

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."

TUESDAY, JULY 2, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 P.M.
REGULAR MEETING – 6:00 P.M.

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

City Manager
Lori Ann Farrell Harrison

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 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.**
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 Chambers 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
4:30 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 Special Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Special Closed Session agenda.

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – EIGHT POTENTIAL CASES**
Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

- 3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.

- 4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00329-JVS-PJW.

The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Special Closed Session at the conclusion of public comments.

AGENDA CONTINUED ON THE NEXT PAGE.

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

TUESDAY, JULY 2, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Ms. Moxy Anne Mohr

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.]

Fr. George Okusi, St. John the Divine Episcopal Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS - NONE

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. 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 Mansoor
2. Council Member Genis
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Marr
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: State Farm, as subrogee for Susan Chingay.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2622 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-11 "A" FOR \$302.90; 19-12 FOR \$2,528,937.47 AND CITY OPERATING EXPENSES FOR \$3,361,064.13; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** -
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2622.

4. **ESTABLISHMENT OF THE NEW CLASSIFICATION OF ENERGY AND SUSTAINABILITY SERVICES MANAGER JOB DESCRIPTION**
City Manager's Department/Human Resources Division

RECOMMENDATION:

City Council adopt Resolution No. 19-xx, which amends Resolution No. 17-26 establishing the new Energy and Sustainability Services Manager job classification; and corresponding salary range of \$8,630 - \$11,567 per month.

5. **PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF THE PERMANENT BRIDGE SHELTER FACILITY**
Public Services Department and Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Award a Professional Services Agreement (PSA) to Robert Borders & Associates, 1675 Scenic Avenue, Suite 210 Costa Mesa, California 92626, in an amount not-to-exceed \$375,000.00 for design services for the City's permanent Bridge Shelter facility; and
2. Authorize staff to negotiate the final scope of work, schedule, and fee within the previously approved not-to-exceed amount; and
3. Authorize the City Manager and City Clerk to execute the Professional Services Agreement and future contract amendments within Council authorized limits.

6. [COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE PAVEMENT REHABILITATION OF MACARTHUR BOULEVARD FROM SANTA ANA RIVER TO HARBOR BOULEVARD](#) - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Cooperative Agreement between the City of Santa Ana and the City of Costa Mesa for the rehabilitation of MacArthur Boulevard from the Santa Ana River to Harbor Boulevard; and
2. Authorize the City Manager and the City Clerk to execute the Cooperative Agreement.

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

1. [REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-31, 19-33 AND 19-35 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1772 ORIOLE DRIVE, 3007 COUNTRY CLUB DRIVE, AND 2926 CLUB HOUSE ROAD, RESPECTIVELY](#)

Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold the Planning Commission's decision to approve Zoning Applications 19-31, 19-33, and 19-35 for three Minor Conditional Use Permits (MCUPs) to install small cell facilities on top of replacement Southern California Edison streetlight poles located within public street rights-of-way near 1772 Oriole Drive, 3007 Country Club Drive, and 2926 Club House Road, respectively.

AGENDA CONTINUED ON THE NEXT PAGE.

2. REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATION 19-14 FOR A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL FACILITY ON TOP OF A REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED WITHIN PUBLIC STREET RIGHT-OF-WAY NEAR 400 ENCLAVE CIRCLE

Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold the Planning Commission's decision to approve Zoning Application 19-14 for a Minor Conditional Use Permit (MCUP) to install a small cell facility on top of a replacement Southern California Edison streetlight pole located within public street right-of-way near 400 Enclave Circle.

3. REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-03, 19-04 AND 19-06 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1620 ELM AVENUE, 1641 LABRADOR DRIVE, AND 1300 ADAMS AVENUE, RESPECTIVELY - Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold the Planning Commission's decision to approve Zoning Applications 19-03, 19-04, and 19-06 for three Minor Conditional Use Permits (MCUPs) to install small cell facilities on top of replacement Southern California Edison streetlight poles located within public street rights-of-way near 1620 Elm Avenue, 1641 Labrador Drive, and 1300 Adams Avenue, respectively.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, July 3 – **Costa Mesa Independence Day Community Celebration**, 5 - 11 p.m., OC Fair & Event Center.

Tuesdays, July 9, 16, 23, 30, - **Costa Mesa Concerts in the Park**, 6 p.m., Fairview Park, 2501 Placentia Ave. The Costa Mesa Foundation and City of Costa Mesa present the city's signature free summer concert series.

Saturday, July 13 – **Free Volleyball Tournament**, 10 a.m. – 4 p.m., Tanager Park, 1780 Hummingbird Dr. Hosted by Costa Mesa Parks and Community Services. Register in person at the Downtown Recreation Center or City Hall.

Saturday, July 13 – **Costa Mesa Bridge Shelter Volunteer Orientation**, 12 noon, The Crossing Church. Learn more about how you can get involved at this mandatory training for all shelter volunteers. Training sessions held every second Saturday of the month. RSVP to Alyssa@mercyhouse.net

Friday, July 19, 2019, **Food Truck Friday**, 4:30 – 7:30 p.m., Lions Park Event Lawn, 1855 Park Ave, On the third Friday of each month, food trucks from the OC and LA will be on-site selling their food for all to enjoy. Come try a variety of flavors, food fusions, and more..

Friday, July 26 – **Summer Time Movies in the Park – Ralph Breaks the Internet**, Pre-show begins at 5:30 and movie begins at dusk, Lions Park Event Lawn, 570 W. 18th St. Bring your own blanket or lawn chair and grab a bite from a food truck.

Friday, August 16 – **Summer Time Movies in the Park – Mary Poppins Returns**, Pre-show begins at 5:30 and movie begins at dusk, Lions Park Event Lawn, 570 W. 18th St. Bring your own blanket or lawn chair and grab a bite from a food truck.

July 12 – August 11, 2019 – **OC Fair**, Experience acres of fun at the OC Fair. www.ocfair.com.

July 25– August 16, 2019 – **Chargers Training Camp**, Practices open to the public at Jack Hammett Sports Complex on select days. Please visit www.chargers.com/camp for details.