

AGENDA
CITY OF COSTA MESA
REGULAR CITY COUNCIL, AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING AND
SPECIAL JOINT MEETING WITH THE COSTA MESA
HOUSING AUTHORITY*

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

TUESDAY, SEPTEMBER 15, 2015
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 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 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).

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 AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY – 5:45 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Genis

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 Phil DeVaul, St. John the Divine Episcopal Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: City Council 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 Cup: Costa Mesa American Little League

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Dean Corbin

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2542 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-17 "A" FOR (\$-11.50) AND 15-18 FOR \$2,179,953.31; AND CITY OPERATING EXPENSES FOR \$1,604,342.92; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** – Finance Department

RECOMMENDATION:

Approve Warrant Resolution No. 2542, to be read by the title only, and waive further reading.

4. **2012 – 2013 STREET REHABILITATION PROJECT – CITY PROJECT NO. 13-01** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by R.J. Noble Company and authorize the City Clerk to file the Notice of Completion; and
2. City Council release the Faithful Performance bond (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 MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY OF SEPTEMBER 1, 2015** – Chief Executive Officer’s Department/ City Clerk’s Office

RECOMMENDATION:

City Council approve the minutes.

6. **REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY’S ADMINISTRATIVE BUDGET FOR THE 15-16B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2016 TO JUNE 30, 2016** – Finance Department

RECOMMENDATION:

Successor Agency adopt Successor Agency Resolution No. 15-XX, to be read by the title only, and waive further reading, approving the Successor Agency’s Administrative Budget for the 15-16B Six-Month Fiscal period subject to submittal and approval by the Oversight Board pursuant to the Dissolution Law.

7. **REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 15-16B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2016 TO JUNE 30, 2016** – Finance Department

RECOMMENDATION:

Successor Agency adopt Successor Agency Resolution No. 15-XX, to be read by the title only, and waive further reading, approving the recognized Obligation Payment Schedule for the 15-16B Six-Month Fiscal Period of January 1, 2016 to June 30, 2016 (“ROPS 15-16B”), 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) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

8. **AMENDMENT TWO TO PROFESSIONAL SERVICES AGREEMENT FOR GENERAL PLAN UPDATE** – Development Services Department/Planning Division

RECOMMENDATION:

1. City Council approve Amendment Two, additional scope of work and additional fees of \$39,400 to the Professional Services Agreement with Moore Iacofano Goltsman, Inc. (MIG), formerly known as Hogle-Ireland; and
2. City Council extend the contract period by one (1) year from October 1, 2015 to October 1, 2016; and
3. City Council authorize the City Chief Executive Officer to sign Amendment Two to the Professional Services Agreement with MIG.

9. **SOLE SOURCE PURCHASE FOR THE REPLACEMENT OF POLICE RADIOS FOR THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM UPGRADE** – Police Department/Support Services Division

RECOMMENDATION:

City Council approve the Chief Executive Officer to sign the Sole Source purchase request for ninety-six (96) police patrol car and motorcycle radios identified as eligible for the “Hot Red” radio promotion offered by Motorola in an amount not to exceed \$705,000.00.

10. **NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19TH STREET** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on October 20, 2015 for the vacation of excess Right-Of-Way (ROW) at 752 West 19th Street; and
2. City Council adopt Resolution 15-XX, to be read by title only, and waive further reading, of Intent to vacate excess Right-Of-Way (ROW) at 752 West 19th Street.

11. **AUTHORIZE AND DIRECT THE CITY OF COSTA MESA'S CONVEYANCES AND ASSIGNMENTS TO THE COSTA MESA HOUSING AUTHORITY OF ALL INTERESTS IN CERTAIN PROPERTIES AND AFFORDABLE HOUSING PROJECTS LOCATED AT 745 W. 18TH STREET AND 734, 740 AND 744 JAMES STREET ACQUIRED THROUGH FORECLOSURE PROCEEDINGS** – Chief Executive Officer's Department

RECOMMENDATION:

City Council and Housing Authority adopt a Joint Resolution No. 15-XX, to be read by title only, and further reading waived, authorizing and directing:

1. The City's
 - (a) conveyances and transfers of fee title by Quitclaim Deeds to the Costa Mesa Housing Authority; and
 - (b) Assignments of Regulatory Agreements and bills of sale to all personal property to the Housing Authority; and
2. The Housing Authority's acceptance of such conveyances by Quitclaim Deed and the Assignments of Regulatory Agreements and bills of sale, all relating to certain real properties located at 745 W. 18th Street (APN: 424-052-01) and 734, 740 and 744 James Street (APNs 424-052-18, 424-052-19 and 424-052-20) in the City of Costa Mesa, State of California; and
3. The CEO and his authorized representative(s) on behalf of the City, and the Executive Director and his authorized representative(s) on behalf of the Housing Authority, to execute, and the City Clerk/Secretary to attest, the Quitclaim Deeds and the Assignment and Bill of Sale Agreements for such affordable housing properties.

12. **PROFESSIONAL SERVICES AGREEMENT WITH SCIENTIA CONSULTING GROUP, INC.** - Information Technology Department

RECOMMENDATION:

1. City Council approve the Professional Services Agreement (PSA) with Scientia Consulting Group, Inc. (Scientia) in an amount not exceeding \$175,440; and
2. City Council authorize the Chief Executive Officer (City CEO) to sign the PSA with Scientia Consulting Group, Inc. in the amount not to exceed \$175,440 annually; and
3. City Council authorize the CEO to sign for any justified rate increase to the contract within his signing authority and to extend the PSA for four (4) additional one-year terms.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE

OLD BUSINESS:

1. [SECOND READING OF ORDINANCE NO. 15-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR A MUNICIPAL CODE AMENDMENT CO-15-02, AMENDING TITLE 8, CHAPTER V RELATED TO VAPING IN PUBLIC FACILITIES AND TITLE 13 RELATED TO REGULATIONS FOR SMOKING AND VAPING USES](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 15-10, to be read by title only, and waive further reading.

2. [SECOND READING OF ORDINANCE NO. 15-07: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A CAPITAL ASSET NEEDS ORDINANCE ADDING ARTICLE 8 TO TITLE 2 CHAPTER V OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH THE REQUIREMENTS FOR A MINIMUM ALLOCATION OF 5% OF ANNUAL GENERAL FUND REVENUE TO THE CAPITAL EXPENDITURES ACCOUNT AND A MINIMUM ALLOCATION OF 1.5% TO A CAPITAL FACILITIES ACCOUNT ANNUALLY](#) – Finance Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 15-07, to be read by title only, and waive further reading.

NEW BUSINESS:

1. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-15-02\) FOR A 6-UNIT DETACHED SMALL LOT RESIDENTIAL DEVELOPMENT WITHIN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN LOCATED AT 592 HAMILTON STREET](#) – Planning Division/Development Services Department

RECOMMENDATION:

City Council provide feedback on a proposed Urban Master Plan for a 6-unit, two-story, detached small lot residential development project within the Mesa West Residential Ownership Urban Plan.

2. **FAIRVIEW PARK NORTH BLUFF TRAIL REALIGNMENT – COUNCIL MEMBER GENIS’ REQUEST TO REVIEW PARKS AND RECREATION COMMISSION’S ACTION** – Public Services Department/Engineering Division

RECOMMENDATION:

City Council uphold the Parks and Recreation Commission’s determination that the proposed Fairview Park North Bluff Trail Realignment is consistent with the Fairview Park Master Plan.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting – October 6, 2015 at 5:00 p.m.

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

- Thursday, September 17, 2015 at 8:45 a.m., Costa Mesa Chamber of Commerce 90-Minute Breakfast Boost, Costa Mesa Country Club, 1701 Golf Course Drive, for more information please visit www.costamesachamber.com
- Thursday, September 17, 2015 at 2:00 p.m. – Oversight Board Meeting – 77 Fair Drive, Conference Room 1A
- Thursday, September 17, 2015 at 5:30 p.m. – 7:00 p.m., Mesa Water Town Hall & MWRP Tour, Mesa Water Reliability Facility, 1350 Gisler Ave., For more information please visit, www.mesawater.org
- Friday, September 18, 2015 from 5:30 a.m. – 7:30 a.m. – Walk with the Mayor – Estancia High School Parking Lot – 2323 Placentia Avenue
- Friday, September 18, 2015, from 4:30 p.m. – 6:30 p.m., Senior Center Casino Night
- Saturday, September 19, 2015 – 10:00 a.m. – 1:00 p.m. – Back to School Safety Fair – Civic Center – 77 Fair Drive – For more information, please contact David Cho in the Transportation Services Division at 714-754-5017.
- Saturday, September 19, 2015, 6:00 p.m. – 10:00 p.m., Beat the Drum for the Arts: Costa Mesa High School Annual Gala, Grand Terrace At South Coast Plaza. For more information, please visit www.cmhsfoundation.org
- Sunday, September 20, 2015, 1:00 p.m. – 5:00 p.m., FLASHBACK: A Celebration of Costa Mesa’s Historical Society & Neighborhood Community Center.
- Saturday, September 26, 2015, 8:00 a.m. – 11:00 a.m., 6th Annual Project Independence Walk for Independence & Half Fair, Tewinkle Park. For more information, please visit www.proindependence.org
- Saturday, September 26, 2015, Cruisin’ for a Cure, OC Fair & Event Center, World’s Largest one-day charity car show prostate cancer awareness. For more information, please visit www.crusinforacure.com
- Wednesday, September 30, 2015 7:00 a.m. – 9:00 a.m., N-MUSD State of the Schools Breakfast, Estancia High School Gymnasium. For more information, please visit www.nmusd.us
- Friday, October 2, 2015 at 5:30 p.m. – 7:30 p.m., First Friday Roadshow, Costa Mesa, City Hall Parking Lot