

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

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

TUESDAY, JULY 21, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:30 P.M. (SPECIAL TIME)
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 writings or documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

[Any related writings or 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 writings and documents may be posted—whenever possible or as part of the agenda — 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 – 5:30 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 Thomas R. Hatch, Chief Executive Officer, regarding Unrepresented Executive employees, pursuant to California Government Code Section 54957.6.
3. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Division Managers Association (CMDMA), pursuant to California Government Code Section 54957.6.

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 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.]

Jonathon Murillo, Mika Community Development Corporation, 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 – Frank Gavel
2. Orange County Transportation Authority – I 405 Project

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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. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

RECOMMENDATION:

City Council adopt and approve Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Patricia Calavetta, and Robert Olson

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2539 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-13 "A" FOR \$810.00 AND 15-14 \$2,058,112.32; AND CITY OPERATING EXPENSES FOR \$790,514.81; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2539, to be read by the title only, and waive further reading.

4. [POMONA AVENUE ALLEY \(ALLEY NO. 5\), MENDOZA DRIVE ALLEYS \(ALLEY NO. 51 AND ALLEY NO. 119\), BEACH STREET ALLEY \(ALLEY NO. 124\), AND VELASCO LANE ALLEY \(ALLEY NO. 125\) IMPROVEMENT PROJECT – CITY PROJECT NO. 14-06](#) – Public Services Department/ Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Black Rock Construction Company and authorize the City Clerk to file the Notice of Completion; and
2. City Council authorize the release of 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. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY OF JULY 7, 2015; AND MINUTES OF THE SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL OF JULY 13, 2015](#) – Chief Executive Officer’s Department/ City Clerk’s Office

RECOMMENDATION:

City Council approve the minutes.

6. [FINAL MAP FOR TRACT NO. 17709 LOCATED AT 573-591 VICTORIA STREET, COSTA MESA, CALIFORNIA](#) – Public Services Department/ Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17709 and authorize the signing of the Map by the City Clerk and City Engineer.

7. [PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF FIRE STATION NO. 1](#) – Public Services Department/Engineering Division

RECOMMENDATION:

City Council award a contract to WLC Architects, Inc., 8163 Rochester Avenue, Suite 100, Rancho Cucamonga, California 91730, in an amount not to exceed \$499,000.00 for design services, and authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

8. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM"** – Police Department/Field Operations Division/Special Services Bureau (Traffic Safety)

RECOMMENDATION:

1. City Council adopt Resolution 15-38, to be read by title only, and waive further reading, which authorizes the CEO or his designee to accept the grant awards from the California Office of Traffic Safety for: the "Selective Traffic Enforcement Program" (STEP); and
2. City Council approve Budget Adjustment #16-002 for the total amount of \$150,000 to increase revenue and appropriation for overtime and professional development associated with the 2016 OTS STEP grant.

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

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for Apparatus Room Extension and Rescue Vehicle Storage Building at Fire Station No. 4, City Project No. 15-10; and
2. City Council accept the withdrawal of the bid submitted by Marjani Builders, Inc. at 26091 Ravenna Road, Mission Viejo, CA 92692; and
3. City Council award the construction contract to St. George Construction, Inc. at 7839 Adwen St., Downey, CA 90241, in the amount of \$690,000.00 (base bid plus additive item AD1); and
4. City Council authorize the Mayor and the City Clerk to execute the Public Works Agreement.

10. **NOTICE OF INTENT FOR THE VACATION OF A FLOWAGE EASEMENT AT 970 WEST 16TH STREET** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on September 1, 2015 for the vacation of a flowage easement at 970 West 16th Street; and
2. City Council adopt Resolution 15-40, to be read by title only, and waive further reading, of Intent to Vacate Flowage Easement at 970 West 16th Street.

11. **NOTICE OF INTENT TO VACATE EXCESS RIGHT-OF-WAY AT 970 WEST 16th STREET** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on September 1, 2015 for the vacation of excess Right-Of-Way (ROW) at 970 West 16th Street; and
2. City Council adopt Resolution 15-39, to be read by title only, and waive further reading, of Intent to vacate excess Right-Of-Way (ROW) at 970 West 16th Street.

12. **WEST 19TH STREET BICYCLE TRAIL PROJECT** – Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council award Professional Services Agreement for the design of the West 19th Street Bicycle Trail project to KOA Corporation, 2141 W. Orangewood Avenue, Suite A, Orange, CA 92868, in the amount of \$180,000; and
2. City Council authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

13. **CREATION OF ASSISTANT DIRECTOR – COMMUNITY IMPROVEMENT DIVISION JOB CLASSIFICATION AND CORRESPONDING SALARY RANGE** – Development Services Department/Community Improvement Division

RECOMMENDATION:

1. City Council approve the job classification and corresponding salary range for the budgeted Assistant Director of Community Improvement; and
2. City Council adopt Resolution No. 15-41, to be read by title only, and waive further reading, which amends Resolution No. 08-59 by establishing the new Assistant Director of Community Improvement classification with a top salary range of \$153,192 (\$9,526 to \$12,766 per month) under the Executive Salary Resolution.

14. [RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT](#) – Information Technology Department

RECOMMENDATION:

City Council Approve and authorize the City CEO to execute the renewal of the Microsoft Enterprise Agreement for Microsoft Enterprise products through the County of Riverside Cooperative Agreement No. RIVCO-20800-002 with CompuCom Systems, Inc., effective August 2, 2015 through August 1, 2018, in an amount not to exceed \$214,460.28 or \$71,486.76 per year.

15. [AWARD AN ANNUAL CONTRACT FOR THE PRINTING AND DELIVERY SERVICES OF THE RECREATION GUIDE](#) – Parks and Community Services Department/Recreation Division

RECOMMENDATION:

City Council approve an annual price agreement contract with San Dieguito Printers for the printing and delivery services of the City's quarterly Recreation Guide, for a three (3) year term with the option of two (2) additional one (1) year renewal periods. The contract amount is estimated at \$51,030.32 annually for the company's services with a contract term not to exceed \$153,090.96 for three (3) years.

16. [AMENDMENT TO EXTEND TERM OF CARE AMBULANCE SERVICES AGREEMENT](#) – Fire Department

RECOMMENDATION:

City Council approve Amendment Number Four extending the term of the Ambulance Services Agreement with Care Ambulance Service, Inc., for the continuation of emergency ambulance and patient billing services until June 30, 2016.

17. [APPROVAL OF THE APPOINTMENT OF COUNCIL MEMBER SANDRA GENIS TO THE ORANGE COUNTY VECTOR CONTROL DISTRICT](#) – CEO's Office/Administration

RECOMMENDATION:

City Council appoint Council Member Sandra Genis as the City of Costa Mesa's representative to the Orange County Vector Control District (OCVCD).

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

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

1. **REVIEW OF PARKS AND RECREATION COMMISSION'S ACTION ON MESA VERDE DRIVE AND CALIFORNIA STREET MEDIAN LANDSCAPE PLANT PALETTE** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council provide direction to Staff relative to the Parks and Recreation Commission's action on Mesa Verde Drive and California Street Median Landscape Plant Palette; and
2. City Council provide direction to Staff relative to the noticing process for Capital Improvement Projects.

2. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-01 FOR A DEVIATION FROM PARKING REQUIREMENTS FOR A GROUP COUNSELING USE AT 657 W. 19TH STREET** – Planning Division/Development Services Department

RECOMMENDATION:

City Council uphold the Planning Commission's decision and deny Minor Conditional Use Permit ZA-15-01 to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing spaces minus 5 spaces that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

3. **APPEAL OF PLANNING APPLICATION PA-15-10 AND TENTATIVE TRACT MAP TT-178-70 FOR A 6-UNIT, DETACHED RESIDENTIAL DEVELOPMENT AT 2366 ORANGE AVENUE** – Planning Division/Development Services Department

RECOMMENDATION:

City Council uphold the Planning Commission's decision and approve the proposed project, Planning Application PA-15-10; and Tentative Tract Map TT-178-70.

4. [REZONE R-14-05, PLANNING APPLICATION PA-14-48, AND TENTATIVE TRACT MAP T-17824 FOR A 10-UNIT DETACHED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AT 2880 MESA VERDE DRIVE EAST](#) – Planning Division/Development Services Department

RECOMMENDATION:

1. City Council approve Initial Study/Negative Declaration (IS/ND); and
2. City Council give first reading to Ordinance No. 15-XX, to be read by title only, and waive further reading, approving Rezone R-14-05; and
3. City Council approve Planning Application PA-14-48 and Tentative Tract Map T-17824 by adoption of Resolution No. 15-XX, to be read by title only, and waive further reading.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [COUNCIL DIRECTION FOR ALLOCATION OF FIELD USE FEES](#) – Chief Executive Office

RECOMMENDATION:

City Council provide direction to staff where to allocate field use fees by the Matt Leinart Flag Football Program.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

- **UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS**

- Concerts in the Park, Tuesday evenings in July, Fairview Park, for more information, please visit www.costamesafoundation.org
- Tuesday, July 21, 2015 – Friday, July 24, 2015 – Special Olympics Delegates arrive from Aruba and Bahamas – Vanguard University – 55 Fair Dr., Costa Mesa
- Thursday, July 23, 2015 – Costa Mesa Day at the Orange County Fair
- Monday, July 20, 2015, Monday, August 3, 2015, and Monday, August 10, 2015 – Free Movie Mondays at Segerstrom Center for the Arts, 600 Town Center Drive. For more information, please visit www.scfta.org
- Sunday, August 2, 2015 at 8:00 a.m. – 17th Annual Orange County Track Club (OCTC) Pancake Breakfast and 5K Cross Country Race/Walk. For more information, please visit, www.octrackclub.com
- Tuesday, August 4, 2015 from 5:00 p.m. to 8:00 p.m. – National Night Out. Target Parking Lot – 3030 Harbor Blvd.
- Friday, August 7, 2015 from 5:30 p.m. to 7:30 p.m. – First Friday Road Show – City Hall Parking Lot – 77 Fair Drive.