

AGENDA

CITY OF COSTA MESA

REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

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

TUESDAY, JUNE 6, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
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.** 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.** Materials may also be e-mailed to cityclerk@costamesaca.gov.
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 three minutes to speak.

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

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: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

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, et al, v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for 1 potential case.

The City Council, Housing Authority, 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, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, JUNE 6, 2017 – 6:00 P.M.**

CALL TO ORDER

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Mayor Pro Tem 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.]

Rev. Moushegh Tashjian, St. Mary Armenian Church

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. City Manager's Leadership Award for May 2017 – Jeffrey Pierce, Maintenance Supervisor

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 Pro Tem Genis
2. Council Member Stephens
3. Council Member Righeimer
4. Council Member Mansoor
5. 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. **READING FOLDER** - Claims received by the City Clerk: Marilia Carvalho Rosa.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2578 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-08 "A" FOR \\$4,799.23 AND 17-09 FOR \\$2,253,507.29; AND CITY OPERATING EXPENSES FOR \\$2,306,104.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2578.

3. [MINUTES OF THE SPECIAL CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 14, 2017 AND REGULAR MEETING OF MAY 16, 2017](#)

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of March 14, 2017 and May 16, 2017.

4. **ACCEPT \$25,000 GRANT FUNDING FROM THE NATIONAL RECREATION AND PARK ASSOCIATION FOR THE HEALTHY OUT-OF-SCHOOL TIME PROGRAM** – Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council accept the \$25,000 grant funding offer from the National Recreation and Park Association (NRPA) for the Healthy Out-of-School Time program.

5. **ADOPTION OF THE FY 2016-2017 STATEMENT OF INVESTMENT POLICY**
Finance Department

RECOMMENDATION:

City Council adopt Resolution No. 17-xx, approving the Statement of Investment Policy for Fiscal Year 2016-2017 and delegating investment activities to the City Treasurer.

6. **HOUSING AUTHORITY ANNUAL BUDGET FOR FY17-18**
Development Services Department – Housing and Community Development

RECOMMENDATION:

1. City Council approve the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY17-18; and
2. Housing Authority approve the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY17-18.

7. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR THE 2017 ORANGE COUNTY FAIR** - Police Department/Field Operations Division

RECOMMENDATION:

City Council approve the 2017 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair and authorize the City Manager, or his designee, to sign the contract. The term of the agreement is June 1, 2017 through September 30, 2017 and the maximum amount shall not exceed \$375,000.

8. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR ALL INTERIM EVENTS AT THE ORANGE COUNTY FAIR AND EVENT CENTER**

Police Department/Field Operations Division

RECOMMENDATION:

City Council approve the 2017 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for all designated interim events at the Orange County Fair and Exposition Center and authorize the City Manager, or his designee, to sign the contract. The term of the agreement is April 1, 2017, through March 31, 2018, and the maximum amount shall not exceed \$70,000.

9. **EARLY PREPAYMENT IN FULL OF THE CITY OF COSTA MESA REFUNDING CERTIFICATES OF PARTICIPATION (PUBLIC FACILITIES PROJECT) SERIES 2003** – Finance Department

RECOMMENDATION:

Staff recommends that the City Council direct and authorize the City Manager, Interim Finance Director, legal counsel and financial advisor to cause the prepayment in full of the *City of Costa Mesa Refunding Certificates of Participation (Public Facilities Project) Series 2003* and take all steps necessary to complete the prepayment including issuance of warrants

10. **SENIOR TRANSPORTATION PROGRAM AMENDMENT NUMBER SIX TO PROFESSIONAL SERVICES AGREEMENT WITH KEOLIS TRANSIT SERVICES, LLC (F.K.A WESTERN TRANSIT, INC.)**

Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council approve the Professional Services Agreement (PSA) Amendment Number Six between the City of Costa Mesa and Keolis Transit Services, LLC (F.K.A. Western Transit, Inc.) to increase total funding in the amount of \$50,000 to continue to provide senior transportation services through to the end of the current agreement term, June 30, 2017 and authorize the City Manager to sign on behalf of the City.

11. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00226 FOR TRACT 17639 LOCATED AT 635 W. 17th STREET, COSTA MESA, CALIFORNIA** - Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. 24056764) in the amounts of \$245,179.00 each for street improvements and (Certificate No. 24056763) for setting corner survey monuments in the amount of \$3,648.00 to Taylor Morrison of California, LLC (Developer), 100 Spectrum Center Drive, Suite 1450, Irvine, CA 92618.

12. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00087 FOR TRACT 17708 LOCATED AT 2075 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA** - Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. 802520S) in the amounts of \$37,512.00 each for street improvements, and (Certificate No. 802521S) for setting corner survey monuments in the amount of \$1,500.00 to Richmond American Homes of Maryland, Inc. (Developer), 5171 California Avenue, Suite 120, Irvine, CA 92617.

13. **A RESOLUTION OF THE COSTA MESA CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF ANAHEIM TO RECEIVE A GRANT UNDER THE FY 2016 URBAN AREAS SECURITY INITIATIVE (UASI)**

Police Department

RECOMMENDATION:

1. City Council adopt Resolution No. 17-xx, which authorizes the City Manager or his designee to execute the attached Sub-Recipient Agreement with the City of Anaheim to receive a grant under the FY 2016 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorize the Police Department to accept FY 2016 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$2,811. This amount will reimburse the Fire Department and approved City personnel who assist with the instruction and delivery of approved UASI courses; and
3. Approve Budget Adjustment No. 17-013 in the amount of \$2,811 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

14. **JUSTIFICATION FOR SOLE SOURCE REQUEST AND AWARD OF PROFESSIONAL SERVICES AGREEMENT TO A.P. TRITON, LLC FOR SPECIALIZED CONSULTING SERVICES** – Fire and Rescue Department

RECOMMENDATION:

1. City Council approve and authorize the City Manager to execute and sign the Justification for Sole Source Request for A.P. Triton, LLC for the comprehensive administration and facilitation of the Request for Proposals (RFP) processes for both ambulance and billing services; and
2. Award a Professional Services Agreement for the comprehensive administration and facilitation of the Request for Proposals (RFP) processes for both ambulance and billing services to consultant A.P. Triton, LLC in an amount not to exceed \$100,000 for fiscal year 2017-2018.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT** - City Manager's Office

RECOMMENDATION:

1. City Council conduct a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for the 2017-2018 fiscal year; and
2. Adopt Resolution No. 17-37, levying an annual assessment for Fiscal Year 2017-2018 for a business improvement area covering certain Costa Mesa hotels and motels; and
3. Give second reading and adopt Ordinance No. 17-10, to be read by title only, and further reading waived, amending Ordinance No. 95-9, relating to the establishment of a business improvement area for Costa Mesa hotels and motels; and
4. Adopt the Fiscal Year 2017-2018 Community-Wide Marketing and Support Budget.

2. **REVIEW OF PLANNING APPLICATION PA-16-67 AND TENTATIVE PARCEL MAP 2017-106 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 1933 CHURCH STREET**

Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission's decision to approve Design Review PA-16-67 and Tentative Parcel Map 2017-106.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Friday, June 9, 2017 – **Paws on Parade**, 5:30-8:30 p.m., Bark Park, 890 Arlington Dr. Event will take place in the small dog area. Pets and owners are invited to attend this pet adoption event, featuring a doggie fashion show and pet vendors. For more information, please email: cmrecinfo@costamesaca.gov.

Friday, June 9, 2017 – **Inaugural Mayor's Charity Ball**, 6-11p.m., Westin South Coast. Black tie optional. Event will feature a hosted cocktail reception, dinner, dancing and live entertainment. Proceeds raised will benefit art and educational programming in Costa Mesa. For more information, please visit: www.ArtOfLeadershipCelebration.com.

Saturday, June 10, 2017– **NMUSD'S 2nd Annual Robotics Competition**, 9 a.m-3 p.m., Estancia High School, 2323 Placentia Ave. Students from participating elementary and secondary schools are forming teams and preparing to showcase their bots. For more information, please email: edtech@nmusd.us

Saturday, June 10, 2017– **OC Funk Fest**, 3-10 p.m., OC Fair and Event Center, 88 Fair Dr. OC Funk Fest brings its third year of original funk for a bigger and better season to a new location. For more information, please visit: www.ocfair.com

Tuesday, June 13, 2017– **Costa Mesa Boosters Bingo**, 5-8 p.m., Costa Mesa Senior Center, 695 W. 19th St. One-hundred percent of the proceeds earned go to support programs not funded for. For more information, please visit: www.cmhsbingo.webstarts.com.

Wednesday, June 14, 2017 – **Chamber Monthly Network Lunch**, 11:30-1 p.m., Royal Tea and Treatery, Costa Mesa. There is no Chamber membership required for first time attendees. For more information, please call 714-885-9090.

Thursday, June 15, 2017 – **90 Minute Breakfast Boost**, 7-8:45 a.m., Costa Mesa Country Club, 1701 Golf Course Dr. Join special guest speaker Kathy Kramer, President/CEO of the OC Fair and Event Center and learn what is new at the OC Fair. For more information, please call 714-885-9090.

Friday, June 16 through Sunday, June 19, 2017 – **OC Night Market**, various times. OC Fair and Event Center, 88 Fair, Costa Mesa. Presenting LET'S PLAY Summer 2017, with hundreds of food, merchandise, arts, crafts and entertainment options for one of the biggest food festivals of the year. For more information, please visit: www.ocfair.com.

Tuesday, July 4, 2017 – **Celebrate Safely**, 3 - 9:30 p.m., OC Fair & Events Center, 88 Fair Dr. Independence Day Celebration with free family activities including live music, Heroes Hall, Centennial Farm, pyrotechnics show and more.