

**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 19, 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](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].

## **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 Real Property Negotiator  
Pursuant to California Government Code Section 54956.8.  
Property: Vanguard – 2374 Newport Blvd., Costa Mesa, CA 92627,  
APN: 439-272-24 and 115 Santa Isabel Avenue, Costa Mesa, CA 92627,  
APN: 439-272-22; and Civic Center Park – 77 Fair Drive, Costa Mesa, CA 92628, APN: 419-151-01  
Negotiating Parties: Tom Hatch, CEO and Michaels Beals, President, Vanguard  
Under Negotiation: Price and Terms

**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 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.]*

Pastor David Manne, Calvary Chapel, 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. Proclamation – April Month of Military Child

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

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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. READING FOLDER**

- a. Claims received by the City Clerk: Sture Davidsson

#### RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2555 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 16-07 "A" FOR \\$1,528.00; and 16-08 FOR \\$2,133,964.28; AND CITY OPERATING EXPENSES FOR \\$1,475,138.93; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) – Finance Department

#### RECOMMENDATION:

City Council approve Warrant Resolution No. 2555.

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 April 5, 2016.

4. **RENEW ONE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES**  
– Finance Department

RECOMMENDATION:

1. City Council renew one (1) year term of the Professional Services Agreement (PSA) with Chandler Asset Management, Inc. (Chandler) for investment management services in an amount up to \$50,000; and
2. City Council authorize City Chief Executive Officer to execute the Amendment Number One to the Professional Services Agreement with Chandler Asset Management, Inc.

5. **PLACENTIA AVENUE BICYCLE SIGNAL IMPROVEMENTS, FEDERAL PROJECT NO. CML - 5312 (095), CITY PROJECT NO. 14-01**

– Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications and working details for the Placentia Avenue Bicycle Signal Improvements, Federal Project No. CML – 5312 (095), City Project No. 14-01; and
2. City Council award a construction contract to Smart Tech Group, Inc., 3972 Barranca Parkway, Suite J-283, Irvine, CA 92606, in the amount of \$190,000.00; and
3. City Council authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **CITYWIDE SCHOOL ZONE TRAFFIC CALMING PROJECT, FEDERAL PROJECT NO. SRTSL-5312 (090), CITY PROJECT NO. 15-04**

– Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications and working details for the Citywide School Zone Traffic Calming Project, Federal Project No. SRTSL-5312 (090), City Project No. 15-04; and
2. City Council waive the minor irregularities in the bid submitted by the apparent low bidder and award a construction contract to Asplundh Construction Group, 3972 Barranca Parkway, Suite J-283, Irvine, CA 92606, in the amount of \$442,557.00.

7. [\*\*FINAL MAP FOR TRACT NO. 17974 LOCATED AT 261 MESA DRIVE, COSTA MESA, CALIFORNIA\*\*](#) – Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17974 and authorize signing of the Map by the City Clerk and the City Engineer.

8. [\*\*FINAL MAP FOR TRACT NO. 17921 LOCATED AT 531 BERNARD STREET, COSTA MESA, CALIFORNIA\*\*](#)

– Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17921 and authorize signing of the Map by the City Clerk and the City Engineer.

9. [\*\*FINAL MAP FOR TRACT NO. 17800 LOCATED AT 671 W. 17<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA\*\*](#)

– Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17800 and authorize signing of the Map by the City Clerk and the City Engineer.

10. [\*\*RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00134 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17198 LOCATED AT 2013-2029 ANAHEIM AVENUE, COSTA MESA, CALIFORNIA\*\*](#)

– Public Services Department/Engineering Division

RECOMMENDATION:

City Council release the Performance and Labor and Material Bonds (Certificate No. PB10163700220) in the amounts of \$21,612.00 each for street improvements and (Certificate No. PB10163700221) for setting corner monuments in the amount of \$3,000.00 to CMA 26 Group, LLC (Developer), 16580 Aston, Irvine, California 92606.

11. **I-405 IMPROVEMENT PROJECT – COOPERATIVE AGREEMENT NO. C-5-3612** – Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve Cooperative Agreement C-5-3612 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the I-405 Improvement Project; and
2. City Council authorize the Chief Executive Officer and City Clerk to execute the agreement; and
3. City Council authorize the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

12. **REVISED EFFECTIVE DATE TO AN AMENDMENT OF THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE**

– Public Services Department/Administration

RECOMMENDATION:

City Council adopt Resolution No. 16-xx approving a revised effective date to the Waste Disposal Agreement (WDA) Amendment between the County of Orange and the City of Costa Mesa to allow for the continued importation of waste at the County's three (3) landfills and to extend the terms of the WDA through June 20, 2025.

13. **OCTA SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN**

– Parks & Recreation Department

RECOMMENDATION:

City Council approve and adopt the OCTA Senior Mobility Program Agency Service Plan.

14. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

– Development Services Department/Planning Division

RECOMMENDATION:

1. City Council approve Amendment One of the Professional Services Agreement (PSA) with the Lilley Planning Group for an additional \$42,427.00 and extend the PSA through June 30, 2017; and
2. City Council authorize the City Chief Executive Officer to sign the attached Amendment to the Professional Services Agreement with the Lilley Planning Group.

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

1. [CIVIC OPENNESS IN NEGOTIATIONS \(COIN\) ORDINANCE SECOND PUBLIC HEARING; THE ADOPTION OF THE 2014-2018 MEMORANDUM OF UNDERSTANDING \(MOU\) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION \(CMPA\); THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION](#)  
– Chief Executive Officer’s Department/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Hold the second Public Hearing as required by COIN.; and
2. Approve and adopt the 2014-2018 Memorandum of Understanding between the City of Costa Mesa and the CMPA; and
3. Adopt Resolution 16-xx, which provides for a 3% salary increase for CMPA represented employees effective the pay periods inclusive of the adoption of the MOU, July 1, 2016 – July, 1, 2017; and
4. Adopt Resolution 16-xx, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is inclusive of the adoption of the MOU; and
5. Adopt Resolution 16-xx, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is June 26, 2016; and
6. Adopt Resolution 16-xx, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is June 25, 2017.

2. **PLAN FOR COMMUNITY PARTICIPATION IN CREATION OF DISTRICT BOUNDARIES FOR DISTRICT ELECTIONS**

– Chief Executive Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Hold a public hearing regarding City Council voting district formation and a community participation plan for gathering public input on district boundaries; and
2. Approve a community participation plan; and
3. Direct staff to implement the plan.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. **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.

2. **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.

3. **INCLUSIONARY HOUSING**  
Development Services Department/Housing & Community Development Division

RECOMMENDATION:

City Council to determine if they wish to initiate an Inclusionary (Affordable) Housing Ordinance.

4. **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:

1. Consider taking action on the City Measure to Establish Regulation of Medical Marijuana Dispensaries and Regulation of Medical Marijuana Cultivation as proposed on August 5, 2014; and
2. Consider taking action on the amended version of the City Measure to Establish Regulation of Medical Marijuana Dispensaries and Regulation of Medical Marijuana Cultivation as proposed on March 10, 2015; and
3. Consider providing Staff with further direction on an alternative measure to be placed on the November 2016 ballot; and
4. Consider adopting an Ordinance to regulate medical marijuana dispensaries within the City.

5. **APPROVE RESOLUTION FOR FUNDING COMMITMENT FOR SPORTS FACILITIES CAPITAL IMPROVEMENTS TO INCLUDE NEWPORT HARBOR HIGH SCHOOL** – Chief Executive Officer’s Department

RECOMMENDATION:

1. City Council adopt the proposed resolution of support adding Newport Harbor High School to the current partnership with the Costa Mesa Community Athletic Foundation (“Costa Mesa United”) that includes a funding commitment for capital improvements of sports facilities at Estancia and Costa Mesa High Schools; and
2. City Council provide direction regarding the annual funding amounts specific to each high school; and
3. City Council authorize the CEO to execute any agreement of amendment to the existing agreement with Costa Mesa United for a Capital Improvement Grant Program to include Newport Harbor High School, and to execute and administer any other agreement, in a form approved by the City Attorney’s office, as needed to carry out the resolution and City Council direction.

## ITEMS REMOVED FROM THE CONSENT CALENDAR

### REPORT – CITY ATTORNEY

### ADJOURNMENT

#### UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Tuesday, April 19, 2016 through Sunday, May 1, 2016– **Rodgers and Hammerstein’s Cinderella**, Segerstrom Center for the Arts, 600 Town Center Drive. Rodgers + Hammerstein’s CINDERELLA is the Tony Award-winning Broadway musical from the creators of The King and I and South Pacific that’s delighting audiences with its contemporary take on the classic tale. For more information visit: <http://www.scfta.org/Events/Detail.aspx?id=12648>
- Thursday, April 21, 2016 – **Costa Mesa Chamber of Commerce 90-minute breakfast**, 7:00 a.m. – 8:45 a.m. Costa Mesa Country Club, 1701 Golf Course Drive. Guest speaker Martin Andelman of Mandelman Matters discusses reverse mortgages. For more information visit: <https://www.costamesachamber.com/event/2016-04-21/2016-april-breakfast-boost>.
- Friday, April 22, 2016 through Sunday, April 24, 2016– **America’s Family Pet Expo**. OC Fair and Event Center, 88 Fair Dr. The world’s largest pet and pet product expo with exhibits by retailers, groomers, hobbyist groups, humane societies & rescue organizations and breeders. For more information visit: <http://ns.ocfair.com/ocf2/calendar/ViewEvent.asp?EventId=3789>.
- Sunday, April 23, 2016– **The Costa Mesa Community Run**, 6:30 a.m.-12:30 p.m., Estancia High School, 2323 Placentia Avenue. The 9th Annual Costa Mesa Community Run features a new 10k course with a run through Fairview Park, onto the Santa Ana River Trail towards the beach and back to Estancia High School for a strong stadium finish. For more information visit: <http://costamesacomunityrun.com/>
- Sunday, April 23, 2016 – **Seizure Wars-Epilepsy Walk**, 8:30 a.m.-2:00 p.m., TeWinkle Park, 900 Presido Square. The walk will begin at the backside of TeWinkle Park. The Epilepsy Walk Orange County is a pledge-driven walk and carnival bringing together people affected by epilepsy, friends, family and the community. For more information visit: <http://epilepsywalkoc.kintera.org/faf/home/default.asp?ievent=1147614>.
- Sunday, April 24, 2016 – **Lord of the Strings**, 2:00 p.m. – 5:00 p.m., SOCO Collection, 3303 Hyland Avenue. Featuring Richard Smith and Julie Adams. Lord of the Strings brings some of the finest Concert Guitarists in the world to Southern California. For more information please call visit: <http://www.lordofthestringsconcerts.com/about-the-venue.html>.
- Friday, April 29, 2016 through Sunday, May 1, 2016– **OC Marathon Weekend**, OC Fair and Event Center, 88 Fair Dr. and Fashion Island, Newport Beach. Participants must be 16 years of age or older to participate in the full marathon. Participants must be 14 years of age or older to participate in the half marathon. Participants under 14 years of age should consider the 5K and/or Kids Run the OC Mile Run. For more information visit: <http://www.ocmarathon.com/>.
- Saturday, April 30, 2016 – **Neighbors Helping Neighbors**. Join Costa Mesa Mayor Stephen Mensinger in partnership with Estancia Sports Boosters and Civic Groups along with The Church of Jesus Christ of Latter-day Saints as they revive the neighborhood clean-up program to assist homes throughout the Costa Mesa community in need of TLC.
- Friday, May 1, 2016 – **First Friday Roadshow**, 5:30 p.m.-7:30 p.m., Costa Mesa City Hall, 77 Fair Drive. Family fun car show that features classics, customs and exotics.