

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, OCTOBER 15, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 5:00 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.

**SPECIAL CLOSED SESSION
5:00 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 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 REAL PROPERTY NEGOTIATOR

APN: 424-211-12

Property: 1885 Anaheim Street, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;
Cities in the Central Orange County Service Planning Area (SPA)

Negotiation: Price and Terms of Payment

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 427-091-12

Property: 3175 Airway Avenue, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)

Negotiation: Price and Terms of Payment

3. 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 for the Central District of California – Southern Division, Case No. 8:18-cv-00155

**4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

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, OCTOBER 15, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Nick St. Royal – California Elementary School

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:

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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 Genis
2. Council Member Reynolds
3. Council Member Chavez
4. Council Member Marr
5. Council Member Mansoor
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: Yesenia Garcia, Kathy S. Leung

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2628 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-19 "A" FOR \$0; 19-20 FOR \$2,662,783.52; AND CITY OPERATING EXPENSES FOR \$1,688,418.54; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2628.

4. **PROFESSIONAL SERVICES AGREEMENT WITH GLENN LUKOS ASSOCIATES FOR THE RESTORATION AND LONG-TERM MAINTENANCE AND MONITORING OF FAIRVIEW PARK VERNAL POOLS 5, 6 AND 7**
Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve and authorize the City Manager to sign the Justification for Single Source Request for Glen Lukos Associates for restoration and biological monitoring services; and
 2. Approve the proposed Professional Services Agreement (PSA) with Glenn Lukos Associates for the restoration and biological monitoring of vernal pools 5, 6, and 7 within Fairview Park for a total not-to exceed amount of \$126,046; and
 3. Approve a contract term of six (6) years, commencing October 15, 2019 and ending on October 14, 2025; and
 4. Approve a ten (10) percent contingency, if needed, in the amount of \$12,600; and
 5. Authorize the City Manager and City Clerk to execute the proposed agreement and future amendments to the agreement within City Council authorized limits.
5. **RESOLUTION APPROVING THE APPLICATION FOR SPECIFIED GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt the proposed resolution approving the application for specified grant funds from the California Department of Parks and Recreation.

6. **PINKLEY PARK PLAYGROUND RENOVATION PROJECT**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Playcore Wisconsin, Inc., dba Game Time, for the Pinkley Park Playground Renovation project and authorize the City Clerk to file the Notice of Completion; and
2. Authorize City Manager to release the Labor and Material Bond one year after the filing date and to release the Faithful Performance Bond at the conclusion of the one-year warranty period.

7. **AMENDMENT NUMBER THREE TO PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS** - City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment Number Three to the Professional Services Agreement (PSA) with Townsend Public Affairs, Inc. to add legislative advocacy and strategy services to the scope of services and increase the annual compensation by \$24,000, for a total annual not-to-exceed amount of \$74,000; and
2. Approve a ten (10) percent contingency totaling \$2,400, if necessary; and
3. Authorize the City Manager and City Clerk to execute the amendment and future amendments within Council-authorized limits.

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. SPECIAL USE PERMIT SL-16-0014 TO OPERATE A SOBER LIVING HOME (THE FELLOWSHIP HOUSE), SERVING TEN PERSONS AND ONE HOUSE MANAGER, AT 2412 ORANGE AVENUE

Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a Resolution upholding the decision of the Planning Commission to uphold the Director's denial and deny Special Use Permit SL-16-0014.

[Click here for public correspondence received on this item](#)

2. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 9-125 (BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS REQUIRING A PERMIT UNDER THE PROVISIONS OF THIS CHAPTER) AND 9-128 (BUSINESSES WHERE THE DIRECTOR OF FINANCE MAY ISSUE PERMITS IN CASE OF NO OBJECTION) OF ARTICLE 1 (GENERALLY) AND ARTICLE 9 (PUSHCART AND OTHER SIDEWALK VENDORS), OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATION) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO SIDEWALK VENDING – Finance Department/City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Find that the adoption of this Ordinance is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065, and that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines (14 Cal. Code. Regs. § 15000, et seq.) Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required; and
2. Introduce for first reading, by title only, proposed Ordinance No. 19-xx amending Sections 9-125 (Businesses, Professions, Trades and Occupations Requiring a Permit Under the Provisions of this Chapter) and 9-128 (Businesses Where the Director of Finance May Issue Permits in Case of No Objection) of Article 1 (Generally) and the provisions of Article 9 (Pushcart and Other Sidewalk Vendors) of Chapter II (Regulation of Certain Businesses) of Title 9 (Licenses and Business Regulation) of the Costa Mesa Municipal Code, relating to Sidewalk Vending.

[Click here for public correspondence received on this item](#)

OLD BUSINESS: NONE

NEW BUSINESS:

1. [ONE APPOINTMENT TO THE PLANNING COMMISSION, DISTRICT 3](#)
City Manager's Office/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

Make one appointment to the Planning Commission, District 3, term expiring January, 2023.

[Click here for public correspondence received on this item](#)

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Tuesday, Oct. 15, 2019 - **Boys & Girls Club of Central Orange Coast Argyros Center for Opportunity Ribbon Cutting Ceremony**, 9:30 a.m., Boys & Girls Club of Central Orange Coast, 2131 Tustin Ave. RSVP to events@boysandgirlsclub.com

Wednesday, Oct. 16, 2019 - **NMUSD College and Career Night**, 6:30 – 8:30 p.m., OC Fair & Event Center – Costa Mesa Building, More info at www.nmusd.us

Thursday, October 17, 2019 – **CDBG & HOME Grant Funding Community Meeting**, 6:00 p.m., Costa Mesa Senior Center, 695 W. 19th St. Your input will help set the priorities for the use of Community Development Block Grants (CDBG) and HOME Investment Partnership grants for the next five years.

Friday & Saturday, Oct. 18 & 19 – **The Taste Costa Mesa**, The Met, 535 Anton Blvd., Sip, savor, and celebrate Southern California's most inspired food and drink hosted by Travel Costa Mesa and LA Times. More info & tickets at www.travelcostamesa.com/taste

Saturday, October 19, 2019 – **Costa Mesa Art Walk & Dance Battle**, 2:00 – 6:00 p.m., Lions Park Event Lawn, 570 W. 18th St. Costa Mesa Art Walk brings community and

the arts together for an afternoon of family friendly fun! Check out work by local artists, enjoy live music and watch a final dance battle.

Saturday & Sunday, Oct. 19 & 20 – **Scarecrow Festival**, 10:00 a.m. – 3:00 p.m., Goathill Junction in Fairview Park. A Costa Mesa tradition dating back to the 1930's Times. More info at www.costamesaca.gov/scarecrow.

Sunday, October 20 – **Bike ride with Council Member Reynolds**. Riders will explore parks, public art, and other special Costa Mesa locations north of the I-405. Ride departs 2:30 p.m.; starting location South Coast Collection "SOCO."

Friday, October 25, 2019 – **Teen Movie Night in the Park**, 4:30 – 8:30 p.m., Lions Park Event Lawn, 1855 Park Ave. Costa Mesa teens are invited to Horror Movie Night at the Park for a viewing of *A Quiet Place*. More info at www.costamesaca.gov

Thursday, October 31, 2019 – **Monster Mash**, 11:30 a.m. – 1:00 p.m., Costa Mesa Senior Center, 695 W. 19th St. Celebrate Halloween at the Senior Center. More info at www.costamesaca.gov.

Saturday, November 9, 2019 – **Costa Mesa Bridge Shelter Volunteer Orientation**, 12:00 p.m. & 1:00 p.m., The Crossing Church & Costa Mesa Senior Center. 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 AlyssaS@mercyhouse.net

Thursday, November 14, 2019 – **Thanksgiving Dinner**, 5:00 – 7:00 p.m., Costa Mesa Senior Center, 695 W. 19th St. Celebrate Thanksgiving at the Senior Center. More info at www.costamesaca.gov.