

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, AUGUST 6, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 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.

**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 a total of three minutes to speak on all items on the Closed Session agenda.

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3175 Airway Avenue, Costa Mesa, CA 92627

APN: 427-091-12

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Lori Ann Farrell Harrison, City Manager and Hajoca Corporation (Tenant) and Matt Moore and Chris Bounds (Real Property Negotiators)

Negotiation: Price and Terms of Payment.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – TWO POTENTIAL CASES**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code

Agency Designated Representative: Lori Ann Farrell Harrison, City Manager

Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

The City Council 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 AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY**

TUESDAY, AUGUST 6, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Ms. Isabella 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.]

Pastor Sarah Heath, First United Methodist Church of Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS - NONE

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 Reynolds
2. Council Member Chavez
3. Council Member Marr
4. Council Member Mansoor
5. Council Member Genis
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: Paul Haw.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2624 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-13 "A" FOR \$360.55 AND 19-14 FOR \$2,670,068.48; AND CITY OPERATING EXPENSES FOR \$3,447,384.04; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2624.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF APRIL 16, 2019, MAY 7, 2019 AND MAY 21, 2019** - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of April 16, 2019, May 7, 2019 and May 21, 2019.

5. **SLURRY SEAL PROJECT, CITY PROJECT NO. 19-12**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Slurry Seal Project, City Project No.19-12; and
2. Award a construction contract to American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, California 92337, in the amount of \$425,741.00; and
3. Authorize the City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorize the City Manager to execute future contract amendments within Council authorized limits; and
4. Authorize an additional ten percent (10%) contingency totaling \$42,574.10 as needed for unforeseen costs; and
5. Authorize the City Manager to accept the work when completed and authorize the City Clerk to file the Notice of Completion upon such acceptance; authorize release of the retention monies 35 days after the Notice of Completion is filed; authorize release of the Labor and Material Bond seven (7) months after the Notice of Completion is filed; and authorize release of the Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

6. **AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM BETWEEN THE CITY OF COSTA MESA AND NEWPORT-MESA UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2019-2020**

Police Department/Support Services Division

RECOMMENDATION:

1. City Council approve the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2019-2020; and
2. Authorize the City Manager to execute the agreement.

7. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

Police Department/Field Operations Division, Community Policing Unit

RECOMMENDATION:

1. City Council adopt the proposed Resolution No. 19-xx authorizing the application for, and acceptance of, grant funds from the California Department of Alcoholic Beverage Control in connection with its Alcohol Policing Partnership Program; and
2. Authorize a budget adjustment recognizing \$59,741.00 in grant revenue and appropriating \$59,741.00 to the Police Department budget for the specified purposes.

8. **AWARD OF PROFESSIONAL SERVICES AGREEMENT TO CITYGATE ASSOCIATES, LLC TO CONDUCT STANDARDS OF COVERAGE ASSESSMENT** – Costa Mesa Fire & Rescue Department

RECOMMENDATION:

1. City Council approve and authorize the City Manager to sign the Justification for Sole Source Request for Citygate Associates, LLC for Standards of Coverage assessment consulting services; and
2. Award the proposed Professional Services Agreement (PSA) to Citygate Associates, LLC for Standards of Coverage assessment consulting services for a total not-to-exceed amount of \$73,694; and
3. Authorize the City Manager and City Clerk to execute the PSA and future amendments to the agreement.

9. **CITY HALL 2ND AND 5TH FLOOR CARPETING – CITY PROJECT NO. 18-18**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Tandus Centiva US LLC, for the subject project and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the City Manager to release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period.

10. **ANNUAL CPI ADJUSTMENT FOR BUILDING PERMIT FEES**
Development Services Division

RECOMMENDATION:

City Council adopt the proposed Resolution No. 19-xx, adjusting the Building Permit Fee Schedule for FY 2019-2020 in accordance with Resolution No. 18-44.

11. **RESOLUTION ADOPTING THE FY 2019-2020 STATEMENT OF INVESTMENT POLICY** - Finance Department

RECOMMENDATION:

City Council adopt proposed Resolution No. 19-xx approving the Statement of Investment Policy for FY 2019-2020 and delegating the investment activities to the City Treasurer.

12. **FINAL MAP FOR TRACT NO. 18156 LOCATED AT 1957 NEWPORT BOULEVARD AND 390 FORD ROAD, COSTA MESA, CALIFORNIA**
Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 18156 and authorize signing of the Map by the City Engineer and the City Clerk.

13. **NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 1903 SANTA ANA AVENUE** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on September 3, 2019, for the vacation of a portion of a right-of-way at 1903 Santa Ana Avenue; and
2. Adopt Resolution of intent to vacate right-of-way.

**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. [CODE AMENDMENT CO-19-02 ADDING ARTICLE 23 \(NEEDLE AND SYRINGE EXCHANGE PROGRAMS\) TO CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) AND AMENDING TABLE 13-30 OF CHAPTER IV \(CITYWIDE LAND USE MATRIX\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE, REGARDING THE OPERATION OF CLEAN NEEDLE AND SYRINGE EXCHANGE PROGRAMS IN ALL ZONING DISTRICTS IN THE CITY](#) - Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines, which states that "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, the activity is not subject to CEQA"; and
2. Introduce for first reading Ordinance No. 19-13, adopting Code Amendment CO-19-02 in order to:
 - Add Article 23 (Needle and Syringe Exchange Programs) to Chapter IX (Special Land Use Regulations) and amending Table 13-30 of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning Zoning and Development) of the Costa Mesa Municipal Code, regarding the operation of clean needle and exchange programs in all zoning districts in the City.

2. CONDITIONAL USE PERMIT PA-17-10 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO 45 ADULTS IN FIVE UNITS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY THE OHIO HOUSE AT 115 EAST WILSON STREET, UNITS A THROUGH E
Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt a Resolution upholding the decision of the Planning Commission to uphold the Director's denial of the request for Reasonable Accommodation and to deny Conditional Use Permit PA-17-10.

OLD BUSINESS: NONE

NEW BUSINESS:

1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2019 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE - City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council:

Designate a member of the City Council as Costa Mesa's voting delegate and up to two alternate voting delegates for the 2019 League of California Cities Annual Conference.

AGENDA CONTINUED ON THE NEXT PAGE.

2. APPROVAL OF RESOLUTIONS FOR THE APPLICATION OF PROPOSITION 68 GRANT FUNDS FROM THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM

Public Services Department/Parks and Community Services Department

RECOMMENDATION:

1. City Council adopt the proposed resolution, approving the submittal of a grant application to the California Department of Parks and Recreation, Proposition 68 Statewide Park Development and Community Revitalization Grant Program – also known as the Statewide Park Program (SPP), for the Lions Park Playground Renovation Project; and
2. Adopt the proposed resolutions, authorizing staff to submit applications for future funding opportunities for SPP/Proposition 68 grant funding for the following approved City projects, as determined by staff to meet specified guidelines and requirements:
 - a. Victoria Street Outdoor Exercise Equipment Corridor
 - b. Shalimar Park Improvements
 - c. Fairview Park – Fencing, Signage and Trail Restoration
 - d. Canyon Park – Inventory, Management, and Restoration Planning
 - e. Fairview Park – Master Planning Update
 - f. TeWinkle Park – Lake Repairs
 - g. Jordan Park – Playground Equipment Replacement

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

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

Fridays in July & August – Free Summer Jazz Concert Series, 7 – 9 p.m. Segerstrom Center for the Arts on the Argyros Plaza.

Saturday, August 10, 2019 – Costa Mesa Bridge Shelter Volunteer Orientation – 12 & 1 p.m., The Crossing Church, 2115 Newport Blvd. & Costa Mesa Senior Center, 695 W. 19th St. RSVP to alyssas@mercyhouse.net.

Friday, August 16, 2019 – 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 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.