

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, MAY 1, 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 may also 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 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.

3. 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.

4. 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.

5. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION INITIATION OF LITIGATION – THREE 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, MAY 1, 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 Pete Cropsey, First Love 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.

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. READING FOLDER

Claims received by the City Clerk: Ronald Moss, Brett Payne and Armin Skalmowski.

RECOMMENDATION:

City Council receive and file.

2. WARRANT RESOLUTION NO. 2597 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-08 FOR \$2,380,814.72; AND CITY OPERATING EXPENSES FOR \$2,806,873.63; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2597.

3. MINUTES OF THE SPECIAL CITY COUNCIL STUDY SESSION OF FEBRUARY 27, 2018, REGULAR STUDY SESSION OF MARCH 13, 2018, SPECIAL CITY COUNCIL MEETING AND SPECIAL CLOSED SESSION OF MARCH 28, 2018 - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of February 27, 2018, March 13, 2018, and March 28, 2018.

4. **CLOSE OFF ARTERIAL WALL OPENINGS AT VARIOUS LOCATIONS, CITY PROJECT NO. 17-10** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Horizons Construction Company International, Inc. for the subject project and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

5. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00514 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17779 LOCATED AT 1239 VICTORIA STREET, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the release of the Performance and Labor and Material Bonds (Certificate No. PB00473800136) in the amounts of \$103,076.22 each for street improvements and (Certificate No. PB00473800137) for setting corner monuments in the amount of \$15,900.00 to TH Victoria LLC, a Delaware Limited Liability Company, (Developer), 32565B Golden Lantern St., Suite 107, Dana Point, CA 92629.

6. **AWARD CONTRACT FOR ANNUAL INDEPENDENT FINANCIAL AUDIT SERVICES** - Finance Department

RECOMMENDATION:

1. City Council award a contract to DavisFarr for independent financial audit services for three years with two one-year extensions; and
2. Authorize the City Manager to sign the agreement and extensions.

7. **LEGAL SERVICES AGREEMENT WITH KELLER/ANDERLE LLP**
City Manager's Office

RECOMMENDATION:

1. City Council authorize additional funding in the amount \$199,000 to allow Keller/Anderle LLP 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
2. Authorize the City Manager to execute any documents necessary to reflect the funding increase.

8. **APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE ASSOCIATION MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE COIN ORDINANCE** – City Manager's Office

RECOMMENDATION:

1. City Council designate Tamara S. Letourneau, Assistant City Manager, Lance Nakamoto, Human Resources Manager and Peter J. Brown, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Association (CMPA); and
2. Authorize staff to have the independent fiscal analysis of the current CMPA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

9. **AMENDMENT NUMBER ONE TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL, LLC**
Development Services Department/Planning Division

RECOMMENDATION:

1. City Council approve Amendment Number One to the Professional Services Agreement with Sagecrest Planning and Environmental, LLC authorizing an annual not-to-exceed amount of \$98,280 and extending the Agreement through June 30, 2019 to allow continued planning support services through Fiscal Year 18-19; and
2. Authorize the City Manager to execute the amendment and future amendments to this Agreement.

10. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT**

City Manager's Office/Administration

RECOMMENDATION:

1. City Council receive and file the Business Improvement Area (BIA) annual report for Fiscal Year 2017-18; and
2. Receive and file audited financial report for Fiscal Year 2016-17; and
3. Adopt Resolution No. 18-xx, declaring the City's intention to levy an annual assessment for Fiscal Year 2018-2019 for a business improvement area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing on the proposal.

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

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE

OLD BUSINESS: NONE

NEW BUSINESS:

1. **REQUEST FOR DISCUSSION AND DIRECTION ON THE CALIFORNIA VALUES ACT** - City Manager's Office

RECOMMENDATION:

The California Values Act - SB 54 is agendized for discussion and direction should the Council desire to take action either for or against California's or the federal government's stance on the issue. The actions taken by other cities provide examples of various options that are available to the Council:

- Request to review an ordinance supporting or opposing SB 54
- Request to review a resolution supporting or opposing SB 54
- Request more information on Intervening in the federal action, and/or submit an *amicus curie* brief
- Review draft resolution for possible Council action
- Receive and file this staff report

Based upon direction, staff will prepare any and all applicable documentation to implement Council direction.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, May 2, 2018 – **Newport-Mesa 2nd Annual Senior Art Show**, 5-9 p.m. Hurley Town Hall Building, 1945 Placentia Ave. This event will feature senior art projects from all four-district high schools.

Thursday, May 3 and Friday, May 4, 2018 – **Citizens Environmental Protection Academy**, Costa Mesa Sanitary District, 290 Paularino Ave. Join the Sanitary District for a free educational series to learn how trash and water are recycled locally. For more information, please visit: www.cmsdca.gov.

Saturday, May 5, 2018 – **KIPO (Kids in, Parents Out)**, 5-9 p.m., Balearic Community Center, 1975 Balearic Dr. Parents can enjoy an evening out while Recreation staff entertain the kids at a fun Cinco De Mayo Fiesta that will include games, arts and crafts, prizes and dinner. For more information, please call: 714-754-5161.

Monday, May 7, 2018 – **Build and Play**, 2-4 p.m., Donald Dungan Library, 1855 Park Ave. For children and families who want to let their imaginations run wild, enjoy Legos and Duplo blocks near the Children's Area. For more information, please call: 949-646-8845.

Saturday, May 12, 2018 – **Mother's Day Brunch**, 10 a.m. - noon. Costa Mesa Senior Center, 695 W. 19th St. Join the party and enjoy food, fun, and entertainment as mothers everywhere are celebrated. Register a loved one 18+ to join you in the festivities. Register/cancellation deadline is Friday, May 4.

Saturday, May 12, 2018 – **Spring Bark Bash**, 11 a.m.- 3 p.m. Bark Park, 890 Arlington Drive. Dog costume parade, silent auction and more. For more information, please call: 714-754-5300.

Saturday, May 12, 2018 – **3rd Annual MESA Jazz Festival**, 5-8 p.m., Costa Mesa High School Performing Arts Center, 2650 Fairview Rd.

Thursday, May 17, 2018 – **2018 Art of Leadership Mayor's Celebration**, 5:30-9 p.m., Hilton Orange County, 3050 Bristol St. Hosted reception, dinner and live entertainment. Benefiting the arts and educational programming at local schools and organizations. For more information, please contact the Costa Mesa Chamber of Commerce: 714-885-9090.

Thursday, May 17, 2018 – **Craft Hour**, 3-5 p.m., Mesa Verde Library, 2969 Mesa Verde Drive East. Thursday's children and families are invited to join in craft fun in the Children's Area. Enjoy craft stations and take some crafts home. For more information, please call: 714-546-5274.

Friday, May 18, 2018 – **A Mad Teen Party**, 5-8 p.m., Downtown Recreation Center Gymnasium, 1860 Anaheim Ave. A free event for kids in grades 7-12. Event will feature live music, desserts, games and activities. For more information, please call: 714-327-7562.

Thursday, May 24, 2018 – **39th Annual Les Miller Outstanding Student Awards Supper**, 5:30-7:30 p.m., Turnip Rose, 1901 Newport Blvd. The Chamber invites you join in recognizing overall community and scholastic achievement of Costa Mesa's top performing High School and College Students. For more information, please call: 714-885-9090.