

AGENDA

CITY OF COSTA MESA

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

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

TUESDAY, JULY 17, 2018
CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

SANDRA L. GENIS
Mayor

ALLAN R. MANSOOR
Mayor Pro Tem

KATRINA FOLEY
Council Member

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
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.** Materials can be e-mailed to cityclerk@costamesaca.gov. 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.**
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 a total of three minutes to speak on all items on the Closed Session agenda.

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Association (CMPA)

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: The Kennedy Commission, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: New Harbor Inn, 2205 Harbor Boulevard, Costa Mesa, CA 92627
APN: 422-193-24
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and 2205 Harbor LLC, Ming Chen and Hsiang Chen
Under Negotiation: Price and Terms

**7. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

**8. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

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.

AGENDA CONTINUED ON THE NEXT PAGE.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY**

TUESDAY, JULY 17, 2018 – 6:00 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 Ben Applebee, Watermark 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: NONE

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. Council Member Foley
2. Mayor Genis
3. Council Member Stephens
4. Council Member Righeimer
5. Mayor Pro Tem 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. **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/Agency Board/Authority Board waive reading of Ordinances and Resolutions.

2. **READING FOLDER** - Claims received by the City Clerk: Erik Apple, Regina Barrett, Igal Israel and Guadalupe and Ana Villa.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2602 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-12 "A" FOR \$0.00 AND 18-13 FOR \$2,447,097.60; AND CITY OPERATING EXPENSES FOR \$2,232,875.01; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2602.

4. **RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT**
Information Technology Department

RECOMMENDATION:

1. City Council approve a three-year renewal of the Enterprise Agreement ("EA") with Microsoft through SoftwareOne in the amount not-to-exceed \$225,159.75 (payable in three equal annual payments of \$75,053.25); and
2. Authorize the City Manager to sign the agreement and any documents necessary to continue the City's participation in the program during the three-year term.

5. **COOPERATIVE AGREEMENT TO FUND TOTAL MAXIMUM DAILY LOAD PROGRAMS AND RELATED ACTIVITIES IN THE NEWPORT BAY WATERSHED** - Public Services Department

RECOMMENDATION:

1. City Council approve the Agreement to fund Nutrient, Fecal Coliform, and Toxics Total Maximum Daily Load (TMDL) studies in the Newport Bay Watershed, Cooperative Agreement No. MA-080-18011416; and
2. Authorize the Mayor and the City Clerk to execute Cooperative Agreement No. MA-080-18011416; and
3. Authorize the City Manager to execute any future amendments to this agreement.

6. **CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM CITY LIMIT TO 18TH STREET – CITY PROJECT NO. 18-03**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Community Development Block Grant (CDBG) Project: Pomona Avenue Pavement Rehabilitation from south City Limits to 18th Street, City Project No. 18-03; and
2. Award a construction contract to Copp Contracting, Inc., 6751 Stanton Ave. Buena Park, CA 90621, in the amount of \$878,896.60; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM BETWEEN THE CITY OF COSTA MESA AND NEWPORT- MESA UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2018-2019** - Police Department

RECOMMENDATION:

1. City Council approve the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2018-2019; and
2. Authorize the City Manager to execute the agreement.

8. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 19, 2018**

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of June 19, 2018.

9. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE** - Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, reversing the Planning Commission's approval of, and thereby denying, Planning Application 17-28.

10. **PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES MAINTENANCE AGREEMENT** - Information Technology Department

RECOMMENDATION:

City Council authorize the City Manager to sign the Purchase Requisition in the amount of \$113,270.01 to fund the last contract year of the Software Maintenance Agreement between the City of Costa Mesa and Superior, LLC, from August 1, 2018 to July 31, 2019.

11. PARTICIPATION IN THE MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE (MSRC) LOCAL GOVERNMENT PARTNERSHIP PROGRAM - Public Services Department/Administration

RECOMMENDATION:

1. City Council receive and file the Mobile Source Air Pollution Reduction Committee (MSRC) Local Government Partnership Program presentation; and
2. Adopt Resolution No. 18-xx, authorizing submittal of an application to the MSRC Local Government Partnership Program for MSRC funding for electric vehicle charging infrastructure (EVSE) installation at City Hall and the purchase of up to three (3) electric vehicles, authorizing the implementation of projects, and allocating matching funds in connection therewith; and
3. Authorize staff to calculate and charge fees for use of the City's electric vehicle charging stations to help the City recover energy and operational costs associated with the EVSE.

12. MERRIMAC WAY STREET, SIDEWALK, AND BICYCLE FACILITY PROJECT Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Professional Services Agreement with GHD Group Services (USA) Inc. ("GHD") for the design of the Merrimac Way Street, Sidewalk, and Bicycle Facility Project in the amount of \$194,953; and
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement.

13. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT TO THE TRANSPORTATION SERVICES DIVISION Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Professional Services Agreement with Interwest Consulting Group, 15140 Transistor Lane, Huntington Beach, CA 92649, in the amount of \$120,000; and
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement.

14. **COSTA MESA CITY HALL AUDIO VISUAL (A/V) IMPROVEMENT AND BROADCAST PRODUCTION UPGRADE PROJECT – CITY PROJECT NO. 18-05** - Public Services Department/Administration

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the City Hall Audio Visual (A/V) Improvement and Broadcast Production Upgrade Project – City Project No. 18-05; and
2. Reject the bid of Western Audio Visual as non-responsive; and
3. Award a construction contract to Key Code Media, Inc., 270 S. Flower, Burbank, CA 91502 in the amount of \$1,754,509.86; and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

15. **PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council award a Professional Services Agreement to NV5, 9890 Irvine Center Drive, Irvine, California 92618, for a not-to-exceed amount of \$246,948, for professional engineering services for various Capital Improvement Projects; and
2. Authorize the Mayor and the City Clerk to execute the Professional Services Agreement.

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

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

AGENDA CONTINUED ON THE NEXT PAGE.

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

1. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-26 AND PA-16-32 TO ALLOW A SOBER LIVING FACILITY SERVING 22 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS; OPERATED BY RAW RECOVERY, LLC, AT 3016 AND 3018 JEFFREY DRIVE**

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility; and
 2. Adopt Resolution No. 18-xx, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-26; and
 3. Adopt Resolution No. 18-xx, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-32; or
 4. Uphold the decision of the Director of Economic and Development Services to deny a request for Reasonable Accommodation and overturn the Planning Commission's decision and approve Conditional Use Permit PA-16-32.
2. **REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT PA-16-33 TO ALLOW A SOBER LIVING FACILITY SERVING EIGHT RESIDENTS (APPLICANT REQUEST WAS FOR 10 RESIDENTS); INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 268 KNOX STREET** Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, upholding the decision of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the decision of the Planning Commission to approve Conditional Use Permit PA-16-33, subject to conditions.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [AMENDMENT TO CITY ATTORNEY RETAINER AGREEMENT WITH JONES & MAYER](#) – City Manager’s Office

RECOMMENDATION:

City Council receive and file independent auditor’s report regarding the proposed Amendment Number One to Amended Retainer Agreement for City Attorney Services between Jones & Mayer and the City of Costa Mesa.

2. [DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE\(S\) FOR 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE](#) – City Manager’s Office/Administration

RECOMMENDATION:

City Council designate a member of the City Council as Costa Mesa’s voting delegate and a voting delegate alternate(s) for the 2018 League of California Cities Annual Conference.

3. [AMBULANCE TRANSPORTATION SERVICE CONTRACT, RFP 18-08](#)
Fire and Rescue Department

RECOMMENDATION:

City Council receive and file independent auditor’s report regarding the proposed Ambulance Operator Service contract between Care Ambulance Service, Inc. and the City of Costa Mesa.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Tuesday, July 17 through Sunday, August 12, 2018 - OC Fair, OC Fair and Event Center, 88 Fair Drive. This year's theme is Free Your Inner Farmer. Enjoy all your favorite fair foods, rides, vendors, games and more.

Thursday, July 19, 2018 - Chargers Speakers Series Luncheon, 11:30 a.m.-1 p.m., Avenue of the Arts Hotel, 3350 Avenue of the Arts. Join the Chamber of Commerce and AG Spanos, Chargers President of Operations for a behind the scenes scoop of Draft Choices, Training Camp, and What's up with 2018/2019 year. RSVP by July 18th.

Saturday, July 21, 2018 - SOCO Farmers Market, 9 a.m. SOCO Collection, 33303 Hyland Ave. 30 vendors showcase the best that California farmers and local food artisans have to offer. Enjoy live music, knife sharpening and free balloon animals. For more information, please visit: www.socoandtheocmix.com

Monday, July 23, 2018 - Movie Monday: Moonrise Kingdom, 8 p.m., SCFTA, 600 Town Center Drive. Bring the family and enjoy family-fun activities, picnic dinners, popular food trucks and a free movie.

Wednesday, July 25, 2018 – Movies in the Park- Star Wars the Last Jedi, 7:45 p.m., Balearic Center, 1975 Balearic Dr. Bring blankets and chairs and check out a movie in the park. Doors open at 5:45 p.m. and movie will begin at dusk.

Thursday, July 26, 2018 – Trauma Intervention Program of Orange County, 6:30-10 p.m., TIP of Orange County is looking for caring people who want to be part of a team of volunteers who provide emotional first aid and practical support to survivors of traumatic events. For more information, please call: 714-314-0744.

Saturday, July 28, 2018 - National Dance, 1 p.m., SCFTA, 600 Town Center Drive. The celebrations kick off at the Center's new Julianne and George Argyros Plaza. The day will feature live performances by special guest artists, offer fully inclusive and interactive dance lessons in a wide variety of dance styles, food for purchase and fun. For more information please visit: www.scfta.com