

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, JULY 16, 2019
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: Steve Bernede v. City of Costa Mesa, et al., Superior Court of the State of California, County of Orange, Case No. 30-2019-01041552-CU-PO-CJC.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – THREE POTENTIAL CASES**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

3. 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.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Yellowstone Women’s First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

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, JULY 16, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Mariachi Juvenil Herencia Michoacana

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. Historical Preservation Committee Annual Report – Chair Gary Parkin and Assistant Recreation Supervisor William Lund.

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 Genis
2. Council Member Reynolds
3. Council Member Chavez
4. Council Member Marr
5. Council Member Mansoor
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: Allstate Insurance, as subrogee for Jose Arroyo, Keith and Lois Raffé, and State Farm as subrogee for Miriam J. Pichardo.

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2623 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-13 FOR \$2,615,807.00; AND CITY OPERATING EXPENSES FOR \$1,408,192.38; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2623.

4. **PORTABLE OFFICE COMPLEX AND SITE CONSTRUCTION, CITY PROJECT NO. 16-15** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Williams Scotsman, Inc. for the subject project, and authorize the City Clerk to file the Notice of Completion; and
 2. Accept the work performed by CJ Concrete Construction, Inc. for the subject project, and authorize the City Clerk to file the Notice of Completion; and
 3. Authorize the City Manager to release the Labor and Material Bonds seven (7) months after the filing date, and release the Faithful Performance Bonds if appropriate, at the conclusion of the one-year warranty period. Retention monies have been released pursuant to Public Contract Code 7107(c).
5. **SUNFLOWER AVENUE TRAFFIC SIGNAL INTERCONNECT CONDUIT INSTALLATION PROJECT, CITY PROJECT NO. 18-07**
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

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

6. **AUTHORIZE PURCHASE ORDERS FOR VARIOUS SMALL DOLLAR COMMODITY PURCHASES CUMULATIVELY EXCEEDING \$50,000 EACH FISCAL YEAR THROUGH EXPIRATION OF THE RESPECTIVE COOPERATIVE AGREEMENTS** – Finance Department

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to execute Purchase Orders within City Council approved department budgets with the vendors specified below for various small dollar commodity purchases cumulatively exceeding \$50,000 each fiscal year through the expiration of the respective cooperative agreements:

1. Municipal Emergency Services, Inc.
2. Allstar Fire Equipment, Inc.
3. LN Curtis & Sons
4. CDW Government, Inc.
5. Software House International Corp.
6. PCM – G
7. Dell Computer Corp.

7. **SCHOOL CROSSING GUARD SERVICES**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the proposed Professional Services Agreement (PSA) with All City Management Services (ACMS) to provide school crossing guard services for the 2019-2020, 2020-2021, and 2021-2022 school years for an initial three-year period, with an option to extend for up to two (2) additional terms of one (1) year each; and
2. Authorize the City Manager and the City Clerk to execute the PSA and future amendments to the agreement, including exercise of the extension options.

8. **APPROVAL OF A BUDGET ADJUSTMENT IN THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS FOR PROGRAM ADMINISTRATION**

Development Services Department

RECOMMENDATION:

Staff recommends that the City Council approve a budget adjustment appropriating \$18,500 and \$11,500 from the unassigned fund balance in the Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) Funds, respectively, to the Development Services Department budget for CDBG and HOME program consulting services.

**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):

1. **[EXTENSION OF AN URGENCY ORDINANCE NO. 18-08 AS AN INTERIM MEASURE TO PROHIBIT THE ESTABLISHMENT OF NEEDLE EXCHANGE PROGRAMS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA](#)**
Development Services Department/Planning Division

RECOMMENDATION:

1. City Council issue the Report of the City Council: Extension of Urgency Ordinance 18-08 which describes the measures taken to alleviate the conditions which led to the adoption of the moratorium; and
2. Introduce and adopt Urgency Ordinance No. 19-14 to extend Urgency Ordinance No. 18-08 prohibiting the establishment and/or operation of hypodermic needle and syringe exchanges within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858, for a period of 12 months.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Tuesdays, July 16, 23, 30 - **Costa Mesa Concerts in the Park**, 6 – 8 p.m. Fairview Park, Enjoy a free concert in the park presented by the Costa Mesa Foundation.

Tuesdays, July 16, 23, 30 – **Tuesday Night Dance**, 6:30 – 7:30 p.m. Segerstrom Center for the Arts on the Argyros Plaza. www.scfta.org

July 12 – August 11, 2019 – **OC Fair**, Experience acres of fun at the OC Fair. www.ocfair.com

Fridays in July & August – **Free Summer Jazz Concert Series**, 7 – 9 p.m. Segerstrom Center for the Arts on the Argyros Plaza.

Friday, July 19, 2019, **Food Truck Friday**, 4:30 – 7:30 p.m., Lions Park Event Lawn, 1855 Park Ave, on the third Friday of each month, food trucks from the OC and LA will be on-site selling their food for all to enjoy. Come try a variety of flavors, food fusions, and more.

Saturday, July 20 – **3rd Annual Intergenerational Spelling Bee** – 10 a.m. – 1 p.m., Costa Mesa Senior Center, 695 W. 19th St. Open to all ages 9 – 99 years old. To participate call 714-327-7543.

Monday, July 22 – **Community Meet and Greet**, 5 – 6 p.m., Lions Park Event Lawn, 570 W. 18th St. Meet new City Manager Lori Ann Farrell Harrison.

Friday, July 26 – **Summer Time Movies in the Park – Ralph Breaks the Internet**, Pre-show begins at 5:30 and movie begins at dusk, Lions Park Event Lawn, 570 W. 18th St. Bring your own blanket or lawn chair and grab a bite from a food truck.

Friday, July 26 – **Senior Scam Stopper Seminar** – 10 a.m. – 12 p.m., Costa Mesa Senior Center, 695 W. 19th St. Hosted by Assemblywoman Cottie Petrie-Norris and the Contractors State License Board. More info and RSVP: 949-251-0074

Saturday, August 10 – **Costa Mesa Bridge Shelter Volunteer Orientation** – 12 & 1 p.m., The Crossing Church, 2115 Newport Blvd. & Costa Mesa Senior Center, 695 W. 19th St. RSVP to alyssas@mercyhouse.net.

Friday, August 16 – **Summer Time Movies in the Park – Mary Poppins Returns**, Pre-show begins at 5:30 and movie begins at dusk, Lions Park Event Lawn, 570 W. 18th St. Bring your own blanket or lawn chair and grab a bite from a food truck.

July 25– August 16, 2019 – **Chargers Training Camp**, Practices open to the public at Jack Hammett Sports Complex on select days. Please visit www.chargers.com/camp for details.