

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, JUNE 21, 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 \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

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 Staff at the Council Chambers entrance. Speaker cards may be submitted to the City Clerk staff 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 Staff. 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 existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).
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)(1).

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.]

Tim Donovan, 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.

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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:

1. READING FOLDER

- a. Claims received by the City Clerk: Bernie Hesch and Oliver M. Sacks

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2559 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-11 "A" FOR \$4,878.56 and 16-12 for \$2,165,712.16; AND CITY OPERATING EXPENSES FOR \$2,931,129.87; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2559.

3. **MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF JUNE 7, 2016** - Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of June 7, 2016.

4. **AGREEMENT EXTENSIONS FOR BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES**

Economic Development & Development Services Department/Fire Department

RECOMMENDATION:

City Council authorize the Mayor to execute Amendment No. 4 to extend the final term of Professional Services Agreements (PSAs) approved in FY 2012-2013, for building safety and fire prevention plan reviews and inspection services, with the companies of Scott Fazekas & Associates Inc., Bureau Veritas, Melad & Associates, Interwest Group, and CSG Consultants Inc.

5. **AMENDMENT TO EXTEND TERM OF CARE AMBULANCE SERVICES AGREEMENT** – Fire and Rescue Department

RECOMMENDATION:

City Council approve Amendment Number Five extending the term of the Ambulance Services Agreement with Care Ambulance Service, Inc., for the continuation of emergency ambulance and patient billing services until September 1, 2018.

6. **HYLAND AVENUE – MACARTHUR BOULEVARD PROJECT – BUDGET ADJUSTMENT** - Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council approve Budget Adjustment BA-16-016 recognizing and appropriating Measure M2 grant funding received for the project in the amount of \$37,500.

7. **RENEWED MEASURE M2 ELIGIBILITY**

Public Services Department/Administration Division

RECOMMENDATION:

1. City Council approve the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2016-17 through Fiscal Year 2022-23; and
2. Authorize the City Engineer to complete and submit the Pavement Management Plan; and
3. Approve the City's Maintenance of Effort (MOE) for Fiscal Year 2016-17.

8. **HARBOR BOULEVARD AND GISLER AVENUE INTERSECTION IMPROVEMENT PROJECT, CITY PROJECT NO. 16-02**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications and working details for the Harbor Boulevard and Gisler Avenue Improvement Project, City Project No. 16-02; and
2. Reject the bid submitted by United Engineering & Construction, Inc., 336 N. Central Avenue, Suite 10A, Glendale, CA 91203; and
3. Approve the Budget Adjustment No. 16-015 in the amount of \$496,538.00; and
4. Award a construction contract to Vido Samarzich, Inc. 4972 Crestview Place, Alta Loma, CA 91701 in the amount of \$735,645.00 (base bid plus additive bid item No. AD-1); and
5. Authorize the Mayor and the City Clerk to execute the Public Works agreement.

9. **HOUSING AUTHORITY BUDGET AMENDMENT FOR FY-15-16**

Finance Department

RECOMMENDATION:

City Council and Housing Authority adopt joint Resolution 16-xx of City Council and Housing Authority relating to FY15-16 Housing Authority Budget Amendment for the Housing and Community Development Department (HCD) relating to revenues and expenses for the James St./W. 18th St. Properties.

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

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

1. **ADOPTION OF FISCAL YEAR 2016-2017 APPROPRIATIONS LIMIT**

Finance Department/Financial Planning Division

RECOMMENDATION:

City Council adopt Resolution 16-xx establishing the Fiscal Year 2016-2017 Appropriations Limit for the City of Costa Mesa at \$214,145,081 by using the County of Orange’s population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

2. **ADOPTION OF THE FISCAL YEAR 2016-17 BUDGET**

Finance Department

RECOMMENDATION:

1. City Council approve Resolution 16-xx adopting the City of Costa Mesa FY 16-17 Operating and Capital Budget including the Budget Addendum; and
2. Approve Parks & Recreation Commission and CEO recommended FY 15-16 capital project budget adjustments included on the Budget Addendum; and
3. Approve job descriptions and recommended salary resolutions for the following:
 - a. Senior Code Enforcement Officer
 - b. Senior Management Analyst
 - c. Senior Management Analyst - Confidential
 - d. Management Aide
 - e. Management Aide – Confidential
 - f. Additional Confidential Unit designations
 - g. Website Coordinator; and
4. Direct staff to review existing fees for potential update for additional cost recovery.

3. **2015-2035 GENERAL PLAN AND FINAL ENVIRONMENTAL IMPACT REPORT (EIR) – SCH# 2015111053**

(8:00 P.M. OR AS SOON AS POSSIBLE THEREAFTER)

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council adopt Council Resolution adopting findings pursuant to the California Environmental Quality Act, adopting a statement of overriding considerations, certifying the Final Environmental Impact Report (SCH#2015111053), and adopting a mitigation monitoring and reporting program for the 2015-2035 General Plan; and
2. Adopt Council Resolution approving and adopting the Costa Mesa 2015-2035 General Plan.

NEW BUSINESS:

1. **APPOINTMENT TO SENIOR COMMISSION**
Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

Make an appointment to fill one vacancy on the Senior Commission.

2. **LIONS PARK PROJECTS AND FIRE STATION 1 UPDATED FUNDING PLAN**
Finance Department

RECOMMENDATION:

1. City Council review and approve in concept the updated funding plan; and
2. Authorize staff to assemble a financing team to finalize the funding plan.

3. **INITIATIVE PETITION ENTITLED, "AN INITIATIVE REQUIRING CHANGES IN USE AT FAIRVIEW PARK BE SUBJECT TO VOTER APPROVAL" QUALIFYING FOR THE BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, OR ORDERING REPORT**
City Attorney's Office /City Clerk's Office

RECOMMENDATION:

- A. Staff recommends that the City Council:
1. Accept the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding, "An Initiative Requiring Changes in use at Fairview Park be Subject to Voter Approval"
- B. Further, it is recommended that the City Council approve one of the following options:
1. Adopt the ordinance immediately, without alteration, or within 10 days after it is presented; or
 2. Order placement of the measure on the November 8, 2016 consolidated municipal election by adopting the following resolutions:
 - a. Resolution 2016-40: Calling and giving notice for the holding of a General Municipal election to be held on November 8, 2016 for the submission to the voters of a proposed ordinance entitled, "An Initiative Requiring Changes in use at Fairview Park Be Subject to Voter Approval"; and

- b. Adopt Resolution 2016-41: Requesting the Orange County Board of Supervisors to Consolidate a General Municipal election to be held on November 8, 2016, for the purpose of submitting to the voters of the City of Costa Mesa a question relating to the adoption of a proposed ordinance entitled, "An Initiative Requiring Changes in use at Fairview Park Be Subject to Voter Approval"; and
 - c. Adopt Resolution 2016-42: Authorizing written arguments for or against the proposed ordinance "An Initiative Requiring Changes in use at Fairview Park Be Subject to Voter Approval", setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis; or
3. Order a report pursuant to Election Code § 9212 at the regular meeting at which the certification of the petition is presented; or
 4. Consider providing Staff with direction as to the preparation of an alternative measure.

4. CONSIDERATION OF A CITY INITIATIVE PETITION REGARDING MEDICAL MARIJUANA BUSINESSES - City Attorney/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

Consider and provide direction on whether to place the attached initiative ordinance entitled "The City of Costa Mesa Medical Marijuana Measure" on the November 8, 2016 ballot relating to medical marijuana manufacturing, testing and related uses within certain areas of the City. If so directed, Resolutions calling for a consolidated municipal election, and submission of the measure to the ballot, will be presented for adoption at the July 5, 2016 City Council meeting.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

Friday, June 24, 2016 through Sunday, June 26, 2016– **MESAC Costa Mesa Amateur Radio Field Day 2016 – ‘One Bravo’**, Friday at noon-11 a.m. on Sunday, Goat Hill Junction Train, 2480 Placentia Ave. Invited are all amateur radio operators, clubs, organizations, groups and everyone interested in seeing how to get on the air. For more information, please call (714) 726-5800.

Friday, June 24, 2016 – **Summer Mocktail Mixer – Membership Drive**, Costa Mesa Senior Center, 695 W. 19th St. Attend for a special open house for seniors and get to know your Senior Center. Presented by the Senior Advisory Committee this special event is an invitation to new members and current members to learn about various activities and meet new people. For more information, please call: (714) 327-7550.

Saturday, June 25, 2016 – **Water Issues Study Group Annual Alumni Meeting**, 10:30 a.m.-1 p.m., Mesa Water Reliability Facility (MWRf), 1350 Gisler Ave. Interactive discussion with panels of water and local government experts. Learn more about the latest topics in water news. For more information or to RSVP please call: (949) 631-1201.

Sunday, June 26, 2016 – **U.S. Grant – His Time in the West**, 2 p.m. Costa Mesa Historical Society, 1870 Anaheim Ave. Author Craig MacDonald will host a presentation on Ulysses S. Grant and the time he spent in the American West. Free admission and refreshments. For more information, please visit: www.costamesahistory.org.

Tuesday, June 27, 2016 – **26th Annual Estancia and Costa Mesa High Schools Golf Classic**, 10 a.m.-6 p.m. Costa Mesa Golf Course, 1701 Golf Course Dr. 1st tee time at 10 a.m., four-person team. After golf enjoy a dinner buffet and drawing at the Newport Rib Company at 5:30 p.m. For more information, please contact Art Perry at (714) 328-1474.

Wednesday, June 29, 2016 – **Movie in the Park-Goosebumps**, 6 p.m. preshow and movie beings at sundown. TeWinkle Park, 970 Arlington Dr. For more information, please call (714) 754-5009.

Friday, July 1, 2016 – **Independence Day Celebration**, 11:30 a.m.-1 p.m. Costa Mesa Senior Center, 695 W. 19th St. Kick off your Independence Day with the Senior Center and enjoy a delicious lunch provided by Raising Canes, participate in activities and raffles. Register by June 24. For more information, please call: (714) 327-7550.

Friday, July 1, 2016 – **First Friday Roadshow**, 5:30-7:30 p.m. Costa Mesa City Hall Parking Lot, 77 Fair Drive. A free monthly car show that features classics, customs and exotics. For more information, visit: <http://www.costamesaca.gov/>.

Saturday, July 2, 2016 through Monday, July 4, 2016 – **Use of Safe and Sane Fireworks Allowed**, 4-10 p.m. Illegal fireworks can be identified by the lack of a seal of approval from the California State Fire Marshal. Legal fireworks become illegal when a Safe and Sane firework is altered or changed in any way. Purchased fireworks from stands in Costa Mesa support organizations who support the community. These types of fireworks are legal and can be used in your Costa Mesa neighborhood on July 2, 3 and 4 only between 4-10 p.m. Report illegal fireworks use and suspicious activity at (714) 754-5252.

Tuesday, July 5, 2016- **Concerts in the Park – The Answer**, 5 p.m. Fairview Park, 2501 Placentia Ave., main parking at Goathill Junction Train Lot. Costa Mesa Foundation presents Concerts in the Park series Tuesdays in July at Fairview Park. Preshow at 5 p.m. performances begin at 6 p.m. Community booths, kid's activities, gourmet food trucks, beer and wine gardens and opportunity drawings. For more information visit: www.costamesafoundation.org.

Wednesday, July 6, 2016 – **Open Space Master Plan Community Workshop**, 6:30-9 p.m., TeWinkle Middle School Multi-Purpose Room, 3224 California St. Be a part of the City's Open Space and Recreation Master Plan and offer your input on the current recreational needs for Costa Mesa. For more information, please call: (714) 754-5300.