

AMENDED AGENDA
CITY OF COSTA MESA
REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY*

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

CLOSED SESSION ITEM #4 HAS BEEN ADDED.

TUESDAY, AUGUST 3, 2021

COUNCIL CHAMBERS AND VIRTUAL LOCATIONS

77 FAIR DRIVE COSTA MESA, CALIFORNIA

CLOSED SESSION 4:00 P.M.

REGULAR MEETING 6:00 P.M.

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. The Governor's Executive Orders N-25-20 and N-29-20 suspend certain requirements of the Brown Act, and City Council Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: All attendees who are not fully vaccinated are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.
2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv).
3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)
Please click the link below to join the webinar:
<https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>
Or sign into Zoom.com and "Join a Meeting"
Enter Webinar ID: [983 7639 0419](https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09)/ Password: [905283](https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09)
 - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
 - Select "Join Audio via Computer."
 - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.
 - During the Public Comment Period, use the "raise hand" feature located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
5. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

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. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon** on the date of the meeting.

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. Such documents will be posted on the city's website at <https://www.costamesaca.gov/city-hall/city-council/agendas-videos-and-minutes/2021-agendas-videos-minutes>

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.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

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.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Section 54956.9 (d)(1) of California Government Code
Name of Case: City of Costa Mesa, et al v. Purdue Pharma, L.P., et al; USDC, Northern District of Ohio, MDL No. 2804 (1:20-op-45055-DAP, transferred from USDC, Central District, Case No. 8:19-cv-02154), originally filed in San Francisco Superior Court under Case No. CGC-19-574865, and then Orange County Superior Court under Case No. 30-2019-01101802-CU-BT-CXC.

2. [CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – ONE CASE](#) - Pursuant Section 54956.9 (d)(2) of California Government Code, Threat of Litigation from Rutan & Tucker, letter dated July 13, 2021.

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

3. THREAT TO SECURITY

Pursuant to Section 54957 (a) of California Government Code
Consultation with: Costa Mesa Director of Emergency Services, City Manager, Police Chief, Fire Chief, and Emergency Services Administrator.

4. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Section 54957 (b)(1) of California Government Code
Position: Police Chief

The City Council and Successor Agency to the Redevelopment Agency will recess for Closed Session.

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

TUESDAY, AUGUST 3, 2021 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Led by Council Member Harper

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.]

Mr. John Begin, Trellis.

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Costa Mesa Little League All Stars 2021.
2. Commendation: Honoring Police Chief Bryan Glass for his service to Costa Mesa.
3. [Fireworks After Action Report.](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Harlan
2. Council Member Harper
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Gameros
6. Mayor Pro Tem Marr
7. Mayor Stephens

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: Cary Clayton, Frank Lowell, Matt Orville, Alejandra Peralta.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2664** – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2664 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 21-14 for \$2,846,911.32, 21-14 “A” for \$2,148.00, and 21-15 for \$2,826,773.39; and City operating expenses for \$2,980,438.35.

4. **MINUTES** - City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

City Council approve the Minutes of the Regular meetings of June 15, 2021 and July 20, 2021, and Special Closed Session meeting of July 27, 2021.

5. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING THE BY DISTRICT RESIDENCY REQUIREMENT FOR MEMBERS OF THE PLANNING COMMISSION** - City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

Staff recommends the City Council:

Give second reading by title only, and adopt Ordinance No. 2021-14 of the City Council of the City of Costa Mesa, California, amending Section 13-10 (Planning Commission) of Article 3 (Review Authorities) of Chapter I (In General) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code.

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

6. **DESIGNATION OF VOTING DELEGATE 2021 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE** - City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

Staff recommends the City Council:

Designate Mayor Pro Tem Marr as Costa Mesa’s voting delegate for the 2021 League of California Cities Annual Conference.

7. **REFUND OF CASH DEPOSIT IN CONNECTION WITH THE ENVIRONMENTAL REVIEW FOR AN AMENDMENT TO PLANNING APPLICATION 16-50 FOR THE AVENUE OF THE ARTS HOTEL MASTER PLAN LOCATED AT 3350 AVENUE OF THE ARTS**

Economic and Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends the City Council:

Approve a refund of a remaining cash deposit in the amount of \$15,651.34 to Rosanna Inc. (project applicant). The refund pertains to the preparation of the required California Environmental Quality Act (CEQA) compliance documents for an amendment to Planning Application 16-50 for the Avenue of the Arts Hotel project located at 3350 Avenue of the Arts.

8. **PROFESSIONAL SERVICES AGREEMENT WITH HINDERLITER, DE LLAMAS & ASSOCIATES COMPANIES FOR AN ANNUAL AUDIT OF CANNABIS TAX PROCEEDS PURSUANT TO ORDINANCE 2021-09 AND AMENDMENT NO. FOUR TO AN EXISTING PROFESSIONAL SERVICES AGREEMENT WITH HDL COMPANIES TO IMPLEMENT THE CITY OF COSTA MESA RETAIL CANNABIS TAX AND REGULATION MEASURE (MEASURE Q)**

Economic and Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the City Manager and City Clerk to execute a Professional Services Agreement (PSA) with Hinderliter, De Llamas & Associates (HdL) for as needed annual auditing and compliance review services pursuant to Ordinance No. 2021-09 Title 9, Chapter I, Article 5, Section 9-29.5(f), subject to an annual increase not-to-exceed three-percent based on the Los Angeles-Long Beach-Anaheim region Consumer Price Index.
2. Authorize the City Manager and City Clerk to execute Amendment No. 4 to the existing PSA with HdL for as needed cannabis permitting, compliance, and consulting services for cannabis business permit application review, compliance site inspections, and additional consulting services related to implementation and administration of the cannabis program.
3. Authorize the City Manager to execute future amendments to the existing PSA with HdL including any potential increase in compensation as long as the amendment is within the annual budget.

9. **CITYWIDE STREET SLURRY SEAL PROJECT (MAINTENANCE ZONES 6 AND 7), CITY PROJECT NO. 21-02** - Public Services Department/ Engineering Division

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Citywide Street Slurry Seal Project (Maintenance Zones 6 and 7), City Project No. 21-02.
2. Award a Public Works Agreement (PWA) to American Asphalt South, Inc., 19792 El Rivino Road, Riverside, CA 92509 in the amount of \$617,048.
3. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.
4. Authorize an additional ten percent (10%) contingency totaling \$61,705 as needed for unforeseen costs.

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

10. **OPEN SPACE MASTER PLAN UPDATE**
Parks and Community Services Department

RECOMMENDATION:

Staff recommends the City Council:

1. Award a contract to RJM Design Group, 31591 Camino Capistrano, San Juan Capistrano, CA 92675, for a total not-to-exceed amount of \$81,900, for professional services needed to complete the update of the Open Space Master Plan.
2. Authorize the City Manager and the City Clerk to execute a Professional Services Agreement.

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

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

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

PUBLIC HEARINGS: (THIS ITEM MUST BE HEARD AT 7:00 P.M. PROMPTLY)

1. **PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE REDISTRICTING PROCESS**

City Manager's Office/City Clerk's Division

RECOMMENDATION:

Staff recommends the City Council:

1. Receive the staff report on the redistricting process and permissible criteria to be considered to evaluate district boundaries.
2. Conduct a public hearing to receive public input.

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

OLD BUSINESS: NONE

NEW BUSINESS:

1. **SMART AND FINAL NOISE STUDY** - Economic and Development Services Department/Community Improvement Division

RECOMMENDATION:

Staff recommends the City Council:

Receive and file the noise study report prepared by Sound Media Fusion related to alleged concerns for noise ordinance violations from business operations at Smart & Final, located at 707 W. 19th St.

[Click here for the public comment received on this item.](#)

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

2. **ECONOMIC DEVELOPMENT STRATEGIC PLAN SCOPE OF WORK**
Economic and Development Services Department/Economic Development

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Economic Development Strategic Plan Scope of Work and direct staff to release a Request for Proposals.
2. Authorize the City Manager and City Attorney to negotiate and execute agreement(s) with selected consultant(s) for work that is in substantial conformance with the scope of work approved by City Council for an anticipated cost of \$275,000.

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

3. **COSTA MESA SHOP LOCAL FINANCIAL INCENTIVE PROGRAM**
Economic and Development Services Department/Economic Development

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the City Manager and City Attorney to negotiate and execute an agreement with Colu Technologies for the implementation and administration of the Costa Mesa app-based Shop Local financial incentive platform for one year for a not-to-exceed cost of \$85,000 (with an option to extend the agreement for up to four more years).
2. Authorize a use of funding of \$170,000 for an incentive program to be distributed to participating Costa Mesa small businesses based on local patron activities.

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

4. **PROVIDE DIRECTION ON PROPOSAL TO NEGOTIATE AND ENTER INTO A 35 YEAR AGREEMENT WITH CSCDA COMMUNITY IMPROVEMENT AUTHORITY (CSCDA CIA) TO CONVERT VIA A PROPERTY TAX WAIVER 580 ANTON BOULEVARD INTO WORKFORCE HOUSING**

Economic and Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends the City Council:

Provide direction regarding potentially entering into a public benefits agreement with the California Statewide Communities Development Authority Community Improvement Authority (CDCDA CIA) to convert the 580 Anton Boulevard property into workforce housing at 80%, 100%, and 120% Area Median Income (AMI) of workforce affordability levels.

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

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov. El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov