

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 19, 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 **!@cmssc99**.

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 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.

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. 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.

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. 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.

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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

The City Council and Successor Agency to the Redevelopment Agency will recess to Room 102 for Closed Session at the conclusion of public comments.

**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 19, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM St. John the Baptist Catholic School Chamber singers

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 Phil Eyskens, The Lighthouse Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [SoCal Gas' presentation on California's Balanced Energy Strategy](#)
2. [Bikeway and Walkability Committee Annual Report](#)

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 Mansoor
2. Council Member Genis
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Marr
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: Dean Lob/Statefarm Insurance, Ann Parker and Tracie Todd.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2613 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL 19-01 "A" FOR \$6,168.95; 19-02 FOR \$2,507,712.38; 19-02 "A" FOR \$-4,892.30; 19-03 FOR \$2,635,598.81; AND CITY OPERATING EXPENSES FOR \$1,761,533.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2613.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 15, 2019**
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of January 15, 2019.

5. **ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENT FOR LIONS PARK PROJECTS**
City Manager's Office

RECOMMENDATION:

1. City Council accept the ten monetary donations for the Lions Park Projects from the Costa Mesa Community Foundation; and
2. Authorize a budget adjustment recognizing \$254,860 in donations and appropriating the funds to the Lions Park Projects capital budget for the specified purposes.

6. **CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM 16TH STREET TO 18TH STREET, CITY PROJECT NO. 18-03**
Public Services Department/Engineering Division

RECOMMENDATION:

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

7. **APPROVE RESOLUTION TO REPAY REMAINDER OF LOAN BETWEEN GENERAL FUND AND PARK DEVELOPMENT FEE FUND AND EARMARK FOR REPLACEMENT OF ERP AND LMS SYSTEMS**

Finance Department/Development Services Department

RECOMMENDATION:

1. City Council approve proposed Resolution No. 19-xx, authorizing repayment of the remainder of the 2007 loan from the General Fund to the Park Development Fees Fund, which has a remaining balance as of January 31, 2019 of \$1,731,074;
2. To facilitate the repayment of the loan, authorize the following budget adjustments:
 - a) Appropriate \$1,731,074 from restricted fund balance in the Park Development Fees Fund for the repayment of the loan from the General Fund;
 - b) Increase budgeted revenues by \$1,731,074 in the General Fund; and
 - c) Transfer \$1,731,074 from the General Fund to the IT Replacement Fund and commit it for the replacement of the land management system (LMS) and enterprise resource planning (ERP) systems.
3. Direct staff to return at a later date to recommend contractors for the purchase and implementation of the LMS and ERP systems.

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

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

AGENDA CONTINUED ON THE NEXT PAGE.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):

1. [**CITY COUNCIL REVIEW OF PLANNING APPLICATION PA-17-11, A MASTER PLAN FOR THE FUTURE EXPANSION OF VANGUARD UNIVERSITY AT 55 FAIR DRIVE**](#) - Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission's decision to approve the following:

Planning Application 17-11 is a request for a Master Plan for the future expansion of the Vanguard University Campus. The proposed Master Plan establishes a comprehensive plan for future development at the University and is intended to supersede previous Master Plan approvals. It is anticipated that the Master Plan will accommodate up to 2,700 enrolled students (2,098 students are currently enrolled) and is comprised of at least 12 separate projects that involve the removal and/or construction of buildings on the campus. The Master Plan would establish Development Areas and Development Guidelines for future buildings and related site improvements within a Master Plan framework. It is intended that the Development Areas and Development Guidelines would remain fixed while allowing for the future development of buildings of various types, sizes and heights within these Areas, consistent with the Guidelines. The following buildings are included in the Vanguard University Campus Master Plan:

- **Project A:** Gym/Events Center—This project would replace the existing gymnasium and provide facilities for Vanguard's athletics program. The center court would also transform into an events center for the campus to gather at during planned events. This facility would remove parking (existing Parking Lot K) that is internal to the campus. An outdoor space/quad would be created to the east of the facility, connecting this building to the campus core and improving pedestrian circulation.
- **Project B:** Student Center—This project will remove the existing Café and Cove/Bookstore on campus, replacing them with a Student Center. The development area for this facility includes the removal of Parking Lot L. The perimeter road that connects Vanguard Way to parking Lot M will remain. (NOTE: This portion of the project was approved by the Planning Commission on June 25, 2018 via Planning Commission Resolution Number PC-18-48, along with approval of the Initial Study/Mitigated Negative Declaration for the project via Planning Commission Resolution Number PC-18-47.)
- **Project C:** Maintenance and Operations/Warehouse Facility—This project would relocate facilities for maintenance and operations to the southwest corner of the University. This would create a new access point to the campus for deliveries. Deliveries would enter from Vanguard Way, directly to the facility. Campus vehicles would distribute materials as needed throughout the campus.

- **Project D: STEM & Kinesiology**—This project would replace antiquated Science, Technology, Engineering, Math and Kinesiology facilities on campus. The project is planned in two phases within one development area along Newport Boulevard. Because of the location of the existing Smith Building, Phase 1 would ideally retain the facility, while Phase 2 would require the demolition of Smith Building. In addition to the academic facilities, limited parking and a service road would connect the North and South Parking Lots along Newport Boulevard. This project would remove Parking Lots E & F.
- **Project E: Multi-Disciplinary Academic Building**—This project would locate a new academic facility south of Scott Academic Center and west of Heath Academic Center. This project would replace existing modular offices and classrooms and provide permanent classrooms and offices.
- **Project F: Learning Resource Center**—This project would locate a new Learning Resource Center (LRC) along the south edge of the campus core. The new LRC would replace the existing library.
- **Project G: Student Housing**—This project would locate a Student Housing facility east of the new LRC. This facility could accommodate approximately 300 students, depending on design and room size.
- **Project H: Central Plant**—This project would locate a central plant on campus. Depending upon further engineering studies, the following sites within the Institutional Areas would be considered: Project A (Gym/Events Center), Project B (Student Union), Project D (STEM & Kinesiology).
- **Project I: Athletics**—This project identifies ongoing improvements to the athletic facilities.
- **Project J: North East Parking**—This project would create a new front entry for Vanguard University. Relocating the primary entry drive to the east would allow direct access for vehicles to move into the parking lot and would provide a formalized campus drop-off. The project also would remove open space and re-organize Parking Lots C and D.
- **Project K: Parking Structure**—This project would remove Parking Lots H and G and locate a four-level parking structure along Newport Boulevard.
- **Project L: Campus Beautification/Infrastructure** —This project would address ongoing site improvements on campus.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [APPROVAL OF A LEASE AGREEMENT WITH THE COSTA MESA LIGHTHOUSE CHURCH OF THE NAZARENE FOR USE OF A PORTION OF EXISTING PROPERTY TO BE UTILIZED AS THE CITY'S TEMPORARY BRIDGE SHELTER](#) - Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Commercial Lease Agreement and Addendum 1 (Lease) between the City of Costa Mesa and the Costa Mesa Lighthouse Church of the Nazarene (Property Owner) to allow the City to utilize a portion of the existing property for a temporary bridge shelter for those experiencing homelessness;
2. Authorize the Acting City Manager and City Clerk to execute the proposed Lease and future authorized changes and amendments to the agreement;
3. Authorize the creation of an escrow account for the lease payments from the City to the Property Owner; and
4. Authorize a budget adjustment from unassigned fund balance in the General Fund in the amount of \$480,000 to fund the lease payments, modular trailer rentals and additional equipment and furniture that will eventually be moved to the permanent bridge shelter.

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

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. For more information, please visit: www.nmusd.us

Tuesday, February 26, 2019 – **Lunch & Learn: Latest News on Homelessness Initiatives in Costa Mesa**, 11:30 a.m. – 1:00 p.m. A seminar for the local business community. Presented by Costa Mesa Chamber of Commerce. For more information, please visit: www.costamesachamber.com

Tuesday, February 26, 2019 – **Special City Council Study Session**, 5:30 – 7:30 p.m., Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa.

Wednesday February 27, 2019 – **On P.A.R. Social (Programs, Activities & Resources)**, 5:00 – 6:30 p.m., Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa. The social will include tours, information tables, entertainment, raffles, and light refreshments. www.costamesaca.gov

Thursday, February 28, 2019 – **Parks and Recreation Commission Meeting**, 6:00 p.m., Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa.

Friday, March 8, 2019 – **International Women’s Day**, 11:00 a.m. Descanso Restaurant, 1555 Adams Ave. #103. Mayor Katrina Foley invites you to celebrate International Women’s Day with guest speaker Ashley McKeachie from Orange Coast College and the Orange County Pain and Wellness Center. Presented by Costa Mesa Chamber of Commerce. More info: www.costamesacachamber.com

Saturday, March 9, 2019 – **Neighborhood Meeting on Lions Park Playground Improvements**, 10:00 a.m. – 12:00 p.m., Costa Mesa Senior Center, Grand Hall, 695 W. 19th Street, Costa Mesa.

Wednesday, March 13, 2019 – **Knowledge & Health Fair Expo**, 10:00 a.m. – 1:00 p.m., Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa. Visit with more than 30 vendors that will share information and resources regarding health and wellness, and provide screenings. www.costamesaca.gov

Wednesday, March 13, 2019 – **Helping Your Child Build Character & Setting Them Up for Success**, 6:00 – 7:30 a.m. Costa Mesa High School Library. Presented by Newport-Mesa Unified School District. More info: www.nmusd.us

Thursday, April 18, 2019 – **Battle for the Bottles**, 6:00 - 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

Friday, April 26, 2019 – **Donald Dungan Library Ribbon Cutting Ceremony**, 10:00 a.m., 1855 Park Avenue, Costa Mesa. Celebrate the next chapter of Lions Park!