

AMENDED 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."

CONSENT CALENDAR NOS. 5 AND 6 MOVED TO NEW BUSINESS NOS. 2 AND 3

TUESDAY, MARCH 3, 2020
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 LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa, and Katrina Foley, vs. United States of America, The Department of Health and Human Services, The United States Department of Defense, The United States Air Force, The Centers for Disease Control and Prevention, The State of California, Fairview Developmental Center (Fairview), The California Governor's Office of Emergency Services, and The California Department of General Services, United States District Court Central District of California – Southern Division Case No. 8:20-cv-368

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

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 City Employees Association (CMCEA).

4. 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: Lori Ann Farrell Harrison, 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

5. 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: Lori Ann Farrell Harrison, City Manager

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

Negotiation: Price and Terms of Payment

6. 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

7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - ONE CASE

Significant exposure to litigation pursuant to Government Code 54956.9(d)(2).

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, MARCH 3, 2020 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Pacific Chorale Academy Choir from Killybrooke Elementary School, Costa Mesa

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 Phil Eyskens, The Lighthouse Community Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Eagle Scout Presentation – Dean Romine
2. Costa Mesa Minute
3. COVID-19 Update

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

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR: (Items 1-10)

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: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

RECOMMENDATION:

City Council and Agency Board approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Rinaldo Porcile

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2636** – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2636 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including payroll register No. 20-04 for \$2,593,271.10; and City operating expenses for \$2,824,985.76.

4. **ADOPTION 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

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.
2. Give second reading to and adopt proposed Ordinance No. 2020-04 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.

5. **HYLAND AVENUE AT MACARTHUR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 19-01**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Black Rock Construction for the subject project and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond at the conclusion of the one-year warranty period; and release the retention monies 35 days after the notice of Completion filing date.

6. **LIONS PARK LIBRARY AUDIO VISUAL PROJECT, CITY PROJECT NO. 18-14**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Western Audio Visual Inc., for the subject project and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

7. **APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PUBLIC SERVICES DEPARTMENT, ENGINEERING AND TRANSPORTATION SERVICES DIVISIONS** - Public Services Department/Transportation Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve proposed Amendment No. 4 to the Professional Services Agreement (PSA) with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, increasing the maximum compensation by \$150,000, for a total not-to-exceed amount of \$684,000.
2. Authorize the City Manager and the City Clerk to execute the amendment and future authorized amendments to the agreement.

8. **I-405 IMPROVEMENT PROJECT – AMENDMENTS TO COOPERATIVE AGREEMENT NO. C-5-3612** - Public Services Department/Transportation Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve a budget adjustment recognizing \$661,980 in revenue and appropriating \$661,980 to the I-405 Improvement Pavement Mitigation Project per Amendment No. 1 to the Cooperative Agreement C-5-3612 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the specified purposes; and
2. Approve a budget adjustment recognizing \$249,500 in revenue and appropriating \$249,500 to the I-405 Improvement Project per Amendment No. 2 to the Cooperative Agreement C-5-3612 between the City of Costa Mesa and OCTA for the specified purposes.

9. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2020 ORANGE COUNTY MARATHON** - Public Services Department/Transportation Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt the Resolution designating event routes for the 2020 Orange County (OC) Marathon and approve the temporary street closures for May 2, 2020, and May 3, 2020, as requested for the 2020 OC Marathon.

10. **ADOPTION OF ORDINANCE 2020-03 (CODE AMENDMENT CO-19-04) AMENDING TITLE 19 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (FRANCHISES AND PLANNING, ZONING, AND DEVELOPMENT), RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED INFRASTRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY AND RELATED DESIGN GUIDELINES** - Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Give second reading to and adopt Ordinance No. 2020-03 (Code Amendment CO-19-04) to be read by title only, amending Title 19 and Title 13 of the Costa Mesa Municipal Code (Franchises and Planning, Zoning, and Development), relating to wireless telecommunications facilities and related infrastructure within the public right-of-way and related Design Guidelines.

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE
CONSENT CALENDAR**

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

PUBLIC HEARINGS

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.):

1. [CONDUCT TAX EQUITY AND FISCAL RESPONSIBILITY ACT \(TEFRA\) HEARING AND ADOPT A RESOLUTION APPROVING THE ISSUANCE OF NOT-TO-EXCEED \\$42,000,000 OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OBLIGATIONS FOR THE BENEFIT OF VANGUARD UNIVERSITY OF SOUTHERN CALIFORNIA](#)

Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive public comments relating to the issuance of tax-exempt obligations pursuant to the Tax Equity and Fiscal Responsibility Act of 1982.
2. Adopt a Resolution approving the issuance of tax-exempt obligations by the California Enterprise Development Authority (CEDA) in an amount not-to-exceed \$42,000,000 to finance and refinance certain facilities for the benefit of Vanguard University of Southern California, a California nonprofit public benefit corporation.

[Click here for the presentation for this item.](#)

2. [INTRODUCTION OF AN ORDINANCE PROVIDING FOR A TEMPORARY REDUCTION OF THE BUSINESS TAX SET FORTH IN ARTICLE 5 \(ADMINISTRATION\) OF CHAPTER I \(BUSINESS TAX\) OF THE COSTA MESA MUNICIPAL CODE AS AUTHORIZED BY MEASURE X, THE COSTA MESA MEDICAL MARIJUANA MEASURE, AS AMENDED, THAT IS LEVIED UPON THE LAWFUL DISTRIBUTION, MANUFACTURING, TESTING, AND/OR RESEARCH AND DEVELOPMENT OF MARIJUANA](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Introduce for first reading, by title only, Ordinance No. 20-xx, providing for a 24-month temporary reduction of the business tax set forth in Article 5 (Administration) of Chapter I (Business Tax) of the Costa Mesa Municipal Code as authorized by Measure X, the Costa Mesa Medical Marijuana Measure, as amended, that is

levied upon the lawful distribution, manufacturing, testing, and/or research and development of marijuana.

[Click here for the presentation for this item.](#)

3. **INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER V (FINANCE) OF TITLE 2 (ADMINISTRATION) OF THE COSTA MESA MUNICIPAL CODE TO REVISE ARTICLE 8 (CAPITAL ASSET NEEDS) AND ADD ARTICLE 9 (INFORMATION TECHNOLOGY NEEDS), RELATING TO ANNUAL GENERAL FUND ALLOCATIONS FOR CAPITAL ASSET AND INFORMATION TECHNOLOGY NEEDS** - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Introduce for first reading, by title only, Ordinance No. 20-xx, amending Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code to revise Article 8 (Capital Asset Needs) and add Article 9 (Information Technology Needs), relating to annual general fund allocations for capital asset and information technology needs.

[Click here for the presentation for this item.](#)

4. **RESOLUTION ESTABLISHING FEES IN CONNECTION WITH THE RECENTLY UPDATED WIRELESS TELECOMMUNICATIONS ORDINANCE**
Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a resolution establishing fees in connection with the recently updated Wireless Telecommunications Ordinance.

[Click here for the presentation for this item.](#)

OLD BUSINESS: NONE

NEW BUSINESS:

1. **BARK PARK TURF AND SOIL REHABILITATION**
Public Services Department/Maintenance Services

RECOMMENDATION:

Staff recommends that the City Council:

Approve the proposed soil and turf renovation plan at the Bark Park for implementation in Fiscal Year 2020-21.

2. **FISCAL YEAR 2019-20 MID-YEAR REVIEW OF OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET** - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive and file the FY 2019-20 Mid-Year Budget Report.
2. Approve the proposed FY 2019-20 budget adjustments.
3. Approve the proposed staffing changes in the Police Department and City Manager's Office.

3. **ADOPTION OF THE CITY OF COSTA MESA INFORMATION TECHNOLOGY STRATEGIC PLAN ROADMAP AND APPROVAL OF FUNDING PLAN**
Information Technology Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the Information Technology Strategy Plan Roadmap (ITSP) that was considered at the City Council Study Session on January 28, 2020.
2. Approve in concept the ITSP funding plan.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Monday, March 9, 2020 – **International Women’s Day Luncheon – “Blazing the Trail as a Woman”**, 11:30 a.m., Café Sevilla, 1870 Harbor Blvd. hosted by the Costa Mesa Chamber of Commerce and Mayor Katrina Foley. www.costamesachamber.com

Tuesday, March 10, 2020 – **Community Blood Drive**, 2 – 7 p.m., Lions Park Event Lawn, 1855 Park Ave. www.costamesaca.gov/lionsparkevents

Wednesday, March 11, 2020 – **Mesa Water District Neighborhood Chat**, 6 – 7:30 p.m., Sonora Elementary School. Share your thoughts about current issues, including the District’s development of local and reliable water supplies, ongoing water use efficiency efforts, and the exploration of opportunities to serve you more economically, effectively, and efficiently.

Saturday, March 14, 2020 – **Fairview Park Winter Restoration & Education**, 9 - 11 a.m., Audubon bird exploration.

Sunday, March 15, 2020 – **Community Bike Ride with Council Member Reynolds**, Meet at 2 p.m. – ride departs 2:30 p.m., Departure site and route TBD.

Wednesday March 18, 2020 – **Knowledge & Health Fair Expo**, 10 a.m. – 1 p.m., Costa Mesa Senior Center, 695 W. 19th St. Visit with more than 30 vendors that will share information and resources regarding health and wellness, and provide screenings. www.costamesaca.gov

March 19 – April 19, 2020 – **VOLTA by Cirque du Soleil**, OC Fair & Event Center. Experience Cirque du Soleil’s 41st original production since 1984 showcasing never-before-seen under the Big Top acrobatics in a visually striking world. www.ocfair.com