

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, FEBRUARY 5, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. (ROOM 102)
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)

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

Acting City Manager
Tamara S. Letourneau

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 back of Grand Hall 1. 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. Please note that there is not an overhead projector available for this 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 Grand Hall 1 to conduct a phone conversation.
3. Free Wi-Fi is available in Grand Hall 1 during the meetings. The username is **SCWIFI** and the password is **!@cm99**.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside Grand Hall 1 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 - Grand Hall 1 then will recess to Room 102

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

2. 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 v. Clean Path Recovery, LLC, a California limited liability company; Lee Heligman, an individual; Lucy Lee Holdings, LLC, a California limited liability company; Pomona Associates CM, LLC, a California limited liability company, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01015745-CU-OR-CJC.

3. 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 v. Casa Capri, LLC, a California limited liability corporation; Casa Capri Recovery Center, LLC, a California limited liability corporation; Irani Zackary, an individual; Timothy Carr, an individual; Melissa Holmes Goodmon, an individual; Jeremy Broderick, an individual, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01006156-CU-OR-CJC.

4. 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 v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

5. 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 v. SoCal Recovery, Inc., a California corporation; Darryl Shinder, an individual; Kenneth Norwood, an individual; Ian Grimley, an individual, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01022764-CU-OR-NJC.

6. 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.

7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR.

8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Pacific Shores, LLC, a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01170 JVS-PJW.

9. 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.

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Summit Coastal Living, Inc., a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01369-JVS-PJW.

11. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

**12. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
INITIATION OF LITIGATION – SIX POTENTIAL CASES**

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

13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3175 Airway Ave., Costa Mesa, CA 92627

APN: 427-091-12

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Tamara Letourneau, Acting City Manager and Dale Camera,
Lee & Associates and Steve Millen, Owner.

Negotiation: Price and Terms of Payment.

**The City Council and Successor Agency to the Redevelopment Agency will
recess to Room 102 for 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
COSTA MESA SENIOR CENTER
GRAND HALL 1
695 W. 19TH STREET, COSTA MESA, CALIFORNIA**

TUESDAY, FEBRUARY 5, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM Ms. Daisy Avila, Costa Mesa High School student and SOY
(Save Our Youth) member

PLEDGE OF ALLEGIANCE

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 Jordan Hansen, Newport Mesa Church, 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 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:

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: Karin Barela, Sally Davenport, Patricia Ferguson, William Hart, Robert Hewlett, Stephanie Keefer, De'Arna Kilekas, Dean Lob, Justin Nissel, Ann Parker, Donna Patterson, Brenda Rojas, Debra Von Trapp.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2612 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-26 "A" FOR \$1,103.19 AND 19-01 FOR \$2,815,714.89; AND CITY OPERATING EXPENSES FOR \$4,995,707.51; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2612.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 8, 2019**
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of January 8, 2019.

5. **ACTING CITY MANAGER PAY** – City Manager/Human Resources Division

RECOMMENDATION:

City Council approve Acting Pay for the Assistant City Manager compensating her in her capacity as Acting City Manager retroactive to November 13, 2018 when she was appointed and continuing until a new City Manager is hired per the City's Personnel Rules & Regulations.

6. **SECOND READING OF THE ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS** – City Manager's Office

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 19-04 repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code.

7. **SAFE TRANSIT STOPS PROGRAM APPLICATIONS**
Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, approving the submittal of grant funding applications for three (3) bus stop improvement projects under the Orange County Transportation Authority's (OCTA) Measure M2 Project W - Safe Transit Stops Program.

8. **AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES FOR THE LIONS PARK PLAYGROUND IMPROVEMENTS** – Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Amendment No. 1 to the existing Professional Services Agreement with David Volz Design Landscape Architects, Inc., 151 Kalmus Drive, Ste. M8, Costa Mesa, CA for the design of playground improvements at Lions Park, increasing the compensation by \$207,122.20; and
2. Authorize the Acting City Manager and City Clerk to execute the Professional Services Agreement and future authorized amendments to the Agreement.

9. **AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING, YOCCA, CARLSON & RAUTH FOR SPECIAL COUNSEL LEGAL SERVICES** - Finance Department

RECOMMENDATION:

1. City Council approve the proposed Amendment No. 5 to the Professional Services Agreement with Stradling Yocca Carlson & Rauth, PC (“Stradling firm”) for special counsel legal services; and
2. Authorize the Acting City Manager and City Clerk to execute the proposed amendment and future amendments to the agreement.

10. **SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 2-165 OF ARTICLE 2 OF CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EXEMPTIONS FROM BIDDING PROCEDURES** - Finance Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 19-01, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code.

11. **FUNDING FOR EMERGENCY REPAIRS TO FAIRVIEW PARK BLUFFS**
Parks and Community Services and Public Services Departments

1. City Council approve a budget adjustment in the amount of \$200,000 from unassigned fund balance in the Park Fees Fund to pay for necessary emergency repairs to the bluffs (cliffs) at Fairview Park; and
2. Authorize the City Manager to enter into a contract to complete the emergency work.

**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): NONE

OLD BUSINESS: NONE

NEW BUSINESS:

1. [AUTHORIZATION OF BIDDING EXEMPTION UNDER SECTION 2-165 OF THE COSTA MESA MUNICIPAL CODE AND AWARD BRIDGE SHELTER OPERATOR PROFESSIONAL SERVICES AGREEMENT](#)

Finance Department/Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Determine that compliance with the bidding requirements and procedures of the Costa Mesa Municipal Code for the procurement of a shelter operator for the City's temporary interim and long-term bridge shelter facilities is not in the best interest of the City, such that the procurement of the shelter operator will be exempt from the Municipal Code's formal bidding requirements;
2. Award a Professional Services Agreement to Mercy House Living Centers in the amount of \$1,457,000 as the City's interim and long-term bridge shelter operator;
3. Authorize the Acting City Manager and City Clerk to execute the proposed agreement and future authorized changes and amendments to the agreement and allow up to an additional ten percent (10%) contingency totaling \$145,700 as needed for unforeseen costs; and
4. Authorize a budget adjustment totaling ~~\$1,602,700~~\$509,950.00 for bridge shelter operator services from unassigned fund balance in the General Fund.

AGENDA CONTINUED ON THE NEXT PAGE.

2. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-17-01\) FOR A MIXED-USE DEVELOPMENT IN THE SOUTH BRISTOL ENTERTAINMENT AND CULTURAL ARTS \(SOBECA\) URBAN PLAN AREA CALLED "CAMP OUT" AT 2944 AND 2948 RANDOLPH AVENUE](#)

Development Services Department/Planning Division

RECOMMENDATION:

City Council provide feedback on whether or not to accept for processing the development plans for a proposed Urban Master Plan for a mixed-use development within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan area.

3. [APPOINTMENTS TO THE PLANNING COMMISSION, PARKS AND RECREATION COMMISSION AND SENIOR COMMISSION](#)

City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Make appointments to fill three regular member vacancies with a term expiration of February 2023 on the Parks and Recreation Commission; and
2. Make appointments to fill three regular member vacancies with a term expiration of February 2023 on the Planning Commission; and
3. Direct staff to bring back an ordinance to:
 - a) Dissolve the Senior Commission; and
 - b) Rename the Parks and Recreation Commission to the Parks and Community Services Commission; and
 - c) Expand the Parks and Community Services Commission to seven seats with one member designated as the liaison for the Senior Center and one to serve as a liaison to arts and culture related initiatives and activities in the City.

ANNOUNCEMENTS:

There's always something happening in Costa Mesa!

The Mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Thursday, February 7, 2019 – **Parent Education Workshop: Supporting Your Child and Their Mental Health**, 6 – 7:30 a.m. Corona Del Mar H.S. Lecture Hall. Presented by Newport-Mesa Unified School District. More info: www.nmusd.us

Friday, February 8, 2019 – **Kids In Parents Out – Cupid’s Bash**, 5 - 9 p.m. Balearic Community Center. Presented by Costa Mesa Parks & Community Service Department. More info: www.costamesaca.gov

Saturday, February 9, 2019 – **Costa Mesa Music Jazz Band Workshop**, 9 a.m. Costa Mesa High School Performing Arts Center. More info: www.nmusd.us

Saturday, February 9, 2019 – **Furever Yours Pet Adoption Event**, 11 a.m. – 2 p.m., Presented by Costa Mesa Animal Care Services & Priceless Pet Rescue. www.costamesaca.gov

Friday & Saturday, February 22 & 23, 2019 – **God Help Us**, presented by Newport Harbor High School Drama featuring Ed Asner. Newport Harbor High School Wentz Theater. More info: www.nmusd.us

Wednesday February 27, 2019 – **On P.A.R. Social (Programs, Activities & Resources)**, 5 – 6:30 p.m., Costa Mesa Senior Center, 695 W. 19th St. The social will include tours, information tables, entertainment, raffles, and light refreshments. www.costamesaca.gov

Thursday, February 28, 2019 – **Battle for the Bottles**, 6 -9:30 p.m. Coleman's Cardroom (at Net Development Building), 3130 Airway Drive, Costa Mesa. Presented by Costa Mesa Chamber of Commerce. More info: www.costamesachamber.com

Wednesday March 13, 2019 – **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