

# 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, SEPTEMBER 17, 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](http://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](mailto: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](mailto: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 REAL PROPERTY NEGOTIATOR**

APN: 424-211-12

Property: 1885 Anaheim Street, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;  
Cities in the Central Orange County Service Planning Area (SPA)

Negotiation: Price and Terms of Payment

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

APN: 427-091-12

Property: 3175 Airway Avenue, Costa Mesa, CA 92627 Pursuant to Section 54956.8,  
California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Hajoca Corporation (Tenant), Matt Moore and Chris Bounds  
(Real Property Negotiators); and, Cities in the Central Orange County Service  
Planning Area (SPA)

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

**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.

**5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**

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

**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.**

**AGENDA CONTINUED ON THE NEXT PAGE.**

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

**TUESDAY, SEPTEMBER 17, 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 Rod Randall, Harbor Trinity Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. Presentation for Mayor's Cup Participants and Tournament of Champions Winners
2. Ms. Senior Orange County 2019 - Ms. Kathleen Rockney
3. Proclamation for National Hispanic Heritage Month (September 15 to October 15)

**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: Jennifer Parry

#### **RECOMMENDATION:**

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2626 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-17 "A" FOR \$1,318.73; 19-18 FOR \$2,610,594.81; AND CITY OPERATING EXPENSES FOR \$1,538,135.22; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**  
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2626.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 18, 2019 AND ADJOURNED REGULAR MEETING OF JUNE 25, 2019**  
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of June 18, 2019 and June 25, 2019.

5. **SECOND READING OF ORDINANCE NO. 19-15 FOR AMENDMENT TO TITLE 13, THE CITYWIDE LAND USE MATRIX TO ALLOW EMERGENCY SHELTERS TO BE LOCATED IN THE INDUSTRIAL PARK ZONE AND THE EMERGENCY SHELTER DEVELOPMENT STANDARDS IN THE SPECIAL LAND USE REGULATIONS** – Development Services/Planning Division

RECOMMENDATION:

Staff recommends that the City Council give second reading to and adopt Ordinance No. 19-15 (Code Amendment CO-19-01) to be read by title only, which amends Title 13, Chapter IV and IX of Costa Mesa Municipal Code as follows:

- 1) Amend the Citywide Land Use Matrix to allow an emergency shelter to locate in the Industrial Park (MP) zone subject to a conditional use permit and add Footnote 10 to the Citywide Land Use Matrix to state that shelters located on sites owned, controlled, and/or operated by the City in the MP or PDI zones would be a permitted use and that standards in subsections (1), (2), (4), (8), (10) and (13) of section 13-200.79 would not apply to such use; and
- 2) Revise four existing Development Standards to clarify intent; add a new standard to require shelter operators to patrol the area within one-half mile of a shelter site to ensure that shelter clients and other individuals are not congregating in the area around a shelter; and a new standard to require that the procedures of the Public Utilities Code calling for compatibility with the John Wayne Airport Environs Land Use Plan apply to all emergency shelters located in the MP Industrial Park Zone that are also located in an area that is subject to the jurisdiction of the Orange County Airport Land Use Commission, excepting only those owned and/or operated by the City.

6. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER I OF TITLE 1 OF THE COSTA MESA MUNICIPAL CODE RELATING TO LATE PENALTIES, INTEREST, AND COLLECTION OF UNPAID FEES, RESOLUTION ESTABLISHING PENALTIES RELATING TO THE SAME, AND APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH RAY KLEIN, INC. DBA PROFESSIONAL CREDIT FOR COLLECTION AGENCY SERVICES**

Finance Department/Financial Operations Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Give second reading to and adopt Ordinance No. 19-16, amending Chapter I of Title 1 of the Costa Mesa Municipal Code relating to the collection of unpaid fines and fees; and
2. Adopt proposed Resolution No. 19-xx, establishing late penalties and interest in connection with the collection services and unpaid amounts due to the City; and
3. Approve the proposed Professional Services Agreement (PSA) with Ray Klein, Inc. dba Professional Credit for collection services of unpaid and delinquent receivables for a five-year term ending September 16, 2024; and
4. Authorize the City Manager and the City Clerk to execute the proposed PSA and future amendments to the PSA within Council authorized limits.

7. **TENANT LEASE AGREEMENT BETWEEN COSTA MESA AND HAJOCA**

City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the tenant lease agreement between the City of Costa Mesa and Hajoca Corporation to utilize a portion of the existing warehouse property located at 3175 Airway Avenue and to perform capital upgrades in the existing space, in exchange for the City's contribution of up to \$200,000, which will be provided in the form of monthly rental credits throughout the lease term; and
2. Authorize the City Manager and the City Clerk to execute the lease agreement and future changes and amendments to the agreement, including approval of an additional contingency contribution of \$50,000 by the City toward the capital improvements, if necessary.

8. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH CLEARSOURCE FINANCIAL CONSULTING FOR CITYWIDE FEE STUDY AND COST ALLOCATION PLAN** - Finance Department/Administrative Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Professional Services Agreement (PSA) with ClearSource Financial Consulting for completion of an initial Citywide Fee Study and Cost Allocation Plan and potential subsequent updates for a five-year term ending September 16, 2024 for a total not-to-exceed amount of \$88,880; and
2. Authorize a ten (10) percent contingency for additional analyses, if needed; and
3. Authorize the City Manager and the City Clerk to execute the agreement and future amendments to the agreement within Council authorized limits.

9. **ADOPTION OF A RESOLUTION AUTHORIZING THE APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM**

Police Department/Field Operations Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 19-xx, which authorizes the application for, and acceptance of, a grant award from the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the City Manager to execute the Grant Agreement; and
2. Approve a budget adjustment recognizing \$260,000 in grant revenue and appropriating \$260,000 to the Police Department budget for overtime, professional development, and equipment associated with the 2019 OTS STEP Grant.

**AGENDA CONTINUED ON THE NEXT PAGE.**

10. **APPROVAL OF AMENDMENT NO. 6 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WARE DISPOSAL TO ADD ORGANIC WASTE PROGRAM AT CITY FACILITIES** - Public Services Department/Administration Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment No. 6 to the Professional Services Agreement (PSA) with Ware Disposal, Inc. for Solid Waste Collection Services at City Facilities, amending the scope of services to include services relating to an Organic Waste Recycling Program and increasing the compensation by \$1,800.00, for a total not-to-exceed amount of \$121,382.43 for the current year; and
2. Authorize the City Manager and City Clerk to execute the Amendment.

11. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00620 FOR STREET IMPROVEMENTS AT 450 E. 17<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA** – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Refund the cash deposit in connection with Encroachment Permit No. PS12-00620 in the amount of \$20,000.00 for street improvements to 450 E. 17<sup>th</sup> Street Association, LLC, 1100 Newport Center Drive, Suite 200, Newport Beach, CA 92660.

12. **RELEASE OF BOND IN CONNECTION WITH TRACT MAP 17705 FOR LOT CORNER MONUMENTATION AT 2294 PACIFIC AVENUE, COSTA MESA, CALIFORNIA** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Release the Performance Bond (Certificate No. 0666043) in the amount of \$2,000 to Collective Westside, LLC, a California Limited Liability Company, 26050 Acero, Suite 302, Mission Viejo, California 92691.

**13. LICENSE AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA-NEWPORT HARBOR LIONS CLUB TO HOST THE ANNUAL FISH FRY EVENT AT THE LIONS PARK CAMPUS BEGINNING IN 2020**

Parks and Community Services Department

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve the license agreement between the City of Costa Mesa and the Costa Mesa-Newport Harbor Lions Club to host the annual Fish Fry event at the Lions Park Campus beginning in 2020; and
2. Authorize the City Manager and City Clerk to execute the agreement and future amendments to the agreement.

**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. APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF COSTA MESA FOR FUNDING, DESIGN, CONSTRUCTION AND MAINTENANCE OF THE SANTA ANA AVENUE AND UNIVERSITY DRIVE DRAINAGE AND PAVEMENT IMPROVEMENTS, RESULTING IN A NEW MULTI-BENEFIT PARK SPACE**

City Manager's Office/Parks & Community Services Department

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve the proposed cooperative agreement between the County of Orange and the City of Costa Mesa for funding, design, construction, and maintenance of the Santa Ana Avenue and University Drive drainage and pavement improvements, resulting in a new multi-benefit park space for a term of 50 years, with one renewal option to extend the agreement for an additional 49 years; and
2. Authorize the City Manager and the City Clerk to execute the agreement and future amendments to the agreement.

2. **INTRODUCTION AND FIRST READING OF AN ORDINANCE TO AMEND ARTICLE 11 ½ OF CHAPTER II OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SPECIAL EVENT REGULATIONS**

Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Introduce for first reading, to be read by title only, Ordinance No. 19-xx, amending Article 11 ½ (Regulatory Permits for Special Events) of Chapter II (Regulation of Certain Businesses) of Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code.

3. **DISPLAY OF THE “BLUE LIVES MATTER” AND “IN GOD WE TRUST” FLAGS AT CITY HALL** - City Manager’s Office

RECOMMENDATION:

Staff requests that the City Council:

Consider whether to direct the City Manager to work with the City Attorney’s Office to draft resolutions for the display of “Blue Lives Matter” and “In God We Trust” flags.

**ANNOUNCEMENTS**

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

**ADJOURNMENT**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

Wednesday, Sept. 18, 2019 – Hispanic Heritage Month Celebration, 5 – 7 p.m. Avila’s El Ranchito Restaurant, 2101 Placentia Ave., hosted by the Costa Mesa Chamber of Commerce and Maria Elena Avila. RSVP at [www.costamesachamber.com](http://www.costamesachamber.com)

Thursday, September 19, 2019 – Housing and Public Service Grant Ad-Hoc Committee, 6 p.m., the committee will be meeting to obtain public input regarding the CDBG and HOME year-end performance report.

Thursday, September 20 & 27, 2019 – Citizens Environmental Protection Academy, hosted by the Costa Mesa Sanitary District. More info at [www.cmsdca.gov](http://www.cmsdca.gov).

Friday - Sunday, Sept. 20 - 22, 2019 – 72nd Annual Lions Club Fish Fry & Carnival, Fairview Park, 2501 Placentia Ave., The Fish Fry is presented annually to help raise money for local schools, clubs, and other organizations in the community. Enjoy a great lineup of family entertainment including a rib eating contest, bingo, live music, carnival games and rides, and food. [www.cmnh-lions.com/schedule](http://www.cmnh-lions.com/schedule).

Saturday, September 21, 2019 – Costa Mesa Art Walk, 2 – 6 p.m., Lions Park Event Lawn, 570 W. 18th St. Costa Mesa Art Walk brings community and the arts together for an afternoon of family friendly fun! Check out work by local artists, enjoy live music and more.

Monday - Friday, Sept. 23 - 27, 2019 – Active Aging Week, Costa Mesa Senior Center, 695 W. 19th St., experience wellness activities and presentations to become a healthier and more active you! Space is limited so register for events early.

Saturday, September 28, 2019 – Cruisin' for a Cure, 6 a.m. – 4 p.m., OC Fair & Event Center, 88 Fair Dr. Costa Mesa, the world's largest one-day charity car show with over 3,500 vehicles on display and over 200 vendors and exhibitors. [www.cruisinforacure.com](http://www.cruisinforacure.com).

Saturday, September 28, 2019 – Family Health Day, 10 a.m. – 1 p.m., Melinda Hoag Smith Center for Healthy Living, 307 Placentia Ave., Fun activities for children & families, free flu shot clinic, health screenings, nutrition education, dental health clinic, Costa Mesa Family Resource Center information and more.

Monday, Sept. 30, 2019 – 1st Annual Lions Club Golf Tournament, Costa Mesa Country Club., 1701 Golf Course Dr., [www.cmnh-lions.com](http://www.cmnh-lions.com).

Thursday, Oct. 3, 2019 – 6-8pm Paularino Channel Multipurpose Trail Project, Community Meeting, Location TBD.

Friday, Oct. 4, 2019 – First Friday Roadshow, OC Marketplace at the OC Fair & Event Center, 88 Fair Dr. Costa Mesa.

Saturday, October 5, 2019 – Community BBQ, 2 – 6 p.m., Centennial Farm at the OC Fair & Event Center. Celebrate Centennial Farms 30th Anniversary. More info at [www.ocfair.com/farmbbq](http://www.ocfair.com/farmbbq).

Sunday, Oct. 6, 2019 – Orange County Children's Book Festival, 5 – 7 p.m. Orange Coast College Parking Lot E, The nation's largest children's book festival. More info at [www.kidsbookfestival.com](http://www.kidsbookfestival.com)