

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, JULY 5, 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: The Kennedy Commission, et al vs. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc., a California corporation; Sure Haven, a California corporation; and Rock Solid Recovery, a California corporation v. City of Costa Mesa; Orange County Superior Court Case No. 30-2015-00815218-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
3. 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, Housing Authority, 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 Council Member Foley

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.]

Pastor Phil Eyskens, The Lighthouse 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 – Michael Howard, Founder – Operation Clean Slate

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COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

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

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: Keith Raffel and Avery Troutman

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2560 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-12 "A" FOR \\$-655.96 and 16-13 for \\$2,142,892.41; AND CITY OPERATING EXPENSES FOR \\$2,645,351.37; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2560.

3. [MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF JUNE 21, 2016 AND SPECIAL CLOSED SESSION AND SPECIAL MEETING OF JUNE 14, 2016](#) - Chief Executive Officer's Department/City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of June 21, 2016 and June 14, 2016.

4. **IMPROVEMENT AT THREE BUS STOPS, PROJECT NO. 15-11**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept work performed by Unique Performance Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond six (6) months after the filing date and release of the retention monies 35 days after the Notice of Completion filing date.

5. **NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 671-673 W. 17TH STREET AT TWO LOCATIONS: W. 17TH STREET AND SUPERIOR AVENUE** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on August 2, 2016 for the vacation of a portion of West 17th Street and Superior Avenue Right-Of-Way (ROW); and
2. Adopt Resolution of Intent to vacate a portion of West 17th Street and Superior Avenue Right-Of-Way (ROW).

6. **HARBOR BOULEVARD IMPROVEMENTS FROM SOUTH COAST DRIVE TO SUNFLOWER AVENUE, CITY PROJECT NO. 14-07**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Contract Change Order No. 4 in the amount of \$19,898.00; and
2. Approve Budget Adjustment Authorization NO.17-002 in the amount of \$19,898.00; and
3. Accept the work performed by All American Asphalt and authorize the City Clerk to file the Notice of Completion; and
4. Authorize release of the Faithful Performance Bond (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

7. **CONTRACT AMENDMENT – WEST COAST ARBORISTS, INC.**
Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve and authorize the Chief Executive Officer to execute Amendment #2 to the professional services agreement with West Coast Arborists, Inc. to increase by 1.5%, based on the Consumer Price Index, the annual amount of the contract by \$7,050 and the unit pricing schedule for urban forest maintenance tasks; and
2. Authorize the Chief Executive Officer to approve the one (1) year time extensions per the terms and conditions of the existing agreement, upon mutual agreement of both parties.

8. **VEHICLE LIGHTING AND EQUIPMENT INSTALLATION SERVICES**
Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve and authorize the Chief Executive Officer and the City Clerk to execute a three (3) year service agreement for the vehicle lighting and equipment installation services with Stommel Inc. dba. LEHR, 1370 North McCain Street, Anaheim, CA 92806, effective July 6, 2016 through July 5, 2019, in an amount not to exceed \$150,000 annually; and
2. Authorize the Chief Executive Officer to renew the agreement for two (2) additional one year terms, upon mutual agreement of both parties.

9. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION**
Police Department/Field Operations Division

RECOMMENDATION:

City Council approve the 2016 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair and authorize the Chief Executive Officer, or his designee, to sign the contract. The term of the agreement is July 15, 2016, through August 14, 2016, and the maximum amount not to exceed \$365,000.

10. PARTICIPATION IN THE COUNTY OF ORANGE, COUNTYWIDE PUBLIC MASS NOTIFICATION SYSTEM – ALERT OC

Police Department/Support Services Telecommunications Bureau

RECOMMENDATION:

1. City Council approve the City's continued participation in the County of Orange, Countywide Public Mass Notification System – AlertOC; and
2. Authorize the Chief Executive Officer (CEO) or his designee to sign the Memorandum of Understanding (MOU) between the County of Orange and Participants for use of the countywide mass notification system.

11. PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS

Development Services Department

RECOMMENDATION:

1. City Council approve the Professional Services Agreement with Kimley-Horn, not to exceed \$199,000; and
2. Authorize the City Chief Executive Officer to sign Amendment One with Kimley-Horn and Associates.

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

AGENDA CONTINUED ON THE NEXT PAGE

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

1. [CODE AMENDMENT CO-16-01 – AMENDMENT TO TITLE 13, CHAPTER VIII, ARTICLES 2, 6 & 6.5, POLITICAL CAMPAIGN SIGNS AND PORTABLE SIGNS WITHIN PUBLIC RIGHT-OF-WAY AND TABLE 13-115 OF THE COSTA MESA MUNICIPAL CODE](#)- Development Services Department/Planning Division

RECOMMENDATION:

The Planning Commission recommends that the City Council:

Conduct the Public Hearing and give first reading to Ordinance 16-04 to adopt Code Amendment CO-16-01 amending Costa Mesa Municipal Code Title 13 Chapter VIII, Signs.

2. [DISTRICT ELECTIONS MAPPING PROCESS – VOTING DISTRICTS FORMATION](#) - CEO's Department/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive presentation and recommendations regarding voting district maps; and
2. Open public hearing, receive public input, and close public hearing; and
3. Discuss voting district formation maps and provide direction to Staff on a map preference; and
4. Schedule the third and final public hearing at a Special City Council meeting on July 12, 2016 for City Council to select a map to include on the November 8, 2016 ballot, asking voters to decide whether to approve voting district elections as defined by the selected map.

----- **END OF PUBLIC HEARING** -----

OLD BUSINESS:

1. CONSIDERATION OF A CITY INITIATIVE ORDINANCE REGARDING MEDICAL MARIJUANA BUSINESSES

City Clerk's Office/City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the proposed initiative ordinance entitled, "The City of Costa Mesa Medical Marijuana Measure" relating to medical marijuana manufacturing, testing and related uses within certain areas of the City; and
2. Provide direction on whether to place the proposed ordinance on the November 8, 2016 ballot by adoption of the following resolutions:
 - a. Resolution 2016-51: 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, "The City of Costa Mesa Medical Marijuana Measure"; and
 - b. Adopt Resolution 2016-52: 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, "The City of Costa Mesa Medical Marijuana Measure"; and
 - c. Adopt Resolution 2016-53: Authorizing written arguments for or against the proposed ordinance "The City of Costa Mesa Medical Marijuana Measure", setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis; and
 - d. Adopt Resolution 2016-54: Authorizing the filing of a Notice of Exemption pursuant to the provisions California Environmental Quality Act; and
3. Provide direction on informational mailers.

2. **ELECTION CODE SECTION 9212 REPORT ON “AN INITIATIVE REQUIRING CHANGES IN USE AT FAIRVIEW PARK BE SUBJECT TO VOTER APPROVAL”, CONSIDER PLACING THE INITIATIVE ON THE NOVEMBER 8, 2016 BALLOT; AND PROVIDE DIRECTION ON AN ALTERNATIVE MEASURE**

City Clerk/City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive the Elections Code Section 9212 report regarding the initiative; and
2. Order placement of the measure on the November 8, 2016 consolidated municipal election by adopting the following resolutions:
 - a. Resolution 2016-41: 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 2016-42: 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 2016-43: 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; and
3. Provide special counsel with direction on an alternative measure to be placed on the November 8, 2016 ballot.

3. **PROPOSED CITY COUNCIL SPONSORED MEASURE ADDRESSING FUTURE DEVELOPMENT AND DEVELOPMENT-FUNDED OPEN SPACE AND RECREATION** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Consider the proposed Council initiated ballot measure (the “Measure”) that would directly compete with the Initiative for Voter Approval on Certain Development Projects (the “Initiative”); and
2. Provide direction on whether to place the proposed Measure on the November 8, 2016 ballot by adoption of the following resolutions:
 - a. Adopt Resolution 2016-55: 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 City Council sponsored proposition for the enactment of an ordinance, which will be referred to as the “Measure for Sensible Community Development and Development-Funded Open Space and Recreation,” entitled:

A resolution of the City Council of the City of Costa Mesa, California, ordering, and giving notice of the submission to the voters of a proposition for the enactment of an ordinance relating to future Development and Development-Funded Open Space and Recreation at the November 8, 2016 consolidated regular election; and
 - b. Adopt Resolution 2016-56: 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 referred to as the “Measure for Sensible Community Development and Development-Funded Open Space and Recreation,”; and
 - c. Adopt Resolution 2016-57: Authorizing written arguments for or against the proposed ordinance referred to as the “Measure for Sensible Community Development and Development-Funded Open Space and Recreation, setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis.
3. Provide direction on informational mailers.

NEW BUSINESS:

1. [GENERAL PLAN SCREENING GPS-16-03 FOR THE EMULEX PROPERTY AT 3333 SUSAN STREET](#) – Development Services Department/Planning Division

RECOMMENDATION:

City Council accept or deny General Plan amendment screening request for processing to amend the land use designation from Industrial Park (IP) to Commercial Center (CC) related to development of the 14.25 acre Emulex property at 3333 Susan Street.

ITEMS REMOVED FROM THE CONSENT CALENDAR

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY ACTIVITIES, EVENTS AND MEETINGS

Tuesday, July 5, 2016 – **Concerts in the Park- The Answer**, 6 p.m., Fairview Park, 2501 Placentia Ave., main parking lot at Goat Hill junction train lot. Tuesdays in July at Fairview Park. Preshow is at 5 p.m. and shows begin at 6 p.m. Featured are community booths, kid's activities, gourmet food trucks, beer and wine garden and opportunity drawings. For more information, please 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.

Friday, July 8, 2016 – **Luau**, 7 p.m.- 9:30 p.m., Downtown Recreation Center, 1860 Anaheim Ave. Kick off your summer in style, enjoy free snow cones, night swimming, kid's games and much more. For more information, please call (714) 327-7560.

Sunday, July 9, 2016 – **The Wizard of Oz in Concert with San Diego Symphony**, 8 p.m. Segerstrom Center for the Arts, 600 Town Center Dr. Experience the beloved Oscar-winning classic *The Wizard of Oz* with a live performance of its musical score by the San Diego Symphony as the full-length film is projected on a giant movie screen in the Renée and Henry Segerstrom Concert Hall. For more information please visit: www.scfta.org.

Sunday, July 10, 2016 – **Meet the Mayor**, 2 p.m.- 4 p.m., Costa Mesa City Hall, 77 Fair Dr. Mayor Steve Mensinger holds "Meet the Mayor" sessions at City Hall and other locations around town from 2-4 p.m. on the second Sunday of each month. For more information please visit: www.costamesaca.gov.

Monday, July 11, 2016 – **SCFTA’s Movie Monday- Grease**, 8 p.m.- 10 p.m. Segerstrom Center for the Arts, 600 Town Center Dr. Free Movie Mondays. Set-up begins at 5:30 p.m., with the movie starting at dusk (approximately 8 p.m.). Guests are encouraged to bring beach chairs or other easily portable seating items, snacks and picnic suppers. For more information, please visit: www.scfta.org.

Tuesday, July 12, 2016 – **Concerts in the Park- Kelly Rae Band**, 6 p.m., Fairview Park, 2501 Placentia Ave., main parking lot at Goat Hill junction train lot. Tuesdays in July at Fairview Park. Preshow is at 5 p.m. and shows begin at 6 p.m. Featured are community booths, kid’s activities, gourmet food trucks, beer and wine garden and opportunity drawings. For more information, please visit: www.costamesafoundation.org.

Friday, July 15, 2016 – **Walk and Talk with the Mayor**, 5:30 a.m.-7:30 a.m. Estancia High School, 2323 Placentia Ave. At 5:30 a.m. on the third Friday of each month, residents can participate in the Walk and Talk with the Mayor for a 90-minute walk. The group meets at Estancia High School parking lot adjacent to the tennis court. For more information, please visit: www.costamesaca.gov.

Friday, July 15, 2016 through August 14, 2016- **2016 OC Fair**. Orange County Fair and Event Center, 88 Fair Dr..OC Fair wants everyone to “Get Your Fair Face On!” and show your happy, wowed and thrilled faces while enjoying a full day of fun at the Fair with animals of all kinds, musical performances in the Pacific Amphitheatre and The Hangar, events in the Action Sports Arena, beautiful exhibits, delicious Fair treats and carnival rides. The 23-day event features shopping, exhibits, hands-on activities and contest. For more information, please visit: www.ocfair.com.

Saturday, July 16, 2016 through Sunday, July 17, 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/>.