

AMENDED AGENDA*

CITY OF COSTA MESA REGULAR CITY COUNCIL, COSTA MESA FINANCING AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

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

***PUBLIC HEARING #2 COIN ORDINANCE WITH COSTA MESA
FIREFIGHTERS ASSOCIATION HAS BEEN ADDED TO THE AGENDA.**

**TUESDAY, SEPTEMBER 19, 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 - 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, Costa Mesa Financing Authority Board, Costa Mesa Public Financing Authority Board, and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

**REGULAR CITY COUNCIL, COSTA MESA FINANCING AUTHORITY
BOARD, COSTA MESA PUBLIC FINANCING AUTHORITY BOARD,
AND SUCCESSOR AGENCY**

TUESDAY, SEPTEMBER 19, 2017 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM The All American Boys Chorus

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.]

Pastor Rod Randall, Harbor Trinity Baptist 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.

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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: Alberto Alvarez, James Davis, Kaori Hiravama, Gino Mascia, Robert McDougal, and Michael D. Smith.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2583 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-16 "A" FOR \\$1,3262.54 AND 17-17 FOR \\$2,307,215.66; AND CITY OPERATING EXPENSES FOR \\$2,621,106.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2583.

3. **ACCEPTANCE OF A \$150,000 GRANT FROM HOAG MEMORIAL HOSPITAL PRESBYTERIAN AND ALL ASSOCIATED BUDGET ADJUSTMENTS FOR FY 17/18 AND 18/19** - Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council accept a \$150,000 grant from Hoag Memorial Hospital Presbyterian for the Senior Center Medical Transportation Program (MTP), for FY 17/18 and the first half of FY 18/19, and authorize a budget adjustment in the amount of \$150,000.

4. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)**

Police Department/Field Operations Division Traffic Safety Bureau

RECOMMENDATION:

1. City Council adopt Resolution No. 17-xx, which authorizes the execution of the Grant Agreement with the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the Police Chief to execute the Grant Agreement; and
2. Approve Budget Adjustment #18-007 in the total amount of \$290,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2017 OTS STEP Grant.

5. **STREET REHABILITATION PROJECT, CITY PROJECT NO. 15-05**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by R.J. Noble Company, 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.

6. **WEST 19TH STREET BICYCLE TRAIL PROJECT**
Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council suspend all environmental and design activities on the West 19th Street Bicycle Trail Project; and
2. Authorize staff work with the County of Orange on their Resource Management Plan for Talbert Nature Preserve.

7. **RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224, FOR THE REHIRE OF RETIRED SENIOR COMMUNICATIONS SUPERVISOR CHERIE PITTINGTON** – City Manager’s Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council adopt by resolution the exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21224 to retain the services of retired Senior Communications Supervisor Cherie Pittington.

8. **RESOLUTION AMENDING THE 2017-18 BUDGET TO INCORPORATE A LIST OF PROJECTS FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt Resolution No. 17-xx, amending the Fiscal Year 2017-18 Budget to incorporate a list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues; and
2. Approve Budget Adjustment No.18-009; and
3. Amend the Fiscal Year 2017-18 Capital Improvement Budget to include revised B-12 forms.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. 2017 LEASE REVENUE BONDS FOR LIONS PARK PROJECTS AND REFUNDING OF EXISTING 2007 CERTIFICATES OF PARTICIPATION

Finance Department

RECOMMENDATION:

1. City Council adopt the City Council Resolution No. 17-xx, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and
2. Costa Mesa Financing Authority adopt the Financing Authority Resolution No. 17-xx, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and
3. Costa Mesa Public Financing Authority adopt the Public Financing Authority Resolution No. 17-xx, approving the form of certain documents in connection with the termination of lease documents related to the 2003 Certificates of Participation and 2007 Certificates of Participation, which are being prepaid.

2. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA)

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council hold the first public hearing regarding the proposed 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Firefighters Association. Staff further recommends that the City Council schedule the second public hearing on October 3rd, 2017 as required by COIN.

OLD BUSINESS:

1. [**SECOND READING OF ORDINANCE NO. 17-12, AN AMENDMENT TO TITLE 13 OF COSTA MESA MUNICIPAL CODE RELATED TO PLANNING AND SUBDIVISION APPLICATION REVIEW PROCESS TIME LIMITS**](#)

Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading to Ordinance 17-12 (Code Amendment CO-17-05), to be read by title only, and further reading waived, amending Title 13 of the Costa Mesa Municipal Code related to time extension of Planning and Subdivision applications.

2. [**SECOND READING OF ORDINANCE NO. 17-13 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236**](#) - Economic & Development Services Department

RECOMMENDATION:

City Council give second reading to Ordinance No. 17-13, to be read by title only, and further reading waived, which sets forth an expedited, streamlined permitting process for electric vehicle charging stations, per the requirements of Assembly Bill 1236 (2015).

NEW BUSINESS:

1. [**FIRST READING OF AN ORDINANCE OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS**](#) - Police Department

RECOMMENDATION:

It is recommended that the City Council introduce and give first reading to Ordinance 17-xx, to be read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Festival of Children, Sept. 2 – 24, South Coast Plaza, www.festivalofchildren.org

Recreation in the Park – Italian, Friday, Sept. 22, from 5:30 – 6:30 p.m., TeWinkle Park Theatre, pre-register online to guarantee your spot, www.costamesaca.gov

Cruisin for a Cure, Saturday, Sept. 23, from 6 a.m. – 4:30 p.m., OC Fair & Event Center, www.cruisinforacure.com

I Heart Mesa Water, Saturday, Sept. 23, from 9 a.m. – 12 p.m., Mesa Water District Headquarters, 1965 Placentia Ave., Community Festival celebrating a new water vending machine, www.mesawater.org

Recreation in the Park – Sand Volleyball Sept. 25 & Oct. 2 , from 3:30 – 4:30 p.m., Tanager Park, pre-register online to guarantee your spot, www.costamesaca.gov

State of the Schools Breakfast, Wednesday, September 27, from 7 – 9 a.m., Costa Mesa High School Gym. Join school, government and community representatives to salute our neighborhood schools, their goals and achievements.

90-Minute Breakfast Boost / State of the City hosted by the Costa Mesa Chamber of Commerce, Thursday, Sept. 28, from 7 – 8:45 a.m., Avenue of the Arts Hotel, 3350 Avenue of the Arts, www.costamesachamber.com/events

Costa Mesa Feud – Seniors vs. Teens, Friday, September 29, Costa Mesa Senior Center.

10th Annual Estancia TeWinkle Schools Foundation Gala, Saturday, Sept. 30, Mesa Verde Country Club, www.etsfoundation.org

OC Japan Fair, October 13 – 15, OC Fair & Event Center, www.oc-japanfair.com

Voices – Veterans Storytelling Project, Friday, Oct. 20, at 6 p.m., Heroes Hall - OC Fair & Event Center.