

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."

COUNCIL MEMBER STEPHENS WILL BE ATTENDING THE MEETING VIA TELECONFERENCE FROM:

Hyatt Regency Chicago
151 East Wacker Drive
Gallery Boardroom 3
Chicago, IL 60601

Phone Number:
1-312-565-1234

Special Closed Session meeting will
commence at 7:00 p.m. Illinois time.

TUESDAY, JUNE 20, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 5:00 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.

SPECIAL CLOSED SESSION – 5:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS - Members of the public (including members at the teleconference location) 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 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.

2. 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.

3. 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 Special 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 20, 2017 – 6:00 P.M.**

**COUNCIL MEMBER STEPHENS WILL BE ATTENDING THE MEETING VIA
TELECONFERENCE FROM:**

Hyatt Regency Chicago
151 East Wacker Drive
Gallery Boardroom 3
Chicago, IL 60601

Phone Number:
1-312-565-1234
Regular meeting will commence
at 8:00 p.m. Illinois time.

CALL TO ORDER

NATIONAL ANTHEM Ms. Moxy Anne

PLEDGE OF ALLEGIANCE Council Member Righeimer

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

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:

Members of the public (including members at the teleconference location) 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. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of the City Council. Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the City Manager during the City Manager's 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. Council Member Stephens – via teleconference
2. Council Member Righeimer
3. Council Member Mansoor
4. Mayor Foley
5. Mayor Pro Tem Genis

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: California Automobile Insurance Company, as subrogee for Karl Ozinga.

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2579 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-11 FOR \$2,207,148.95; AND CITY OPERATING EXPENSES FOR \$4,234,358.19; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2579.

3. **MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF APRIL 4, 2017**- City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of April 4, 2017.

4. **HALECREST NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT-
CITY PROJECT NO. 15-03** - 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 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. **EASTSIDE NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT
(ZONE #3 AND ZONE #12) - CITY PROJECT NO. 15-02**

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 release of the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

6. **WEST BAY STREET IMPROVEMENTS - CITY PROJECT NO. 17-06**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the West Bay Street Improvements, City Project No. 17-06, funded by the Community Development Block Grant (CDBG) program; and
2. Award a construction contract to Copp Contracting, Inc., 6751 Stanton Ave. Buena Park, CA 90621, in the amount of \$179,149.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **CLOSE OFF ARTERIAL WALL OPENINGS AT VARIOUS LOCATIONS PROJECT, CITY PROJECT NO. 17-05**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council reject all bids; and
2. Authorize staff to re-advertise the project.

8. **PURCHASE OF THE BATTERIES AND CHARGERS FOR THE MOBILE RECEIVER RADIOS FOR ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM UPGRADE**

Police Department/Support Services Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order with Power Products for the purchase of batteries and chargers for the mobile receiver radios designed to interface with the existing Orange County ASTRO 25 System in the amount of \$53,535.43.

9. **PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES WITH FIRSTCARBON SOLUTIONS FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR MASTER PLAN PA-17-11 IN CONJUNCTION WITH FUTURE EXPANSIONS OF VANGUARD UNIVERSITY AT 55 FAIR DRIVE**

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council approve and authorize the Mayor and the City Clerk to execute a one (1) year Professional Services Agreement (PSA) for environmental consulting services with FirstCarbon Solutions, 250 Commerce, Suite 250 Irvine, CA 92620, for an Initial Study/Mitigated Negative Declaration (IS/MND) for Master Plan PA-17-11 in conjunction with future expansions for Vanguard University at 55 Fair Drive, Costa Mesa, CA 92628, in the amount not to exceed \$83,860.00, effective date June 21, 2017 – June 20, 2018; and
2. Authorize the City Manager and the City Clerk to renew the agreement for two (2) additional one-year terms, upon mutual agreement of both parties.

10. SENIOR TRANSPORTATION PROGRAMS (STP) AWARD OF CONTRACT
Parks and Community Services Department

RECOMMENDATION:

1. City Council approve and authorize the City Manager and the City Clerk to execute a three (3) year Professional Service Agreement (PSA) for the Senior Transportation Programs (STP) with Keolis Transit Services, LLC at 6053 W. Century Blvd., Suite 900, Los Angeles, CA 90045 in the annual amount not to exceed \$197,020.00, effective date July 01, 2017 – June 30, 2020; and
2. Authorize the City Manager and the City Clerk to renew the agreement for two (2) additional one-year terms, upon mutual agreement of both parties.

11. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Amendment No. 2 to the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, California 92649, to increase the maximum compensation by \$388,000.00, to \$1,027,500.00, and extend the term of the Agreement through March 31, 2018.
2. Authorize the City Manager to execute Amendment No. 2.

12. RENEWED MEASURE M (M2) ELIGIBILITY
Public Services Department/Administration Division

RECOMMENDATION:

1. City Council approve the City's Maintenance of Effort (MOE) for Fiscal Year 2017-18; and
2. Approve the City's Local Signal Synchronization Plan (LSSP); and
3. Approve the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2017-18 through Fiscal Year 2023-24; and
4. Adopt Resolution No. 17-xx, for the Master Plan of Arterial Highways Conformance, mitigation fee program, and LSSP.

13. AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH W.G. ZIMMERMAN ENGINEERING, INC.

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve Amendment No. 1 for the Professional Services Agreement with W. G. Zimmerman Engineering, Inc., 17011 Beach Boulevard, Suite 1240, Huntington Beach, CA 92647, increasing the consultant fee by an amount of \$75,000 to \$124,470; and
2. Authorize the City Manager to execute the Amendment.

14. FIRST AMENDMENT TO LEASE AGREEMENT WITH STC ONE LLC

City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council approve the First Amendment to the Lease Agreement with STC ONE LLC, a Delaware limited liability company, registered in California as TOWER COMPANY ONE LLC, for the cell tower located at Shiffer Park.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. ADOPTION OF FISCAL YEAR 2017-2018 APPROPRIATIONS LIMIT

Finance Department/Financial Planning Division

RECOMMENDATION:

City Council adopt Resolution No. 17-42, establishing the Fiscal Year 2017-2018 Appropriations Limit for the City of Costa Mesa at \$223,567,465 by using the County of Orange's population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

2. FISCAL YEAR 2017-2018 BUDGET ADOPTION

Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Resolution No. 17-43, adopting the City of Costa Mesa FY 17-18 Operating and Capital Improvement Budget including all items listed on the Budget Addendum; and
2. Adopt the Fire and Park services cost recovery fees Resolution No. 17-44; and
3. Direct staff to work with the Finance and Pension Advisory Committee on future options for the Business License fees and Transient Occupancy Tax rate; and
4. Authorize the City Manager and Finance Director to make annual CalPERS prepayments for up to all bargaining groups if cash flow and cash balances permit; and
5. Approve job descriptions and recommended salary resolutions for the following:
 - a. Assistant Fire Marshal
 - b. Community Improvement Manager
 - c. Parks and Community Services Director

3. APPEAL OF THE DENIAL OF SPECIAL USE PERMIT SL-15-0014 TO OPERATE A SOBER LIVING HOME SERVING SIX RESIDENTS AT 2152 RALEIGH AVENUE – Development Services Department

RECOMMENDATION:

City Council uphold the Planning Commission's denial of Special Use Permit SL-15-0014; or Reverse the Planning Commission's denial of Special Use Permit SL-15-0014; or Remand this application back to the Planning Commission for further review.

OLD BUSINESS: NONE

NEW BUSINESS:

1. APPOINTMENTS TO VARIOUS COMMITTEES

City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council make appointments to the following committees:

1. Access Building, Fire and Housing Board of Appeal - make appointments to fill five regular member vacancies and two alternate member vacancies, all for four-year terms.
2. Historical Preservation - make appointments to fill one regular member vacancy and two alternate member vacancies, all for one-year terms.

City Council liaison – Council Member Mansoor

3. Housing and Public Service Grants - make appointments to fill two regular member vacancies and one alternate member vacancy, all for one-year terms.

City Council liaison – Mayor Pro Tem Genis

4. Traffic Impact Fee Ad Hoc - make appointments to fill four regular member vacancies, all for four-year terms: two at-large representatives, one major developers' representative, and one small developers' representative.

City Council liaison – Council Member Mansoor

5. Fairview Park Steering - make appointments to fill seven regular member vacancies and two alternate member vacancies, each serving staggered four-year terms:
 - a. 3 regular members/1 alternate member, for two-year terms; and
 - b. 4 regular members/1 alternate member, for four-year terms;

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Tuesday, June 20, 2017 - **Art on the Fifth**, 5-6 p.m., City Hall 5th floor, 77 Fair Dr. Enjoy an opening reception and a look at art from local artist Ben Brough. For more information, please call: (714) 754-5052.

Saturday, June 24, 2017 - **SOCO Farmers Market**, 9 a.m.- 2p.m, SOCO Collection, 3303 Hyland Ave. Enjoy seasonal fresh produce, live music, local meats, eggs, juices, sweets, nuts, sauces, dips, ready-made foods, warm out-of-the-oven breads and more. For more information, please visit: www.socoandtheocmix.com

Saturday, June 24, 2017 - **Stem up 4 Youth**, 1-2 p.m., Costa Mesa Technology Library, 2263 Fairview Rd. For kids ages 5-12, enjoy a free educational event featuring science, technology, engineering and mathematics. For more information, please call: (949) 515-3970.

Sunday, June 25, 2017 – **Lord of the Strings**, 3-5 p.m., SOCO Collection. 3303 Hyland Ave. Enjoy the sounds from internationally recognized musician Adam Rafferty while enjoying drinks and light bites from LCA wine. For more information, please visit: www.socoandtheocmix.com

Wednesday, June 28, 2017 – **Movies in the Park - Batman the Movie**, 5:30 p.m., TeWinkle Park, 885 Junipero Dr. Pre-show begins at 5:30 p.m. and movie begins at dusk. Enjoy arts, crafts, games, raffle prizes, food trucks and more.

Friday, June 30, 2017– **Senior Center Independence Day**, 11:30 a.m.-1p.m., Senior Center, 695 W 19th St. Intended for seniors, enjoy food, games, entertainment and friends. Registration is due by Friday, June 23. For more information, please call: (714) 327-7550.

Tuesday, July 4, 2017 - **Celebrate Safely**, 4-9:30 p.m., OC Fair and Event Center, 88 Fair Dr. Enjoy live music, a pyrotechnic show, activities for the entire family, centennial farm, inflatables, OC Market Place vendors and more.

Tuesday, July 4, 2017 - **Pacific Symphony's Symphonic Springsteen Concert**, 8-10 p.m. OC Fair and Event Center, 88 Fair Dr. High-energy tribute to one of America's most iconic singer-songwriter. Enjoy seasoned world-class musicians famous for recreating Bruce Springsteen's marathon, party-like show. For more information, please visit: www.ocfair.com

Friday, July 7, 2017 - **First Friday Roadshow**, 5:30-7:30 p.m. City Hall parking lot, 77 Fair Dr. Enjoy classics, customs and exotics, live music and giveaways.

Tuesday, July 11, 2017 - **Concerts in the Park - Stone Soul**, 6-8 p.m. Fairview Park, 2411 Placentia Ave. Bring your blankets, lawn chairs, family and friends and enjoy this annual community tradition.

Tuesday, September 12, 2017 at 5 p.m. – **Joint Study Session with Planning Commission** - review of Small Lot Ordinance/overlays/downzoning.