

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, MARCH 7, 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.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to cityclerk@costamesaca.gov.
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. 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 Closed Session agenda. Each member of the public will be given three minutes to speak.

1. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Stephanie De La Cruz v. City of Costa Mesa, et al., Orange County Superior Court of California, Case No. 30-2016-00830354-CU-PO-CJC.

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Thomas R. Hatch, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Thomas R. Hatch, City Manager
Name of Employee Organization: Costa Mesa Division Managers Association.

4. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Thomas R. Hatch, City Manager
Name of Employee Organization: Unrepresented Executive Employees.

5. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Unrepresented City Manager.

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
TUESDAY, MARCH 7, 2017 – 6:00 P.M.**

CALL TO ORDER

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Mayor 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.]

Rabbi Reuven Mintz, Chabad Jewish Center

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:

Mayor's Award – Paula Tomei, Managing Director, South Coast Repertory

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

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

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

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: Gabriela Lopez-Brown, Sharla Smith, and Tracy Willson.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2572 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-03 "A" FOR \\$-1,338.63 AND 17-04 FOR \\$2,160,951.64; AND CITY OPERATING EXPENSES FOR \\$1,603,301.49; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2572.

3. [MINUTES OF THE SPECIAL CLOSED SESSION, REGULAR AND SPECIAL CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS](#)

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of January 10, 2017, December 13, 2016, and December 6, 2016.

4. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00216 FOR PARKWAY IMPROVEMENTS AT 2366 ORANGE AVENUE, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS16-00216 in the amount of \$18,330 to 2366 Orange LLC, 12 Strawberry Farms Road, Irvine, CA 92612.

5. **PROFESSIONAL SERVICES AGREEMENT FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) COMPLIANCE INSPECTIONS**

Public Services Department

RECOMMENDATION:

1. City Council award a contract to Amec Foster Wheeler, 121 Innovation Drive, Suite 200, Irvine in an amount not to exceed \$68,860.00 for professional services for inspection of priority industrial and commercial businesses for compliance with the National Pollutant Discharge Elimination System (NPDES) permit program; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

6. **MPS CONSULTING, INC. PROFESSIONAL SERVICES CONTRACT AMENDMENT** - City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment One to the existing Professional Services Agreement with MPS Consulting, Inc. to perform development-related project management consulting services in an additional amount not to exceed \$50,000; and
2. Authorize the City Manager and City Clerk to execute the agreement; and
3. Authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.

7. **HISTORICAL SOCIETY LEASE AGREEMENT**

Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council approve the lease agreement between the City and the Costa Mesa Historical Society, for an initial 5-year term beginning January 1, 2017 and ending on December 31, 2022, and authorize the Mayor to sign the agreement on behalf of the City and the City Manager to sign any subsequent extensions.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE 2016-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA). THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTIONS, WHICH INCLUDE THE ESTABLISHMENT OF THE NEW CLASSIFICATION OF FAIRVIEW PARK COORDINATOR; AND ADOPTION OF THE CONFIDENTIAL SALARY RESOLUTIONS, WHICH INCLUDE THE ESTABLISHMENT OF THE CONFIDENTIAL OFFICE SPECIALIST**

City Manager's Office/Human Resources Division

RECOMMENDATION:

1. City Council hold the second Public Hearing as required by COIN; and
2. Approve and adopt the 2016-2020 Memorandum of Understanding between the City of Costa Mesa and the CMCEA through the pay period inclusive of June 30, 2020; and
3. Adopt Resolution Nos. 17-11, 17-12, 17-13, and 17-14, which implement salary range increases for CMCEA represented employees. The resolutions also include the establishment of the new classification of Fairview Park Coordinator; and
4. Adopt Resolution Nos. 17-15, 17-16, 17-17, and 17-18, which implement salary range increases for Confidential employees. The resolutions also include the establishment of the Confidential classification of Office Specialist II.

OLD BUSINESS:

1. [FINANCIAL UPDATE REPORT INCLUDING REVIEW OF JUNE 30, 2016 CAFR, FY 16-17 MID-YEAR BUDGET REPORT AND UPDATED FIVE-YEAR FINANCIAL PLAN](#) – Finance Department

RECOMMENDATION:

1. From the June 30, 2016 CAFR:
 - a. City Council receive and file the FY 15-16 Comprehensive Annual Financial Report; and
 - b. Approve FY 16-17 budget adjustments for the carryover of certain FY 15-16 encumbrances and other items as detailed in the FY-16-17 General Fund Carryover Purchase Orders attachment; and
 - c. Approve recommended uses of the FY 15-16 net change in General Fund balance (surplus) and authorize the CEO to make the necessary budget adjustments related to those recommendations as detailed in the Recommended Use of FY 15-16 General Fund Surplus attachment.
2. From the FY 16-17 Mid-year Budget Report:
 - a. City Council receive and file this report; and
 - b. Approve allocation of the General Fund contingency account as listed in the 2016-17 Allocation of General Fund Contingency Account attachment; and
 - c. Approve recommended FY 2016-17 budget adjustments as listed in the Mid-year Budget Adjustment Detail attachment and Special Funds Carryover Purchase Orders attachment; and
 - d. Provide direction on de-obligation of FY 13-14 funds for Fairview Park parking lot lighting in the amount of \$650,000, and allocation of this for other Master Plan improvements in Fairview Park.
3. From the Updated Five-year Financial Plan:
 - a. City Council receive and file the Five-year Financial Plan; and
 - b. Provide direction to staff regarding the issues raised in connection with the Five-year Financial Plan and future priorities.

NEW BUSINESS:

1. COSTA MESA COMMITTEES AND BOARD

City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff is requesting that City Council approve the following recommendations:

1. Access Building, Fire and Housing Board of Appeal

1.1. Keep this Committee of five members and two alternates, each serving four year terms, to maintain a separate board of appeals to hear cases related to accessibility, building, fire and housing code determinations. The meetings shall be held on an as needed basis at City Hall. The staff liaison to the board should be the building official and the fire chief.

1.2. Approve the following minimum qualifications for members of the board of appeals to ensure they possess the education, training and expertise necessary to review determinations of the building official and fire marshal. Minimum qualifications of board members should include:

- a. Civil engineers
- b. Structural engineers
- c. Fire protection engineers
- d. Electrical/mechanical engineers
- e. Architects
- f. Certified Access Specialists (CAsp)
- g. Related state or federal licensed professionals, such as fire marshals

RECOMMENDATION CONTINUED ON THE NEXT PAGE

2. Military Affairs Committee

2.1 Create the Committee consisting of seven members with staggered terms, 4 four-year terms and 3 two-year terms. The Committee shall meet on the last Wednesday of each month, 6:00 p.m., at City Hall.

2.2 Approve the following criteria and scope:

- a. Support the 1/5 Marines and its family members. The committee will work closely with staff and the community to continue the Care-Pac program and raise funds through various charity events. The committee will also review the way other Orange County cities raise awareness and funds for their local adopted battalions and attempt to form a best practices model to better honor the soldiers of the 1/5.
- b. Explore ways to support the activities of the City's Homeless group with a special emphasis on at-risk veterans who are either currently homeless or on the verge of becoming homeless. The committee will find ways to collaborate with the Network for Homeless Solutions, local non-profits groups and the Orange County Veterans Advisory Council to seek better solutions for Costa Mesa's at-risk veterans to ensure the best possible care is provided.
- c. Collaborate and actively participate with community stakeholders for ways to honor all branches of the military and their families. A few examples would be a Welcome Home Recognition Program, in which community members can host welcome home celebrations for the family and friends of returning Costa Mesa soldiers. The committee will also explore ways to enhance and promote the Military Banner Program and seek alternative funding to make it affordable for all those wishing to participate. Another idea will be finding areas for memorial placements to honor Costa Mesa's wounded and past war heroes. The committee will also honor its veterans by providing job support placement and help in pinpointing benefit assistance by actively utilizing the City's website to provide current and active information to area veterans needing assistance.

RECOMMENDATION CONTINUED ON THE NEXT PAGE

3. Finance & Pension Advisory Committee

3.1 Approve merging the Finance Advisory Committee and the Pension Oversight Committee and name the merged committee the Finance & Pension Advisory Committee, to consist of eleven members serving staggered terms, 6 two-years terms and 5 one-year terms. Four of the new members shall have pension knowledge. One of the voting members shall be the Mayor's designee. The other members shall be residents or individuals that conduct business within the City and have a background that includes experience in securities trading, financial planning, banking, auditing, accounting, or a closely related and relevant field.

3.2 Approve the following criteria, and scope of the Finance & Pension Advisory Committee:

- a. Provide advice to the City Council regarding events and issues which may affect the financial status of the City.
- b. Review short and long range financial planning and funding.
- c. Review the City's financial documents and statements.
- d. Serve as the review panel during the selection of the City's auditor.
- e. Make recommendations to the City Council regarding amendments to financial and budgetary policies and processes.
- f. Review and make recommendations regarding City support or opposition to proposed state or federal legislation which impacts the City's finances.
- g. Meet at least quarterly to review the City's investment portfolio to ensure compliance with the approved investment policy.
- h. Annually review the City's investment policy and recommend changes to the City Council.
- i. Evaluate annual and long-term pension and financial impacts from changes in CalPERS contribution rates and/or actuarial schedule changes.
- j. Evaluate alternative, sustainable retirement benefit solutions.
- k. Review existing and tentative labor contracts as they relate to pension and compensation packages, including any impact to the Unfunded Pension Liability.
- l. Review alternative financing methods potentially available to the City for the Unfunded Pension Liability.
- m. Review retiree medical programs and costs.
- n. Perform such other duties or studies as may be directed by City Council.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

- **Litigation Update**

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, March 8, 2017 – **Costa Mesa Women Mayors Making a Difference Lunch**, 11:30 a.m.-1:30 p.m., Mesa Verde Country Club, 3000 Clubhouse Road. The Costa Mesa Chamber of Commerce will host a special luncheon honoring Costa Mesa's former women Mayors. For more information, please contact: (714) 885-9090.

Thursday, March 9, 2017 - **Meditation, Inner Presence**, 5:30-6:30 p.m., Costa Mesa Library, 1855 Park Ave. Ste. Enjoy a free workshop to learn about meditation and obtaining inner peace. For more information, contact (949) 646-8845.

Friday, March 10, 2017 – **Youth in Government Day**, 9 a.m.-1 p.m. City Hall, 77 Fair Dr. Students from local High Schools that are interested in leadership and pursuing a career in public service spend the day at City Hall.

Saturday, March 11, 2017 – **Fire Station No. 1 Reconstruction Project Ground Breaking**, 10:30-11:30 a.m. Costa Mesa Fire Station No.1, 2803 Royal Palm Dr. Please join in the groundbreaking of the Costa Mesa Fire Station No.1 Reconstruction project. For more information, please visit: www.costamesaca.gov

Monday, March 13, 2017 – **Transform Your Life**, 5:30-6:30 p.m., Costa Mesa Library, 1855 Park Ave. Author and motivational speaker Elizabeth Cantu speaks on how overcoming adversity and gaining knowledge through pain changed her life. For more information, please call: (949) 646-8845.

Wednesday, March 15, 2017 – **Knowledge and Health Fair Expo**, 10 a.m.-1 p.m., Costa Mesa Senior Center, 695 W. 19th St. Visit with over 30 vendors that will provide information regarding health, wellness, housing and health screenings. For more information, please call: (714) 327-7550.

Wednesday, March 15 through Sunday, March 19, 2017 – **American Ballet Theatre Whipped Cream**, Segerstrom Center for the Arts, 600 Town Center Dr. Join in the world premiere of this colorful presentation of dancing sweets. For more information, please visit: www.scfta.org.

Saturday, March 18, 2017 – **Coding with Scratch**, Costa Mesa Technology Library, 2263 Fairview Road. Scratch is a free programming language and online community where you can create your own interactive stories, games and animations. For more information, please call: (949) 515-3970.

Wednesday, March 22, 2017 - **Orange County Science and Engineering Fair**, 7 a.m.- 6 p.m., OC Fair and Event Center, 88 Fair Dr. Orange County's brightest and best science students will compete in the regional science fair for a chance to move on to the State and National competitions. For more information, please visit: www.ocsef.org.