

AMENDED 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."

***NEW BUSINESS #1 HAS BEEN ADDED.**

TUESDAY, AUGUST 7, 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: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

4. 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.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – TWO POTENTIAL CASES

Pursuant to Subdivision (d)(4) 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.

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

TUESDAY, AUGUST 7, 2018 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor 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.]

Pastor Bucky Dennis, 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:

1. Mayor's Award – Todd Cowley, Costa Mesa American Little League
2. Mayor's Cup Little League All Star Teams

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

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: Bruce Pulgencio

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2603 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-13 "A" FOR \$-2,091.89 AND 18-14 FOR \$2,439,964.03; AND CITY OPERATING EXPENSES FOR \$2,833,339.39; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2603.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JULY 3, 2018**

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of July 3, 2018.

5. **SCHOOL CROSSING GUARD SERVICES WITH ALL CITY MANAGEMENT SERVICES CONTRACT AMENDMENT** – Public Services Department

RECOMMENDATION:

1. City Council approve Amendment No. 3 to the Professional Services Agreement with All City Management Services (ACMS), 10440 Pioneer Blvd., Ste. No. 5, Santa Fe Springs, CA 90670, to provide school crossing guard services for one (1) year and increase the compensation by an amount of approximately \$10,300 to \$187,533.36; and
2. Authorize the City Manager and the City Clerk to execute the Amendment.

6. **PROFESSIONAL SERVICES AGREEMENT WITH WITTMAN ENTERPRISES, LLC FOR AMBULANCE BILLING AND COST RECOVERY SERVICES RFP 18-03** - Fire Department

RECOMMENDATION:

1. City Council approve the Professional Services Agreement for Ambulance Billing and Cost Recovery Services between Wittman Enterprises, LLC and the City of Costa Mesa. The annual cost of services shall not exceed \$240,000.00; and
2. Authorize the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.

7. **AMENDMENT TO THE WESTNET FIRE STATION ALERTING SYSTEM PSA TO INCLUDE NEW FIRE STATION ONE**

Information & Technology Department / Costa Mesa Fire & Rescue Department

RECOMMENDATION:

City Council approve and authorize the City Manager to execute Amendment Number "One" to the Professional Service Agreement with Westnet, INC. First-In Alerting Systems, 15542 Chemical Lane, Huntington Beach CA, 92649. Amendment Number "One" will expand the scope of work to include installation and operation of the Westnet Station Alerting System into New Fire Station 1. The total net cost of the amendment, including taxes shall be \$93,537.19, for a new total compensation of \$463,034.97.

8. **REDHILL AVENUE MEDIAN IMPROVEMENTS FROM BRISTOL STREET TO MCCORMICK AVENUE, FEDERAL PROJECT NO. HSIPL-5312 (094) - CITY PROJECT NO. 18-08** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Redhill Avenue Median Improvements from Bristol Street to McCormick Avenue, Federal Project No. HSIPL-5312 (094), City Project No. 18-08; and
2. Reject the bid submitted by Marina Landscape, Inc. as non-responsive; and
3. Award a construction contract to KASA Construction, Inc., 15148 Sierra Bonita Lane, Chino, CA 91710, in the amount of \$1,186,492.50; and
4. Authorize the City Manager and the City Clerk to execute the Public Works Agreement, and authorize the City Manager to execute future contract amendments within Council-authorized limits; and
5. Appropriate \$1,186,492.50 into the City's approved Fiscal Year 2018-2019 Capital Improvement Program budget using \$923,477.00 in the Capital Improvement Funds and Highway Safety Improvement Program (HSIP) grant previously budgeted and \$263,015.50 from the Measure M Fund.

9. **COSTA MESA COUNCIL CHAMBERS / FIRST FLOOR IMPROVEMENT PROJECT – CITY PROJECT NO. 18-06**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Costa Mesa Council Chambers/First Floor Improvement Project– City Project No. 18-06; and
2. Award a construction contract to Optima RPM, Inc. (17945 Sky Park Circle, Suite D, Irvine, CA 92614) in the amount of \$565,000.00; and
3. Authorize the City Manager and the City Clerk to execute the Public Works Agreement, and authorize the City Manager to execute future contract amendments within Council-authorized limits; and
4. Appropriate \$565,000.00 into the City's approved Fiscal Year 2018-2019 Capital Improvement Program budget from the previously approved funds for the project.

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

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

1. [APPEAL OF THE PLANNING COMMISSION’S DENIAL OF CONDITIONAL USE PERMIT PA-16-25 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 21 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 2417 ORANGE AVENUE](#) - 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 a request for reasonable accommodation, and grant the appeal of the Planning Commission’s decision and approve Conditional Use Permit PA-16-25. If the City Council decides to approve the CUP, it may also consider reducing the number of residents permitted to live in the facility.

2. [CODE AMENDMENT CO-17-04 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(PLANNING, ZONING AND DEVELOPMENT\) RELATING TO NOTICING FOR PUBLIC HEARINGS](#)
Development Services Department/Planning Division

RECOMMENDATION:

City Council introduce for first reading Ordinance No. 18-xx, adopting Code Amendment CO-17-04 to expand the Public Notice provided for zoning matters per Section 13-29(d) of the Costa Mesa Municipal Code to include both owners and occupants of properties within 500 feet of a project site.

OLD BUSINESS:

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

RECOMMENDATION:

1. City Council approve the Professional Services Agreement for Ambulance Operator Services between Care Ambulance Service, Inc. and the City of Costa Mesa; and
2. Authorize the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.

2. **LEGAL SERVICES AGREEMENT WITH KELLER/ANDERLE LLP**

City Manager's Office

RECOMMENDATION:

1. City Council authorize the City Manager to execute the legal services agreement with Keller/Anderle LLP; and future amendments to the agreement; and
2. Authorize a budget adjustment of \$1.4 million in the Self Insurance Fund and authorize a transfer of \$1.4 million from the Self Insurance Reserve in the General Fund to the Self Insurance Fund to provide legal services to defend the City in the *Yellowstone Women's First Step House, Inc., et al. v. City of Costa Mesa* matter; and
3. Authorize the City Manager to appropriate additional amounts, as necessary, to pay legal costs above \$1.4 million allowing Keller/Anderle LLP to see this case through to completion.

NEW BUSINESS:

1. **INTRODUCTION AND ADOPTION AS AN URGENCY MEASURE AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT AND/OR OPERATION OF HYPODERMIC NEEDLE AND SYRINGE EXCHANGES WITHIN THE CITY OF COSTA MESA FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO GOVERNMENT CODE SECTION 65858.**

RECOMMENDATION:

Staff recommends that City Council introduce and adopt as an Urgency Measure the Interim Ordinance.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

July 13 - 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. More information at www.ocfair.com.

July 28 – August 23, 2018 – **Chargers Training Camp**. Jack Hammett Sports Complex, 2750 Fairview Rd, Costa Mesa. Practices open to the public on select days, visit www.chargers.com/camp for the complete schedule. All open sessions are 10 a.m. – noon and free.

Tuesday, August 7, 2018 – **National Night Out**, 5 – 8 p.m., Costa Mesa Police Department, 99 Fair Drive, FREE event featuring displays, demos, food, fun & more.

Friday, August 10, 2018 – **Summer Jazz on the Plaza, featuring Brian Bromberg & his Electric Band, 7 p.m.** Julianne and George Argyros Plaza, 600 Town Center, Guests are encouraged to bring beach chairs or other easily portable seating items. Food and drinks are available for purchase at the Center 360 café. Please visit www.scfta.org for parking information.

Saturday, August 11, 2018 – **Kids In Parents Out**, 5 – 9 p.m., Downtown Recreation Center, 1860 Anaheim Ave., Costa Mesa recreation staff will watch the kids while parents enjoy a night out! Participants will be treated to games for prizes, a night swim, sports, crafts, and a free dinner!

Thursday, August 16, 2018 - **Costa Mesa Chamber Lunch & Learn – What are Employers Looking For?** 11:30 a.m. – 1 p.m., Fete the Venue, 3101 Red Hill Ave., www.costamesachamber.com

Thursday, August 16 – **Volunteer & Foster Care Orientation**, 5:30 – 7:30 p.m., Balearic Community Center, 1975 Balearic Dr., Learn more about volunteer opportunities to showcase your love of animals and foster pets in need.

Saturday, August 18, 2018 **Donation Event**, 9 a.m. – 3 p.m., OCC Recycling Center, no bulky items or hazardous material accepted, hosted by the Costa Mesa Sanitary District and benefitting Goodwill OC.

Wednesday, August 22, 2018 – **Costa Mesa Movies in the Park - Despicable Me 3**, doors open at 5:45 p.m. / movie begins at dusk, Angels Playground, TeWinkle Park, 885 Junipero Ave. Bring blankets and chairs and check out a movie in the park.