

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 3, 2018
CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA
SPECIAL CLOSED SESSION – 5:00 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.

SPECIAL 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 Special Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Special Closed Session agenda.

1. 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.

2. 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.

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

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 Special 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 3, 2018 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor Pro Tem Mansoor

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 Jim Turrell, The Center for Spiritual Living Newport Mesa, 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.

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PRESENTATIONS:

1. Historical Preservation Committee Annual Report

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

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. [WARRANT RESOLUTION NO. 2601 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-11 "A" FOR \\$880.86 AND 18-12 FOR \\$2,357,042.17; AND CITY OPERATING EXPENSES FOR \\$4,778,665.77; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2601.

2. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 5, 2018](#)

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of June 5, 2018.

3. **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.

4. **COOPERATIVE AGREEMENT BETWEEN THE CITY OF NEWPORT BEACH AND THE CITY OF COSTA MESA FOR REHABILITATION OF IRVINE AVENUE FROM 16TH STREET TO SANTIAGO DRIVE**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve the Cooperative Agreement between the City of Newport Beach and the City of Costa Mesa for the rehabilitation of Irvine Avenue from 16th Street to Santiago Drive; and
2. Authorize the Mayor and the City Clerk to execute the Cooperative Agreement.

5. **ACCEPTANCE OF DONATED PARATRANSIT VEHICLE FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM** - Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council accept the donation of one (1) 2008 Ford El Dorado, Paratransit Vehicle from the Orange County Transportation Authority (OCTA) Senior Mobility Program (SMP) to be utilized by the Costa Mesa Senior Center Senior Mobility Program.

6. **BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE**

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve Resolution No. 18-xx, which revises the list of designated positions for the City's Conflict of Interest Code.

**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):

1. [**REVIEW OF 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 uphold, reverse, or modify the Planning Commission's decision to approve Planning Application 17-28, which is a request for a Master Plan for a mixed-use development (The Plant) at 765 - 767 Baker Street and 2972 Century Place.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [**MEASURE AA IMPACT ON SPECIFIC CAPITAL IMPROVEMENT PROJECTS AT FAIRVIEW PARK**](#) - Parks and Community Services Department

RECOMMENDATION:

City Council provide direction regarding the impact of Measure AA as it relates to specific Capital Improvement Projects (CIP's) at Fairview Park, and whether or not any of the CIP's should be included on the November 2018 ballot for consideration of approval/denial by members of the voting public.

2. [**LEGAL SERVICES AGREEMENT WITH KELLER/ANDERLE LLP**](#)
City Manager's Office

RECOMMENDATION:

City Council receive and file independent auditor's report regarding the proposed legal services agreement between Keller/Anderle LLP and the City of Costa Mesa.

3. **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.

4. **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.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Friday, July 6, 2018 – **Summer Luau**, 7-9 p.m., Downtown Aquatic Center, 1860 Anaheim Ave. Bring your swim suits and towels and enjoy a free evening of games, crafts, swimming and other activities. For more information, please call: 714-327-7564.

Monday, July 9, 2018 – **Movie Monday Adventures - Back to the Future**, 8 p.m. Julianne and George Argyros Plaza, 600 Town Center Dr. Bring blankets, lawn chairs, family and friends and enjoy a screening of Back to the Future on the plaza. Set up begins at 5:30 and the movie begins at dusk. For more information, please visit: www.scfta.org/MovieMondays.

Tuesday, July 10, 2018 – **Concerts in the Park- The Fenians**, 6 p.m., Fairview Park, 2501 Placentia Ave. Join the Costa Mesa Foundation every Tuesday in July for Concerts in the Park. A Costa Mesa favorite, bring your blankets and lawn chairs and enjoy some summer favorites.

Tuesday, July 10, 2018 – **Film Club**, 5 p.m., Costa Mesa Donald Dungan Library, 1855 Park Ave. The Donald Dungan Library has ongoing programs weekly, including film club. For more information, please call: 949-646-8845.

Wednesday, July 11, 2018 – **Chamber Network Lunch**, 11:30 a.m.- noon. Karl Strauss Brewery, 901 S Coast Dr. Meet new friends, share your business story, find out about what's happening around the community and make business contacts. RSVP to the Costa Mesa Chamber of Commerce.

Friday, July 13, 2018 – **Spelling Bee**, 1-3 p.m. Costa Mesa Senior Center, 695 W 19th St. Join the Senior Center for their second annual Spelling Bee competition. Enjoy light refreshments. For more information, please call: 714- 327-7550.

Tuesday, July 17, 2018 – **Concerts in the Park- Flashback Heart Attack**, 6 p.m., Fairview Park, 2501 Placentia Ave. Join the Costa Mesa Foundation every Tuesday in July for Concerts in the Park. A Costa Mesa favorite, bring your blankets and lawn chairs and enjoy some summer favorites.

Monday, July 23, 2018 – **Movie Monday Adventures - Moonrise Kingdom**, 8 p.m. Julianne and George Argyros Plaza, 600 Town Center Dr. Bring blankets, lawn chairs, family and friends and enjoy a screening of Moonrise Kingdom on the plaza. Set up begins at 5:30 and the movie begins at dusk. For more information, please visit: www.scfta.org/MovieMondays.

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.