

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, MAY 7, 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. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Subdivision (b)(1) of Section 54957 California Government Code: 1 matter

Title: City Manager

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representatives: Lance Nakamoto, Human Resources Manager, Lamont Ewell, Senior Consultant for Ralph Andersen and Associates and Kimberly Hall Barlow, City Attorney.

Unrepresented Employee: City Manager

3. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9 California Government Code
Name of Case: Todd Palombo v. City of Costa Mesa, et al., Superior Court of the State of California, County of Orange, Case No. 30-2018-01016671-CU-OE-CJC.

4. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9 California Government Code
Name of Case: Eric McVey v. City of Costa Mesa, et al., Superior Court of the State of California, County of Orange, Case No. 30-2019-01064038-CU-OE-CJC.

5. 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.

- 6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – TWO POTENTIAL CASES**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
- 7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – NINE POTENTIAL CASES**
Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code
- 8. 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.
- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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.

13. 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; RAW 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-01080-JVS-AGR.

14. 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.

15. 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.

16. 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, MAY 7, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

St. Joachim Junior High School Choir Members

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:

1. National Travel and Tourism Week Proclamation
2. Cultural Arts Committee Annual Report - Chair Charlene Ashendorf and Recreation Supervisor Ashley Thomas.

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: Sean Clark and Heidi Kleft.

RECOMMENDATION:

City Council receive and file.

3. WARRANT RESOLUTION NO. 2618 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-07 "A" FOR \$-414.00 AND 19-08 FOR \$2,608,252.12; CITY OPERATING EXPENSES FOR \$2,482,404.30; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2618.

4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF FEBRUARY 19, 2019 AND MARCH 5, 2019 - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of February 19, 2019 and March 5, 2019.

5. SITE ACCESS AND LICENSE AGREEMENT WITH THE ORANGE COUNTY SANITATION DISTRICT AND THE COSTA MESA SANITARY DISTRICT FOR THE INSTALLATION OF AN ODOR CONTROL TREATMENT SYSTEM ON CITY-OWNED PARCEL 141-221-26 - Public Services Department/Administration

RECOMMENDATION:

1. City Council approve the Site Access and License Agreement with the Orange County Sanitation District and the Costa Mesa Sanitary District for an odor control treatment system on City-owned property; and
2. Authorize the Mayor and the City Clerk to execute the Agreement; and
3. Authorize the City Manager to execute future amendments to the Agreement.

6. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF
Development Services Department/Housing and Community Development

RECOMMENDATION:

1. City Council approve the proposed Professional Services Agreement with Mike Linares, Inc., for Community Development Block Grant/Home contract staff in an annual amount not-to-exceed \$90,000, with the option to renew for up to four one-year periods; and
2. Authorize the City Manager and the City Clerk to execute the proposed Professional Services Agreement and future amendments to the agreement and allow up to an additional 10% contingency amounting to \$9,000.00, as needed for unforeseen costs.

7. **INSTALLATION OF EMERGENCY GENERATORS AT THE POLICE FACILITY, FIRE STATION. NO. 4, AND THE CORPORATION YARD PROJECT – CITY PROJECT NO. 17-11**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by Global Power Group Inc., for the subject project and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the City Manager to release the Labor and Material Bond one year 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 immediately after the Notice of Completion filing date.

8. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION, RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT** - City Manager's Office

RECOMMENDATION:

1. City Council approve the 2018/19 Annual Report for the Business Improvement Area (BIA);
2. Receive and file audited financial report for Fiscal Years 2017 and 2018; and
3. Adopt Resolution 19-xx, declaring the City's intention to levy an annual assessment for Fiscal Year 2019-20 for business improvement area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing on the proposal.

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

AGENDA CONTINUED ON THE NEXT PAGE.

NEW BUSINESS:

1. [CITY MANAGER EMPLOYMENT AGREEMENT](#) – City Attorney’s Office

RECOMMENDATION:

1. City Council consider and approve the proposed agreement with Lori Ann Farrell Harrison to serve as City Manager commencing July 1, 2019, or earlier if Ms. Harrison is available; and
2. Approve Salary Resolution No. 19-19.

2. [CITY POSITIONS ON STATE LEGISLATION: SCR 21 \(CAPTAIN KREZA MEMORIAL HIGHWAY\), SB 450 \(MOTEL CONVERSIONS\), AND AB 1273 \(TOLL ROADS\)](#) – City Manager’s Office/Administration

RECOMMENDATION:

Staff recommends that the City Council provide direction to staff on positions to take on various bills pending in the California legislature. The recommendations listed in the table of bills are recommendations made by the requestor.

3. [ADOPTION OF A CITY COUNCIL FLAG DISPLAY POLICY AND A RESOLUTION AUTHORIZING THE ANNUAL DISPLAY OF THE PRIDE FLAG AT CITY HALL](#) - City Manager’s Office

RECOMMENDATION:

1. City Council adopt Resolution No. 19-xx, which implements City Council Policy 000-15 relating to the display of flags at City facilities; and
2. Consider adoption of Resolution No. 19-xx, which authorizes the annual display of the Pride Flag at City Hall from May 22 to June 30.

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, May 8, 2019 – **Parent Education Workshop: Family Resilience During Tough Times**, 6:00 – 7:30 p.m. Estancia High School Theater, 2323 Placentia Ave. Presented by Newport-Mesa Unified School District. For more information: www.nmusd.us

Thursday, May 9, 2019 – **Costa Mesa Fire & Rescue Promotion and Badge Pinning Ceremony**, 9:00 a.m., Fire Station No. 1, 1570 Adams Ave.

Saturday, May 11, 2019 – **Spring Bark Bash**, 11:00 a.m. – 1:00 p.m., Bark Park, 890 Arlington Drive. This event features a K9 costume contest, raffle prizes, dog adoption opportunities, information and giveaways from local pet vendors. Presented by the City of Costa Mesa Animal Care Services and the Costa Mesa Bark Park Foundation.

Monday, May 13, 2019 – **Tenant Rights Workshop**, 2:00 – 4:00 p.m., Balearic Community Center, 1975 Balearic Drive. Hosted by the Fair Housing Foundation

Friday – Sunday, May 17 – 19 - **OC Night Market**, OC Fair & Event Center, OC Night Market features 200+ food, merchandise, crafts, arts, games, music, and entertainment attractions in an epic event that appeals to all ages. For more information: www.ocfair.com

Saturday, May 18, 2019 – **Love Costa Mesa Day**, 9:00 a.m. - noon. City-wide serve day sponsored by Trellis. For more information: www.lovecostamesa.org

Sunday, May 19, 2019 – **Arts Preview/Open House**, 2 – 4 p.m., Arts & Learning Conservatory, 151 Kalmus Drive. For more information: www.artsandlearning.org

Friday, May 24, 2019 – **Lions Park Projects Phase 1 / Donald Dungan Library Ribbon Cutting Ceremony**, 10:00 a.m., 1855 Park Ave., Costa Mesa. For more information: www.costamesaca.gov

Wednesday, May 29, 2019 - **Celebrating Asian Pacific American Heritage Month**, 12:30 p.m., Old Vine Café, 2937 Bristol St., A103, Costa Mesa.

Saturday, June 22, 2019, **Costa Mesa Summer Kick-off**, 10:00 a.m. – 1:00 p.m., Lions Park Event Lawn, 1855 Park Ave., Presented by the City of Costa Mesa Parks & Community Services.