

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 MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."**

TUESDAY, JANUARY 15, 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: City of Costa Mesa, et al. v. Michael Cohen, in his Official Capacity as Director of the California Department of Finance, et al., Sacramento Superior Court Case No. 34-2013-80001675.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1040 West 17th Street, Costa Mesa, CA 92627
APN: 424-351-07
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Tamara Letourneau, Acting City Manager and Ssms Investments LLC
Negotiation: Price and Terms of Payment.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1885 Anaheim Street, Costa Mesa, CA 92627
APN: 424-211-12
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Tamara Letourneau, Acting City Manager and Linda Miles, Outreach Director and Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church
Negotiation: Price and Terms of Payment.

4. 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.

The City Council, Costa Mesa Financing Authority Board, Costa Mesa Public Financing Authority Board, and Successor Agency to the Redevelopment Agency will recess to Room 102 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
COSTA MESA SENIOR CENTER
GRAND HALL 1
695 W. 19TH STREET, COSTA MESA, CALIFORNIA**

TUESDAY, JANUARY 15, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM Mrs. McVeigh's First Grade Class, Sonora Elementary School

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 David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Sister City Presentation – Students from Hoppers Crossing Secondary College, Wyndham, Australia

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 Chavez
2. Council Member Marr
3. Council Member Mansoor
4. Council Member Genis
5. Council Member Reynolds
6. Mayor Pro Tem Stephens
7. Mayor Foley

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

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: Debra Von Trapp

RECOMMENDATION:

City Council receive and file.

3. WARRANT RESOLUTION NO. 2611 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-25 "A" FOR \$256.22 AND 18-26 FOR \$2,637,027.23; AND CITY OPERATING EXPENSES FOR \$3,093,356.84; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2611.

4. RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 19-20 A-B ANNUAL FISCAL PERIOD OF JULY 1, 2019 TO JUNE 30, 2020
Finance Department

RECOMMENDATION:

Successor Agency adopt Successor Agency Resolution No. 19-xx, approving Recognized Obligation Payment Schedule for the 19-20 A-B Fiscal Period of July 1, 2019 to June 30, 2020, subject to submittal to and review by the Orange Countywide Oversight Board and then State of California, Department of Finance. Further, the Finance Director, or her authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications or additions as may be necessary or directed by DOF.

5. INTEGRATED PEST MANAGEMENT (IPM) PLAN – ORGANICS FIRST POLICY
Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council approve and adopt the proposed Integrated Pest Management (IPM) Plan.

AGENDA CONTINUED ON THE NEXT PAGE.

6. **RECEIVE AND FILE THE CITY'S AUDITED FINANCIAL REPORTS AND COSTA MESA PUBLIC FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2018**

Finance Department

RECOMMENDATION:

1. Staff recommends that the City Council receive and file the following reports for fiscal year ended June 30, 2018:
 - a. Comprehensive Annual Financial Report (CAFR);
 - b. Single Audit Report;
 - c. Air Quality Improvement Fund Compliance Report;
 - d. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*;
 - e. Audit Communication Letter; and
 - f. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.
2. Staff recommends that the City Council and Costa Mesa Public Financing Authority receive and file the Costa Mesa Public Financing Authority audited financial statements for fiscal year ended June 30, 2018.

7. **RECEIVE AND FILE THE COSTA MESA FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2018**

Finance Department

RECOMMENDATION:

Staff recommends that the City Council and Costa Mesa Financing Authority receive and file the Costa Mesa Financing Authority audited financial statements for fiscal year ended June 30, 2018.

8. **DONALD DUNGAN LIBRARY LEASE AGREEMENT BETWEEN THE CITY OF COSTA MESA AND COUNTY OF ORANGE** – City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council approve a 10-year lease with an additional two (2) five-year extension options between the City of Costa Mesa and the County of Orange for the operation of the new Donald Dungan Library at Lions Park. Staff also recommends that the City Council authorize the Mayor to sign the lease.

9. **STREET REHABILITATION PROJECT, CITY PROJECT NO. 18-16**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Street Rehabilitation Project, City Project No. 18-16; and
2. Award a construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, California 92865, in the amount of \$3,067,539.00; and
3. Authorize the City Manager/Acting City Manager and the City Clerk to execute the Public Works Agreement, and authorize the City Manager/Acting City Manager to execute future contract amendments; and
4. Authorize an additional ten percent (10%) contingency totaling \$306,753.90 as needed for unforeseen costs; and
5. Authorize a budget adjustment appropriating \$356,788.30 in the Gas Tax Fund using available Road Maintenance and Rehabilitation Account (RMRA) funds.

10. **I-405 IMPROVEMENT PROJECT – CONSTRUCTION SERVICES & TRAFFIC ENGINEERING** - Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, in the amount of \$200,000 for construction support services, on an as-needed basis, for the I-405 Improvement Project; and
2. Approve Amendment Number One to the Professional Services Agreement with Albert Grover & Associates, Inc., 211 E. Imperial Highway, Suite 208, Fullerton, CA 92835, increasing the maximum compensation by \$35,000 to secure additional services, on an as-needed basis, for traffic engineering services for the I-405 Improvement Project; and
3. Authorize the City Manager/Acting City Manager and the City Clerk to execute the Professional Services Agreement and the Amendment, and future authorized amendments to both agreements.

11. ACCEPT WORK COMPLETED UNDER THE PLAYGROUND SURFACE REPLACEMENT AT VARIOUS CITY'S PARKS – CITY PROJECT NO. 18-09
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by T. J. Janca 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; authorize the City Manager/Acting City Manager to release the performance bond, if appropriate, at the conclusion of the one-year warranty period; and release of the retention monies 35 days after the Notice of Completion filing date.

12. AMENDMENT NUMBER THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALLIED NATIONWIDE SECURITY, INC. TO INCLUDE YEAR ROUND SECURITY GUARD SERVICES AT LIONS PARK AND SURROUNDING CAMPUS - Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment Number Three to the Professional Services Agreement with Allied Nationwide Security, Inc., to include security guard services at Lions Park and the surrounding campus on a year round (24 hours, 7 days/week, 365/year) basis; and
2. Authorize the City Manager/Acting City Manager to execute the amendment and future amendments to the Agreement.

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 SECOND PUBLIC HEARING AND ADOPTION OF THE 2018-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA), 2018-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) AND THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTIONS**
City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Hold the second Public Hearing as required by COIN; and
2. Approve and adopt the 2018-2020 Memorandum of Understanding between the City of Costa Mesa and the CMPA; and
3. Approve and adopt the 2018-2022 Memorandum of Understanding between the City of Costa Mesa and the CMPMA; and
4. Adopt Resolution Number 19-02, which provides for 3% salary increases for CMPMA represented employees effective December 23, 2018, June 23, 2019, June 23, 2019, June 21, 2020 and June 20, 2021; and
5. Adopt Resolution Number 19-03, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is January 20, 2019; and
6. Adopt Resolution Number 19-04, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is June 23, 2019; and
7. Adopt Resolution Number 19-05, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is June 21, 2020.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [ADOPT URGENCY ORDINANCE AND INTRODUCE FOR FIRST READING AN ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS AND ADOPT AN ADMINISTRATIVE POLICY THAT ENSURES TRANSPARENCY IN THE LABOR NEGOTIATION PROCESS](#)

City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Introduce and adopt Urgency Ordinance 19-xx, repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code; and
 2. Introduce for first reading, by title only, and waive further reading of the regular ordinance repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code; and
 3. Adopt the new Transparency in Labor Negotiations policy.
2. [INTRODUCTION AND ADOPTION OF AN URGENCY ORDINANCE AND ADOPTION OF 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:

1. Introduce and adopt Urgency Ordinance No. 19-02, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code; and
2. Give second reading and adopt Ordinance No. 19-01, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code.

3. **APPROVAL OF BRIDGE SHELTER PROJECT AS A COMPONENT OF A WESTSIDE RESTORATION PROJECT**

Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the purchase of the property located at 1040 W. 17th St., Costa Mesa, CA to be utilized as the City's bridge shelter location;
2. Authorize staff to negotiate a facility-use/lease agreement with the Church of the Nazarene/Lighthouse Church, located at 1885 Anaheim Avenue to: utilize a portion of existing property to provide an interim bridge shelter location; be operated by a professional shelter operator; and, include onsite security, facility upgrades and perimeter fencing, while the long-term shelter property is being improved;
3. Authorize a budget adjustment for all existing expenses incurred during Fiscal Year 2018-19 totaling \$141,816 related to identifying a bridge shelter location to be funded from unassigned fund balance in the General Fund;
4. Authorize a budget adjustment for \$5,700,000 for the acquisition of 1040 W. 17th St. Costa Mesa, CA totaling \$4,000,000 and site improvements estimated to cost \$1,700,000 to be funded from unassigned fund balance in the General Fund while staff continues to seek all outside available funding;
5. Authorize staff to explore operator options and provide a recommendation to the City Council on Tuesday, February 5, 2019.

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.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Thursday, January 17, 2019 – **Ribbon Cutting – ALIGN Bodywork & Yoga**, 5 -7 p.m. 2900 Bristol St., Bldg. E #105. Presented by Costa Mesa Chamber of Commerce. More info: www.costamesachamber.com

Thursday, January 17, 2019 – **Community Meeting - New West 19th Street Bike Lanes**, 5:30 -7 p.m. Costa Mesa Senior Center, Room 202, 695 W. 19th St. Hosted by Costa Mesa Public Services Department. More info: www.costamesaca.gov

Friday, January 18, 2019 – **Ribbon Cutting – JACE Hardwood Flooring**, 12 -1 p.m. 3303 Harbor Blvd. #F-4. Presented by Costa Mesa Chamber of Commerce. More info: www.costamesachamber.com

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. More info. www.birdeasepro.com/mvcc2019/

Wednesday, January 23 and Thursday, January 24, 2019 – **2019 Point in Time count**. The County of Orange is seeking around 1,000 volunteers to sign up to help with the 2019 Point in Time count. Volunteers are needed to help count individuals experiencing homelessness in Orange County. Volunteer opportunities are available in morning and evening shifts on both Jan. 23 and Jan. 24. For additional information, please visit www.EveryoneCountsOC.org.

Wednesday, January 23, 2019 – **Parent Education Workshop: Social Media, Gaming Disorder & FOMO**, 9 - 11 a.m. Harper Assessment Center, 425 E. 18th St. Presented by Newport-Mesa Unified School District. More info: www.nmusd.us

Thursday, January 24, 2019 – **Parent Education Workshop: Social Media, Gaming Disorder & FOMO**, 6 - 8 p.m. Harper Assessment Center, 425 E. 18th St. Presented by Newport-Mesa Unified School District. More info: www.nmusd.us

Thursday, January 31, 2019 – **Ribbon Cutting – The Lash Lounge**, 5 -7 p.m. 369 E. 17th St., #3. Presented by Costa Mesa Chamber of Commerce. More info: www.costamesachamber.com

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