

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, APRIL 5, 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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\)](#)

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 – 5:00 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 – 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).
5. 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).
6. 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 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 Mensinger

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 Jon Mestas, Newport Mesa Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

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

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 – Tesla
2. Proclamation – April as Donate Life Month
3. Proclamation – April as Community College month and April 21st as Coast Community College District Day in the City

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Sandy Do; State Farm, as subrogee for Tim Do; Arturo Hernandez; Julie Kaplan; Thomas H. Treaccar; and Scott Waterman.

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2554 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 16-05 "A" FOR \$323.32; 16-06 FOR \$2,135,370.67; AND 16-07 FOR \$2,094,866.76; AND CITY OPERATING EXPENSES FOR \$2,761,228.51; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2554.

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 15, 2016.

4. **EXTEND ONE YEAR CONTRACT FOR ANNUAL INDEPENDENT FINANCIAL AUDIT SERVICES – Finance Department**

RECOMMENDATION:

1. City Council extend one (1) year term of the Professional Services Agreement (PSA) with White Nelson Diehl Evans, LLP, for annual independent financial audit services, for fiscal year 2016, and to provide a three percent (3%) increase in Consultant's compensation in the amount of \$67,370; and
2. City Council authorize the Chief Executive Officer to execute the Second Amendment to the Professional Services Agreement with White Nelson Diehl Evans, LLP.

5. **PLACENTIA AVENUE AT 20TH STREET ILLUMINATED CROSSWALK PROJECT, STATE PROJECT NO. SR2SL-5312 (088), PROJECT NO. 13-20 – Public Services Department/Engineering Division**

RECOMMENDATION:

1. City Council accept work performed by PTM General Engineering Services, Inc., and authorize the City Clerk to file the Notice of Completion; and
2. City Council release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond six (6) months after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

6. SUNFLOWER AVENUE AT ANTON BOULEVARD TRAFFIC SIGNAL MODIFICATION PROJECT, FEDERAL PROJECT NO. HSIPL-5312 (085), CITY PROJECT NO. 13-13 – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept work performed by PTM General Engineering Services, Inc., and authorize the City Clerk to file the Notice of Completion; and
2. City Council release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond six (6) months after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

7. STREET STRIPING & THERMOPLASTIC MARKINGS – Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve and authorize the Chief Executive Officer to execute a three (3) year contract for the performance of street striping and installation of thermoplastic roadway markings to Superior Pavement Markings, Inc., 5312 Cypress St., Cypress, CA 90630, per formal bid item #16-29, in an amount not to exceed \$150,000 annually. Based upon a competitive bidding process and analysis provided by the Public Services Department; and
2. City Council authorize the Chief Executive Officer to execute the Professional Services Agreement for the contract; and
3. City Council authorize Chief Executive Officer to renew the contract for two (2) additional one (1) year terms, upon mutual agreement of both parties.

8. EMERGENCY PURCHASE FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS – Public Services Department/Engineering Division

RECOMMENDATION:

City Council receive and file.

9. [CITY'S PHONE SYSTEM WHOLESALE SERVICE AGREEMENT – Police Department/Support Services Division](#)

RECOMMENDATION:

City Council approve and authorize the Chief Executive Officer to execute the Avaya wholesale service agreement and wholesale service renewal options for a three year contract with Carousel Industries for the maintenance and support of the City's Avaya phone system, in an amount not to exceed \$49,177.50 annually with a one-time re-initiation fee of \$19,809.36, with the option to renew for two additional one year terms, upon mutual agreement of both parties.

10. [A RESOLUTION OF THE COSTA MESA CITY COUNCIL AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA TO RECEIVE A GRANT UNDER THE FY 2015 URBAN AREAS SECURITY INITIATIVE \(UASI\)](#)

– Police Department/Field Operations

RECOMMENDATION:

1. City Council adopt a resolution that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2015 Urban Areas Security Initiative (UASI) Grant Program; and
2. City Council authorize the Police Department to accept FY 2015 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$13,637. This amount will reimburse fire and approved city personnel who assist with the instruction and delivery of approved UASI courses; and
3. City Council approve Budget Adjustment No. 16-012 in the amount of \$13,637 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

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

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

1. [AMENDMENTS TO THE SOBECA AND WESTSIDE URBAN PLANS: SP-05-06 A1: SOBECA URBAN PLAN; SP-05-07 A1: 19 WEST URBAN PLAN; SP-05-08 A2: MESA WEST URBAN PLAN; SP-05-09 A1: MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN](#)

RECOMMENDATION:

City Council conduct the Public Hearing and approve the proposed Urban Plan Amendments by adoption of Resolution 16-xx.

OLD BUSINESS:

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

RECOMMENDATION:

1. City Council approve the 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 Lease Agreement.

2. REVIEW OF AGENCY REPORT ON INITIATIVE PETITION QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING A NEW ORDINANCE; SUBMISSION OF AN INITIATIVE TO THE NOVEMBER 8, 2016 BALLOT – City Clerk's Office/City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the ordinance, without alteration; 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; and
3. Consider providing Staff with direction on an alternative measure.

NEW BUSINESS:

1. [CONSIDERATION AND DIRECTION BY CITY COUNCIL TO CEO AND CITY ATTORNEY TO INITIATE STEPS, AND UTILIZE PROFESSIONAL SERVICES, TO PLACE A LOCAL BOND MEASURE ON THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT TO AUTHORIZE THE LEVY OF A TAX AND ISSUANCE OF APPROXIMATELY \\$20 MILLION OF GENERAL OBLIGATION BONDS FOR AFFORDABLE HOUSING – City Clerk’s Office/City Attorney’s Office](#)

RECOMMENDATION:

Staff recommends that:

The City Council consider authorizing the CEO and City Attorney: (a) to initiate the process to place on the November 8, 2016 general election ballot a local measure by which the electorate may vote to authorize the City to issue \$20 Million (approx.) in General Obligation Bonds for affordable housing purposes, and (b) to retain the professional consulting services of Fieldman, Rolapp & Associates (“Fieldman”) to provide financial, tax, pre-election and election advisory services, at an estimated cost of \$23,000, and (c) to use the law firm Stradling Yocca Carlson & Rauth, P.C. (“Stradling”) for public finance, bond counsel and other special counsel legal services under the existing legal services agreement with Costa Mesa, at an estimated cost of \$40,000.

2. [CONSIDERATION OF CITY INITIATIVE PETITION\(S\) REGARDING MEDICAL MARIJUANA DISPENSARIES – City Clerk’s Office/City Attorney’s Office](#)

RECOMMENDATION:

Staff recommends that the City Council provide direction to City staff concerning preparation of initiative(s) to be placed on the November 2016 ballot regulating medical marijuana dispensaries within the City.

3. [GENERAL PLAN SCREENING FOR PROPOSED 150-ROOM HOTEL EXPANSION AT 3350 AVENUE OF THE ARTS FOR THE AVENUE OF THE ARTS HOTEL \(FORMERLY WYNDHAM HOTEL\) - Development Services Department/Planning Division](#)

RECOMMENDATION:

City Council accept General Plan screening request for processing a proposed 15-story, 150-room high-rise hotel to serve as an expansion of the Avenue of the Arts hotel (238 rooms existing, 388 rooms proposed).

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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Wednesday, April 6, 2016 – **Laughter Yoga**, 9:30 a.m. – 10:30 a.m., Costa Mesa Senior Center, 695 w. 19th St. Laughter yoga combines simple yogic breathing with stimulated laughter which releases endorphins and helps boosts the immune system. Sign up at the front desk.
- Thursday, April 7, 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, April 7, 2016 – **Fight Club OC**, 7:00 p.m. – 10:00 p.m. OC Fair and Event Center, 88 Fair Dr. Orange County's only professional boxing and professional mixed martial arts show on one night in one venue. For more information visit: <http://ns.ocfair.com/ocf2/Calendar/ViewEvent.asp?EventId=3779>.
- Thursday, April 7, 2016 through Saturday April 9, 2016 – **Rhapsody in Blue**, 8:00 p.m., Segerstrom Center for the Arts, 600 Town Center Drive. The jazz connection: Gershwin married classical music to the most unique of American art forms, while Ives' Second Symphony alludes to popular American folk tunes. For more information visit: <http://www.scfta.org/Events/Detail.aspx?id=12415>
- Thursday, April 8, 2016 – **St. Lawrence String Quartet**, 8:00 p.m., Segerstrom Center for the Arts, 600 Town Center Drive. As it enters its 26th season, the Stanford University-based, world-travelled St. Lawrence String Quartet, a frequent Center visitor, stands at the peak of its profession. For more information visit: <http://www.scfta.org/Events/Detail.aspx?id=12908>
- Saturday, April 9, 2016 – **C3 Basketball Tournament and Community Fair**, 2:00 p.m. – 4:00 p.m., Downtown Recreation Center, 1860 Anaheim Ave. Presented by Avila's El Ranchito, the C3 Basketball Tournament and Community Fair connects civic, businesses, churches, and service agencies for a day filled with activities and resources for the whole family. C3 stands for Cops, Church, and Community, with each entity represented in the 3-on-3 tournament. For more information please call visit: <http://www.mikacdc.org/pagec3>
- Sunday, April 10, 2016 – **Meet the Mayor**, 2:00 p.m. – 4:00 p.m., Costa Mesa City Hall, 77 Fair Dr. The second Sunday of each month residents can participate in the Meet the Mayor for an opportunity to meet and talk with the Mayor. For more information, please call (714) 754-5328.
- Friday, April 15, 2016 through Sunday, April 17, 2016 – **OC Fair Imaginology**, OC Fair and Event Center, 88 Fair Drive. The OC Fair & Event Center invites students and their families to go “Full S.T.E.A.M. Ahead” for three days of competitions, exhibits and activities all designed to explore the fun of S.T.E.A.M. (Science, Technology, Engineering, Arts and Math.). For more information visit: <http://ns.ocfair.com/ocf2/Calendar/ViewEvent.asp?EventId=3704>
- Friday, April 15, 2016 – **Walk with the Mayor**, 5:30 a.m.-7:00 a.m. Estancia High School 2323 Placentia Ave. At 5:30 a.m. on the third Friday of each month, residents can participate in the “Walk and Talk with the Mayor” for approximately a 90-minute walk. For more information, call (714) 754-5328.
- Saturday, April 16, 2016 through Sunday, April 17, 2016 – **Goathill Junction Railroad Station Train Ride**, 10:00 a.m.-3:30 p.m. Fairview Park, 2501 Placentia Ave. The Orange County Model Engineers operate the Goathill Junction Railroad Station at the eastern end of the park and provide free model train rides on the third weekend of each month. For more information, please visit <http://www.ocmetrains.org/>