

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, JANUARY 17, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
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:

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

PUBLIC COMMENTS – CONSENT CALENDAR:

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

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. **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.
3. 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.
4. 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 of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 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]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

CLOSED SESSION – 4:00 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 Special Closed Session agenda. Each member of the public will be given three minutes to speak.

1. Conference with legal counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa; U.S. District Court, Central District of California Case No. SACV14-01852 JVS, pursuant to California Government Code Section 54956.9(d)(1).
2. 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.
3. 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).

The City Council, Housing Authority, and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Special Closed Session at the conclusion of public comments.

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, JANUARY 17, 2017 – 6:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Stephens

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.]

Father Michael Hanifin, Saint 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.

PRESENTATIONS:

Australia Sister City Education Exchange Delegation

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)

1. Council Member Stephens
2. Council Member Righeimer
3. Council Member Mansoor
4. Mayor Foley
5. Mayor Pro Tem Genis

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

Claims received by the City Clerk: Gayle Hickey, Peggy Ann Honeywell, Catherine Tracy, and Frank Anthony Ventrella, Jr.

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2569 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-26 "A" FOR \$-7,125.98 AND 16-27 FOR \$2,234,922.78; AND CITY OPERATING EXPENSES FOR \$1,855,197.84; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2569.

3. **PROPOSED UPDATES TO POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS** – Police department

RECOMMENDATION:

City Council adopt Resolution 17-xx, approving updates to the Costa Mesa Police Department Tow Policy Guidelines and Requirements for contract rotational tow service operators.

4. **2014-2015 WESTSIDE NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT - CITY PROJECT NO. 15-01**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council accept the work performed by Global Power Group, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

5. **APPROVE STORM DRAIN EASEMENT – CANYON PARK**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Drainage Easement and Agreement within Canyon Park and authorize the Public Services Director to execute the agreement.

AGENDA CONTINUED ON THE NEXT PAGE

6. **EAST 19TH STREET SAFE ROUTE TO SCHOOL (SRTS) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL-5312 (089), CITY PROJECT NO. 16-17**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for hardscape and landscape improvements on East 19th Street Safe Route to School (SRTS) Project from Church Street to Irvine Avenue, Federal Project No. SRTSL-5312 (089), City Project No. 16-17; and
2. Approve Budget Adjustment No. 17-007 in the amount of \$510,138.00.
3. Waive minor irregularities in the bid submitted by the apparent low bidder, EBS General Engineering, Inc., and award a construction contract to EBS General Engineering, Inc., 1320 East 6th Street, Suite 100, Corona, California 92879 in the amount of \$1,164,580.00 (base bid plus additive bid item AD-1).
4. Authorize the Mayor and City Clerk to execute the Public Works Agreement.

7. **BRISTOL STREET PROJECTS, FEDERAL PROJECT NOS. HSIPL-5312(093) AND STPL-5312(100), CITY PROJECT NO. 16-20**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Bristol Street Projects, City Project No. 16-20, consisting of:

Project A: Bristol Street Median Improvement Project, Federal Project No. HSIPL-5312(093);
Project B: Rehabilitation of Bristol Street and Bear Street, Federal Project No. STPL-5312(100);
Project C: Santa Ana Delhi Channel Diversion Project;
Project D: Traffic Signal Installation on Bristol Street;
Project E: Storm Drain Improvements at Randolph Avenue; and
2. Approve Budget Adjustment No. 17-008 in the amount of \$940,912.00; and
3. Reject the bid submitted by Excel Paving, and award a contract for all five projects to the apparent low bidder, Sully-Miller Contracting Corporation, in the amount of \$4,979,439.05; and
4. Authorize the Mayor and City Clerk to execute the Public Works Agreement.

8. [FISCAL YEAR 2015-2016 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND UNDER SECTION 34176.1 OF THE DISSOLUTION LAW AND SECTION 34328 OF THE CALIFORNIA HOUSING AUTHORITIES LAW](#) – Finance Department

RECOMMENDATION:

Staff recommends that the City Council and Housing Authority receive and file the Fiscal Year 2015-2016 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2015-2016 Housing Successor Annual Report prepared under the California Health and Safety Code (HSC), Section 34176.1 as the housing successor and Section 34328 as a housing authority.

9. [RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 17-18 A-B FISCAL PERIOD OF JULY 1, 2017 TO JUNE 30, 2018](#) – Finance Department

RECOMMENDATION:

Successor Agency adopt Successor Agency Resolution No. 17-xx, approving Recognized Obligation Payment Schedule for the 17-18 A-B Annual Fiscal Period of July 1, 2017 to June 30, 2018 (“ROPS 17-18 A-B”), subject to submittal to and review by the Oversight Board and then DOF. Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

10. [APPROVE MUNICIPAL ADVISORY SERVICES AGREEMENT WITH FIELDMAN ROLAPP & ASSOCIATES](#) - Finance Department

RECOMMENDATION:

1. City Council approve the Municipal Advisory Services Agreement with Fieldman Rolapp & Associates in the amount of up to \$90,000 per year in connection with the funding plan for the Lions Park projects; and
2. Authorize the City Manager to execute a three (3) year agreement; and
3. Authorize the City Manager to approve and execute amendments to the agreement.

11. [APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT](#) – City Manager's Office/Administration

RECOMMENDATION:

That the City Council approve the Mayor's appointments to the respective boards:

1. Transportation Corridor Agency (TCA):
Appointee - Mayor Foley
Alternate - Council Member Mansoor
2. Orange County Vector Control District (OCVCD):
Appointee – Mayor Pro Tem Genis
No Alternate Required

12. [FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER](#) – City Manager's Office

RECOMMENDATION:

1. City Council authorize additional funding in the amount \$ 75,000 to allow Best Best & Krieger (BB&K) to provide legal assistance with group home issues and a multi-agency lawsuit against Americare Medservices Inc.; and
2. Satisfy the City's final financial obligation with Best Best & Krieger (BB&K) for environmental and election services in the amount of \$4,525.75.

13. [CITY COUNCIL RESOLUTION AFFIRMING THE MAYOR'S TWO APPOINTMENTS TO THE OVERSIGHT BOARD UNDER THE DISSOLUTION LAW, CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179](#) – City Clerk's Office

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 17-xx, affirming Mayor Foley's selection of Mayor Pro Tem Genis and Daniel Baker to the Oversight Board under the Dissolution Law, California Health and Safety Code, Division 24, Part 1.85, Section 34179.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. 2016 CALIFORNIA RESIDENTIAL CODE WIND SPEED REVISION

Development Services Department/Building Division

RECOMMENDATION:

City Council introduce for first reading, Ordinance 17-xx, to be read by title only, and further reading waived, to update the Costa Mesa Municipal Code Section 5-1.3c to reflect climatic and geographic design criteria applicable for the design of residential structures within the City.

2. GENERAL PLAN AMENDMENT GP-16-01 CHANGING THE LAND USE DESIGNATION OF A 1.66 ACRE SITE FROM NEIGHBORHOOD COMMERCIAL (NC) TO HIGH DENSITY RESIDENTIAL (HDR); AND CONSIDERATION OF FIRST READING OF ORDINANCE 17-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA FOR REZONE R-16-01 TO REZONE (OR CHANGE) A 1.66-ACRE SITE LOCATED AT 440 FAIR DRIVE FROM C1 (LOCAL BUSINESS DISTRICT) TO PDR-HD (PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY) AND MASTER PLAN PA-16-46 AND TENTATIVE TRACT MAP TT-18064 FOR CONDOMINIUM PURPOSES FOR A 28-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT LOCATED AT 440 FAIR DRIVE

- Development Services Department/Planning Division

RECOMMENDATION:

At their meeting of November 21, 2016, the Planning Commission recommended that the City Council deny the project.

OLD BUSINESS:

1. AMENDMENT OF COSTA MESA MUNICIPAL CODE SECTIONS 2-97 and 2-101 CHANGING THE TITLE OF CHIEF EXECUTIVE OFFICER TO CITY MANAGER AND ASSISTANT CHIEF EXECUTIVE OFFICER TO ASSISTANT CITY MANAGER – City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council give second reading to and adopt Ordinance 17-02, to be read by title only, and further reading waived, amending sections 2-97 and 2-101 of the Costa Mesa Municipal Code to remove references to the Chief Executive Officer and Assistant Chief Executive Officer and change the titles to City Manager and Assistant City Manager respectively.

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

RECOMMENDATION:

1. City Council authorize an amendment to the Professional Services Agreement for Environmental Services for the West 19th Street Bicycle Trail Project with Dudek, 605 Third Street, Encinitas, CA 92024, in the amount of \$155,977; and
2. Authorize the City Manager and City Clerk to execute the Amendment.

NEW BUSINESS:

1. **MOBILE RECREATION PROGRAM** – Parks and Community Services Department

RECOMMENDATION:

Staff requests that City Council provide direction regarding the return of the Mobile Recreation program.

ADDITIONAL COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Monday, January 16, 2017 – **12th Annual Mesa Verde Classic**, 8 a.m.-7 p.m., The Mesa Verde Country Club, 3000 Club House Dr. Presented by Costa Mesa United, this year's theme is "Ante Up." Enjoy music, food and live entertainment. All proceeds benefit high school athletics for Costa Mesa kids. For more information, please visit: <http://birdeasepro.com/MVCC2017>

Wednesday, January 18, 2017 – **Business Seminar**, 5:30-6:30 p.m., 1855 Park Ave. Free seminar that will feature Marketing specialist, John Eichenmuller. Discussion will include how to build and sustain a successful business through better client acquisition and retention techniques. For more information, contact (949) 646-8845.

Thursday, January 19, 2017 – **90-Minute Breakfast Boost**, 7-8:45 a.m. Costa Mesa Country Club, 1701 Golf Course Dr. Presented by the Costa Mesa Chamber of Commerce, this presentation will include discussion regarding how to drive new business with social media in 2017. Prepaid reservations are \$15 and \$20 at the door. RSVP at www.costamesachamber.com.

Tuesday, January 24, 2017 – **FAFSA and Dream Act Application Workshop No. 2**, 6-8 p.m. Costa Mesa High School, 2650 Fairview Rd. Room 212. CMHS students and individuals from other school in the district are welcome to attend. Get help completing the free application for Federal Student Aid. For more information, please visit: www.cmhs.schoolloop.com/counseling.

Tuesday, January 24, 2017 – **Tuesday Night Bingo**, 5-7 p.m., Costa Mesa Senior Center, 695 W. 19th St. Presented by the Costa Mesa High School Boosters, this event is open to the public. Doors open at 5 p.m., and warm-ups begin at 6 p.m.

Wednesday, January 25, 2017 - Thomas Leeb, 5:30-6:30 p.m., Costa Mesa Library, 1855 Park Ave. Enjoy sounds from acoustic guitarist Thomas Leeb. Free event. For more information, please call: (949) 646-8845.

Friday, January 27, 2017 through Sunday, January 29, 2017 – **36th Annual Tet Festival**, OC Fair and Event Center, 88 Fair Dr. This Lunar New Year Festival offers visitors an array of vibrant food, contests, live entertainment, cultural displays and rides. For more information, please visit www.ocfair.com.

Tuesday, January 31, 2017 – **Early College High School Information Night**, 6:30-7:30 p.m., Early College High School, 2990 Mesa Verde Dr. Costa Mesa. Being held in the MPR room, this information night is intended for perspective students. Learn about the school and the application process for the 2017-18 school year.

Thursday, February 9, 2017 – **Mesa Water District Tour**, Departure time is 8:45 a.m., Senior Center, 695 W. 19th St. Enjoy a free tour of the Mesa Water District and learn about the treatment process and their water-wise garden. Space is limited, so register with the front desk ASAP. For more information, please call: (714) 327- 7547.

Tuesday, February 14, 2017 – **Senior's Valentines Disco Party**, 5-7 p.m., Senior Center, 695 W. 19th St. Celebrate Valentine's Day disco style. Enjoy dinner, dessert, and entertainment. Registration and cancellation deadline is February 7, 2017. For more information, please visit the front desk.