

AMENDED AGENDA*

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

***NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."
CONSENT CALENDAR NO. 14 AND NEW BUSINESS NO. 3
HAVE BEEN ADDED TO THE AGENDA.**

**TUESDAY, JANUARY 8, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. (ROOM 102)
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

JOHN B. STEPHENS
Mayor Pro Tem

ANDREA MARR
Council Member

ARLIS REYNOLDS
Council Member

ALLAN R. MANSOOR
Council Member

SANDRA L. GENIS
Council Member

City Attorney
Kimberly Hall Barlow

Acting City Manager
Tamara S. Letourneau

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 back of Grand Hall 1. In addition, such documents may be posted—whenever possible on the city's website at www.costamesaca.gov or by clicking [here](#).

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 materials for copying and distribution to the City Council that are 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 12:00 P.M.** Materials can be e-mailed to cityclerk@costamesaca.gov or provided on a flash drive. If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting AFTER 12:00 p.m., 10 copies will need to be provided for distribution. Please note that NO copies of written communication will be made AFTER 12:00 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 30 MINUTES PRIOR TO THE START OF THE MEETING. Please note that there is not an overhead projector available for this 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 Grand Hall 1 to conduct a phone conversation.
3. Free Wi-Fi is available in Grand Hall 1 during the meetings. The username is **SCWIFI** and the password is **!@cmssc99**.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside Grand Hall 1 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 - Grand Hall 1 then will recess to Room 102

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 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.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

3. 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.

The City Council and Successor Agency to the Redevelopment Agency will recess to Room 102 for Closed Session at the conclusion of public comments.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY
COSTA MESA SENIOR CENTER
GRAND HALL 1
695 W. 19TH STREET, COSTA MESA, CALIFORNIA**

TUESDAY, JANUARY 8, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM

Costa Mesa High School Madrigal Choir

PLEDGE OF ALLEGIANCE

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 Christine Nolf, Redemption Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

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 Reynolds
2. Council Member Chavez
3. Council Member Marr
4. Council Member Mansoor
5. Council Member Genis
6. Mayor Pro Tem Stephens
7. Mayor 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 and Agency Board waive reading of Ordinances and Resolutions.

2. **READING FOLDER**

Claims received by the City Clerk: American Automobile Association (AAA) as Subrogee for Edward McGuire, Alfaro Communications Construction, Inc., Tung M. Bui, Laura Henshall, and Anna Ubaldini.

RECOMMENDATION:

City Council receive and file.

3. WARRANT RESOLUTION NO. 2610 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-23 "A" FOR \$1,093.85; 18-24 FOR \$2,495,169.12; 18-24 "A" FOR \$847.15; 18-25 FOR \$2,816,323.73 AND CITY OPERATING EXPENSES FOR \$7,341,332.13; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2610.

4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF DECEMBER 4, 2018
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of December 4, 2018.

5. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00506 FOR STREET IMPROVEMENTS LOCATED AT 580 ANTON BOULEVARD, COSTA MESA, CALIFORNIA
Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the release of the Performance and Labor and Materials Bonds (Certificate No. 544532) in the amounts of \$660,602.00 each for street improvements to SCP Apartments, LLC (Developer), 580 Anton Boulevard, Costa Mesa, 92626.

6. ACCEPT WORK COMPLETED UNDER THE 2016 NEW SIDEWALK AND PARKWAY MAINTENANCE PROGRAMS – CITY PROJECT NO. 16-07
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by C.J. Concrete Construction, Inc. 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.

7. **FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM INFRASTRUCTURE GROUP**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Amendment No. 1 to the existing Professional Services Agreement with Bucknam Infrastructure, Inc., increasing the maximum compensation by \$74,443.00; and
2. Authorize the Acting City Manager and City Clerk to execute the amendment.

8. **ACCEPT WORK COMPLETED UNDER THE SLURRY SEAL PROJECT, CITY PROJECT NO. 16-13** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Roy Allan Slurry Seal, Inc. and authorize the City Clerk to file the Notice of Completion.
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.

9. **MODIFICATIONS TO ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS**

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council adopt Resolution No. 19-01, changing the order of business for City Council meetings.

10. **AWARD THE PURCHASE OF THREE (3) NEW 2019 BMW R1250RT-P POLICE MOTORCYCLES** - Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council approve and authorize the Acting City Manager to execute a purchase order for the purchase of three (3) new 2019 BMW R1250RT-P Police Motorcycles from Irv Seaver Motorcycles, 607 W. Katella Avenue, Orange, CA 92867, in the amount of \$82,975.93.

11. [ACCEPTANCE OF EAST 19TH STREET SAFE ROUTE TO SCHOOL \(SRTS\) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL -5312 \(089\) - CITY PROJECT NO. 16-17](#)
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by EBS General Engineering, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date and the Faithful Performance Bond six (6) months after the filing date, if appropriate, at the conclusion of the warranty period; and release the retention monies after the Notice of Completion is filed.

12. [ACCEPTANCE OF THE STREET REHABILITATION PROJECT \(ZONES 14, 25, 26, AND 27\), CITY PROJECT NO. 17-14](#)
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Eagle Paving Company, Inc. dba Toro Engineering, and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date and the Faithful Performance Bond six (6) months after the filing date, if appropriate, at the conclusion of the warranty period; and release the retention monies after the Notice of Completion is filed.

13. [APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE TRANSPORTATION CORRIDOR AGENCIES AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT](#) – City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends the City Council approve the following Mayor's appointments:

1. Transportation Corridor Agencies (TCA): Mayor Katrina Foley/Alternate-Mayor Pro Tem John Stephens; and
2. Orange County Vector Control District (OCVCD): Councilmember Sandra Genis

14. **CITY COUNCIL MEETING PROCEDURES** - City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council receive and file this report from the Mayor and Mayor Pro Tem regarding City Council meeting procedures.

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. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2018-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA) AND THE ADOPTION OF THE 2018-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA)**

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council hold the first public hearing regarding the proposed 2018-2020 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa Police Association (CMPA) and proposed 2018-2022 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa Police Management Association (CMPMA). Staff further recommends that the City Council schedule the second public hearing for final approval on January 15th, 2019 as required by COIN.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **AMENDMENT OF CONTRACT FOR CITY ATTORNEY SERVICES**

City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council approve Amendment Two to the amended retainer agreement between City of Costa Mesa and Jones & Mayer, designating Kimberly Hall Barlow as City Attorney and Tarquin Preziosi and Yolanda Summerhill as Assistant City Attorneys.

2. **AD HOC COMMITTEE FORMATION FOR RECRUITMENT OF A NEW CITY MANAGER** – Office of the City Council

RECOMMENDATION:

City Council approve the formation of an ad hoc transition team to assist with recruitment of a new City Manager.

3. **INTRODUCE FOR FIRST READING AN ORDINANCE TO AMEND SECTION 2-165 OF ARTICLE 2 OF CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EXEMPTIONS FROM BIDDING PROCEDURES** – Finance Department

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, by title only, the ordinance amending Section 2-165 (Bidding required; exceptions) or Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Saturday, January 12, 2019 – **Diego Sepulveda Adobe Plaque Dedication**, 10 a.m. Estancia Park, 1900 Adams Ave. Presented Orange County Board of Supervisors and the Orange County Historical Commission.

Saturday, January 12, 2019 – **Fairview Park Vernal Pool Tour & Talk**, 9 a.m. – 12 p.m., Fairview Park, 2501 Placentia Ave. Explore all the vernal pool habitats of Fairview Park (6), learn about the history and future of the vernal pools. Tour includes an easy 40 minute walk starting at the Train Station on the parks east side.

Saturday, January 19, 2019 – **Volunteer and Pet Foster Orientation**, 11:30 a.m. Presented by Priceless Pet Rescue, learn ways to volunteer in animal care and foster animals in your home.

Monday, January 21, 2019 – **Mesa Verde Classic Charity Golf Tournament**, Mesa Verde Country Club, hosted by Costa Mesa United. For more information, please visit: www.birdeasepro.com/mvcc2019/

Saturday February 2, 2019 – **World Wetlands Day Tour and Audubon Bird Walk** Fairview Park, 2501 Placentia Ave. This event will provide you with a rare, behind-the-scene look at the 40 acre wetland complex at Fairview Park with the City’s biologist Barry Nerhus.