

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 7, 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 Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
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.

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 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.]

Father Phil DeVaul, St. John the Divine Episcopal 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:

1. Mayor's Award – Kirk McIntosh, Pilot Cup

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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. READING FOLDER

- a. Claims received by the City Clerk: Tricia Wilson

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2558 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-10 "A" FOR \\$1,261.68 and 16-11 for \\$2,170,736.12; AND CITY OPERATING EXPENSES FOR \\$1,214,084.76; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2558.

3. **MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF MAY 17, 2016 AND STUDY SESSION OF MAY 10, 2016.**

Chief Executive Officer's Department/ City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of May 17, 2016 and May 10, 2016.

4. **COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE CONSTRUCTION OF A PORTION OF THE SANTA ANA DELHI DIVERSION CHANNEL PROJECT**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve a Cooperative Agreement with the City of Santa Ana for the construction of a portion of the Santa Ana-Delhi Channel Project within the limits of the City of Costa Mesa; and
2. City Council authorize the Chief Executive Officer and City Clerk to execute the Cooperative Agreement.

5. **FUNDING FOR SUNGARD CONTRACT AND AMENDMENTS FOR CITY COMPUTER AIDED DISPATCH (CAD)/RECORDS MANAGEMENT SYSTEM (RMS) - Police Department/Support Services Division**

RECOMMENDATION:

City Council authorize additional funding not to exceed \$276,317.63 (\$20,153 in additional new appropriations) for previously approved Software Licenses and Services Agreement and Software Maintenance Agreement with SunGard Public Sector, Inc. (Contract #130585), including Amendments 1 through 4, for services performed and travel expenses incurred within the authorized scope of work.

6. **FINAL MAP FOR TRACT NO. 17839 LOCATED AT 2333 ELDEN AVENUE, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 17839 and authorize signing of the Map by the City Clerk and the City Engineer.

7. **HOUSING AUTHORITY BUDGET FOR FY16-17**
Development Services Department/Housing and Community Development

RECOMMENDATION:

1. City Council approve the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY16-17 by adoption of joint Resolution 16-xx; and
2. Housing authority approve the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY16-17 by adoption of joint Resolution 16-xx.

8. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE WEST 17TH STREET WIDENING PROJECT**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council award a Professional Services Agreement for the design of the West 17th Street Widening project to Onward Engineering, 300 S. Harbor Boulevard, Suite 814, Anaheim, CA 92805, in the amount of \$295,416; and
2. City Council authorize the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. City Council approve Budget Adjustment, BA 16-014, recognizing and appropriating Measure M2 grant funding received for the project in the amount of \$262,500.

9. **PROFESSIONAL TRAFFIC ENGINEERING SERVICES**
Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Professional Services Agreement in the amount of \$120,000 to Kabbara Engineering for traffic engineering services for an initial term expiring on June 30, 2017, and optional two (2) one-year extensions in the amount of \$60,000 each year; and
2. City Council authorize the Mayor 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.

10. **AGREEMENT FOR PROFESSIONAL FINANCIAL, LAND USE AND HOMELESS AND HOUSING CONSULTING SERVICES**

Chief Executive Officer's Department

RECOMMENDATION:

Staff recommends that the City Council:

Approve the sole source Professional Services Agreement for professional financial, land use, and homeless and housing consulting services with Keyser Marston Associates, Inc. ("KMA"), the City of Costa Mesa ("City") and the Costa Mesa Housing Authority ("CMHA") for an amount not to exceed \$100,000, for the period of July 1, 2016 – June 30, 2017 with three (3) one (1) year renewals, and direct the CEO to sign the agreement and authorize CEO to execute any renewal amendments.

11. **RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016**

Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 16-26, to be read by title only and waive further reading, calling and giving notice to conduct a General Municipal Election on November 8, 2016 for the election of three members to the City Council; and
2. Adopt Resolution No. 16-27, to be read by title only and waive further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election; and
3. Adopt Resolution No. 16-28, to be read by title only and waive further reading, adopting regulations pertaining to Candidates Statements.

12. **BEVERAGE CONTAINER RECYCLING PAYMENT PROGRAM AUTHORIZATION** - Public Services Department/Administration

RECOMMENDATION:

City Council adopt Resolution 16-xx, authorizing City staff to submit applications for all CalRecycle payment programs, including the Beverage Container Recycling Payment Program, for which the City is eligible.

13. [FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER FOR ELECTION AND ENVIRONMENTAL LEGAL ASSISTANCE](#)
Chief Executive Officer's Department

RECOMMENDATION:

City Council authorize additional funding not to exceed \$75,000.00 for the special counsel legal services agreement with Best Best & Krieger (BB&K) for legal services relating to environmental and election issues.

14. [REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF AUGUST 16, 2016](#) - Chief Executive Officer's Department

RECOMMENDATION:

Staff recommends that the City Council consider:

1. Altering the meeting schedule for the month of August 2016. Specifically, staff is requesting that the meeting of Tuesday, August 16, 2016, be cancelled. It is expected that cancelling this meeting will assist with managing workloads and allow time for coordination of vacation absences for Council and staff; and
2. Permanently cancelling the 2nd regularly scheduled City Council meeting in August of each year until future direction from the City Council.

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

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

1. [BUSINESS IMPROVEMENT AREA \(BIA\) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT](#)
Chief Executive Officer's Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct a public hearing regarding the Business Improvement Area (BIA) reauthorization and approve Resolution No. 16-xx: A resolution of the City Council of the City of Costa Mesa, California, levying an annual assessment for Fiscal Year 2016-2017 for a Business Improvement Area covering certain Costa Mesa hotels and motels; and
2. Adopt the Fiscal Year 2016-2017 Community-Wide Marketing and Support Budget.

NEW BUSINESS:

1. **APPOINTMENT TO PARKS AND RECREATION 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 Parks and Recreation Commission.

2. **SUBMISSION TO THE VOTERS AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION TWO PROPOSED ORDINANCES QUALIFIED BY VOTER INITIATIVE ALLOWING OPERATION OF LICENSED MEDICAL MARIJUANA BUSINESSES IN THE CITY OF COSTA MESA**

Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2016-29: 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, "Allow Operation of up to Eight Medical Marijuana (Cannabis) Businesses in the City of Costa Mesa"; and
2. Adopt Resolution 2016-30: 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, "Allow Operation of up to Four Licensed Medical Marijuana Businesses in the City of Costa Mesa"; and
3. Adopt Resolution 2016-31: 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 two questions relating to the adoption of proposed ordinances; and;
4. Adopt Resolution 2016-32: Authorizing written arguments for or against the proposed ordinance to Allow Operation of up to Eight Medical Marijuana (Cannabis) Businesses in the City of Costa Mesa; setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis; and

5. Adopt Resolution 2016-33: Authorizing written arguments for or against the proposed ordinance to Allow Operation of up to Four Medical Marijuana Businesses in the City of Costa Mesa; setting priorities for filing written arguments; determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis; and
 6. Adopt Resolution 2016-34: Authorizing the filing of rebuttal arguments for City measures submitted at municipal elections.
3. **SUBMISSION TO THE VOTERS AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION A PROPOSED ORDINANCE QUALIFIED BY VOTER INITIATIVE TO REQUIRE VOTER APPROVAL ON CERTAIN DEVELOPMENT PROJECTS** - Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2016-35: 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 To Require Voter Approval On Certain Development Projects"; and
2. Adopt Resolution 2016-36: 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 To Require Voter Approval On Certain Development Projects"; and
3. Adopt Resolution 2016-37: Authorizing written arguments for or against the proposed ordinance to Require Voter Approval On Certain Development Projects, setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

Wednesday, June 8, 2016 – **Open Space Master Plan Community Workshop**, 6:30-9 p.m. Lindbergh School, 220 23rd St. Located in the multi-purpose room. Be a part of the City's Open Space and Recreation Master Plan. For more information, call (714) 754-5300

Thursday, June 9, 2016 – **Fight Club OC**, 7-10 p.m., OC Fair and Event Center, 88 Fair Drive. Orange County's only professional boxing and professional mixed martial arts show on one night in one venue. For more information, call: (949) 760-3131

Friday, June 10, 2016 through Sunday, June 12, 2016 – **Royal Swedish Ballet**, Segerstrom Center for the Arts, 600 Town Center Drive. A clash of people and power. A struggle between generations. Love, hate and jealousy. The Royal Swedish Ballet returns to the Center for the second time. For more information, visit: <http://www.scfta.org/Events/Detail.aspx?id=13131>

Saturday, June 11, 2016 – **48th Annual Costa Mesa Speedway**, 6-10 p.m. OC Fair and Event Center, 88 Fair Drive. The most exciting, colorful and unpredictable live action racing event in the nation. Suitable for the whole family. June 11 features 450x races. For more information, call (949) 492- 9933

Sunday, June 12, 2016- **Cathedral Echoes**, 5:30 p.m. Segerstrom Center for the Arts, 600 Town Center Drive. John Alexander and Pacific Chorale transform the Renée and Henry Segerstrom Concert Hall into a resounding cathedral with music for choir and organ. For more information visit: <http://www.scfta.org/Events/Detail.aspx?id=13093>

Sunday, June 12, 2016 – **Meet the Mayor**, 2-4 p.m. Costa Mesa City Hall, 77 Fair Drive. "Meet the Mayor" sessions are held at City Hall and other locations around town on the second Sunday of each month. For more information, visit: <http://www.costamesaca.gov/>

Thursday, June 16, 2016 – **AARP Smart Driver**, 9 a.m.-2 p.m. Costa Mesa Senior Center. Offered by AARP Driver Safety and is the nation's largest classroom and online driver safety course and is designated for drivers age 50 and older. Sign up at the Senior Center front desk.

Friday, June 17, 2016 – **Walk with the Mayor**, 5:30 a.m.-7:30 a.m., Estancia High School parking lot, 2323 Placentia Ave. On the third Friday of each month, residents can participate in the Walk and Talk with the Mayor for an approximately 90-minute walk. For more information, call: (714) 754-5107.

Friday, June 17, 2016 through Saturday, June 18, 2016 – **Classical Mystery Tour**, 8 p.m. Segerstrom Center for the Arts, 600 Town Center Drive. The four musicians of Classical Mystery Tour perform music from The Beatles' songbook, all backed by the lush sounds of Pacific Symphony. This high-energy concert celebrates the 50th anniversary of The Beatles' final live concert in 1966. For more information visit, <http://www.scfta.org/Events/Detail.aspx?id=12549>

Saturday, June 18, 2016 through Sunday, June 19, 2016 – **Orange County Model Engineers Train Ride**, 10:30 a.m.-3:30 p.m. Fairview Park, 2501 Placentia Ave. Trains on public ride days are made up of 4 to 6 bench cars that seat 5 to 6 adults and children per car. For more information, visit: <http://www.ocmetrains.org/>