects”; and
- B. Further, it is recommended that the City Council approve one of the following options:
 - 1. Adopt the Ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or
 - 2. Order placement of the measure on the November 8, 2016 consolidated municipal election. Resolutions calling for a consolidated municipal election, and submission of the measure to the ballot, to be adopted at the June 7, 2016 City Council meeting; or
 - 3. Order a report pursuant to Election Code (EC) §9212 at the regular meeting at which the certification of the petition is presented.

4. **FEASIBILITY STUDY FOR LIGHTING AND SYNTHETIC TURF AT MULTIPLE LOCATIONS** – City Council/Administration

RECOMMENDATION:

- 1. City Council review the report and provide authorization for a letter and a check for \$45,000.00 (three projects x’s \$15,000.00) to be sent to the Newport-Mesa Unified School District initiating a feasibility study for sport field lighting and synthetic turf installation at Kaiser Elementary, Davis Middle School and Parsons School; and
- 2. City Council provide direction on the implementation of an outreach program to begin immediately for the surrounding neighborhoods at each proposed location.

5. **INCLUSION OF FINGERPRINTING (LIVESCAN) REQUIREMENT FOR COMMITTEE/COMMISSION APPOINTEES** – Chief Executive Officer’s Department

RECOMMENDATION:

Councilmember Foley is requesting City Council approval of a condition to require current and future City Council appointees to the City’s commissions and committees to submit to a fingerprinting procedure, via Livescan screening, prior to them taking their respective positions.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Wednesday, March 16, 2016 – **Community College Placement Test**, 2:00 p.m. – 4:00 p.m., Costa Mesa High School, 2650 Fairview Road. Students signed-up to take the OCC/GWC/CCC placement tests and are interested in brushing up on their math and English test taking skills are encouraged to attend a free review session. Sign up at the career center. For more information visit: <http://cmhs.nmusd.us/>
- Wednesday, March 16, 2016 – **13th Annual Orange County’s Largest Mixer**, 5:00 p.m. – 9:00 p.m., OC Fair and Event Center, 88 Fair Dr. Costa Mesa Building (Enter at Gate 1.) Join Orange County chambers of commerce and business organizations for the ultimate business networking event. Mix and mingle with 2,500 business people and 200 exhibitors. For more information visit: <http://ns.ocfair.com/ocf2/calendar/ViewEvent.asp?EventId=3831>.
- Thursday, March 17, 2016 – **Farmers Market**, 9:00 a.m. – 1:00 p.m. OC Fair and Event Center, 88 Fair Dr. California-certified farmers' market where genuine farmers sell fruits, nuts and vegetables directly to the public. For more information visit: <http://ns.ocfair.com/ocf2/calendar/ViewEvent.asp?EventId=3853>.
- Thursday, March 17, 2016 – **Youth Employment Service Job Readiness Workshop Series, Individual Mock Interviews**, 4:00 p.m. – 6:00 p.m., Costa Mesa High School Library, 2650 Fairview Road. Intended for anyone looking for part-time or summer work and in gaining skills for their future. For more information visit: <http://cmhs.nmusd.us/>.
- Friday, March 18, 2016 – **Walk with the Mayor**, 5:30 a.m. – 7:30 a.m., Estancia High School parking lot, 2323 Placentia Ave. The third Friday of each month residents can participate in the Walk and Talk with the Mayor for an approximately 90-minute walk. For more information please call (714) 754-5107.
- Saturday, March 19, 2016 through Sunday, March 20, 2016 – **A Tale of Three Birds and an Egg**. Segerstrom Center for the Arts, 600 Town Center Drive - Join three madcap birds on an adventure of a lifetime as they grapple with growing up and giving in to their natural instincts to take flight. For more information visit: <http://www.scfta.org/Events/Detail.aspx?id=13187>.

- Sunday, March 20, 2016 – **Lord of the Strings**, 3:00 p.m. – 5:00 p.m., SOCO Collection & The OC Mix, 3303 Hyland Ave. Costa Mesa - Listen to Joe Scott and Hannah Alkire, both of whom joined forces on the music scene in 1998. This confluence of two gifted musicians has resulted in the internationally acclaimed duo, Acoustic Eidolon. For more information visit: <http://www.lordofthestringsconcerts.com/>.
- Tuesday, March. 22, 2016 – **Community College Night**, 6:30 p.m., Estancia Theater, 2323 Placentia Ave. Representatives from Orange Coast College, Coastline College and Irvine Valley College will share information about their admissions process and programs they offer on their campuses. For more information visit: <http://estancia.nmusd.us/>.
- Wednesday, March 30, 2016 – **Blood Drive**, City Hall Visitors Parking Lot, 77 Fair Drive. To schedule an appointment call (888) 538-6199 or visit www.hoagblooddonor.org, click on appointments and enter group code: COCM. For more information please visit: <https://www.hoagblooddonor.org/>
- Thursday, March. 31, 2016 – **Second Annual SOCO Uncorked**, SOCO Collection 3303 Hyland Ave. Costa Mesa. For more information please visit: <http://southcoastcollection.com/soco-uncorked/>.
- Friday, April 1, 2016 – **First Friday Road Show**, 5:30 p.m. – 7:30 p.m., City Hall Parking Lot, 77 Fair Drive, Costa Mesa.