

AMENDED 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."

CLOSED SESSION ITEM #6 HAS BEEN REVISED
AND A PRESENTATION ADDED

TUESDAY, OCTOBER 1, 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: City of Costa Mesa, et al. v. Purdue Pharma L.P., et al., United States District Court, Northern District of California, Case No. 3:19-02320 (transferred to United States Judicial panel on multidistrict litigation re: national prescription opiate litigation mdl No. 2804, Case CAN/3:19-cv-02324) (formerly San Francisco Superior Court Case No. CGC-19-574865)

2. 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

3. 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: Cities in the Central Orange County Service Planning Area (SPA)
Negotiation: Price and Terms of Payment

4. 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

- 5. 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

- 6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – THIRTEEN POTENTIAL CASES**
Pursuant to Subdivision (d)(4) 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 NEXT PAGE

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

TUESDAY, OCTOBER 1, 2019 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Liam Nibbelink – Costa Mesa High School Student

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

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Presentation on the 16th annual Orange County Children’s Book Festival – Sunday, October 6th, 5:00 p.m.-7:00 p.m. at Orange Coast College Parking Lot E.

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: Michael Crossley, Ronald Rex Homan II, Nichole Tfaye

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2627 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-19 FOR \$2,724,020.62; AND CITY OPERATING EXPENSES FOR \$2,904,366.39; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2627.

4. **ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 11 1/2 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:

Adopt 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.

5. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH THIRDWAVE CORPORATION FOR ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM PROCUREMENT SERVICES** - Finance Department/Information Technology Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve a budget adjustment appropriating \$132,000 from committed fund balance in the Information Technology Replacement Fund to the Enterprise Resource Planning (ERP) System Upgrade project for procurement of an ERP system; and
2. Approve and authorize the City Manager to sign the Justification for Single Source Request for Thirdwave Corporation for ERP system procurement services; and
3. Approve the proposed Professional Services Agreement (PSA) with ThirdWave Corporation for ERP system procurement services for a total not-to-exceed amount of \$120,000 for a five-year term, ending September 30, 2024; and
4. Authorize a ten (10) percent contingency, if needed; and
5. Authorize the City Manager and City Clerk to execute the proposed PSA and future amendments to the agreement within Council authorized limits.

6. **APPROVAL OF RETAINER AGREEMENT FOR LEGAL SERVICES WITH HAYNES AND BOONE, LLC** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Retainer Agreement with Haynes and Boone, LLP for legal services in connection with appeal proceedings in SoCal Recovery v. City of Costa Mesa, United States District Court Case No. 8:18-CV-013040JVS-JDE; and
2. Approve the proposed Retainer Agreement with Haynes and Boone, LLP for legal services in connection with anticipated appeal proceedings in Yellowstone Women’s First Step, Inc. et al. v. City of Costa Mesa, United State District Court Case No. 8:14-CV-01852-JVS-JDE; and
3. Authorize the City Manager and City Clerk to execute the Retainer Agreements and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Haynes and Boone as co-counsel in the legal matters; and
4. Authorize the City Manager to appropriate additional funding amounts, as necessary, to pay legal costs above the amount budgeted for litigation costs in Non-Departmental in the Adopted FY 2019-20 Budget from unassigned fund balance in the General Fund for attorney’s services, if needed, to defend the City in these cases through completion.

7. **AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH BLACK, O’DOWD AND ASSOCIATES, INC. DBA BOA ARCHITECTURE FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FINANCE DEPARTMENT SECURITY AND EFFICIENCY RECONFIGURATION PROJECT**
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve proposed Amendment No. 1 to the Professional Services Agreement (PSA) with Black, O’Dowd and Associates, Inc. dba BOA Architecture for architectural and engineering services for the Finance Department Security and Efficiency Reconfiguration Project, increasing the compensation by \$60,600, for a total not-to-exceed amount of \$75,900; and
2. Authorize a ten (10) percent contingency, if needed; and
3. Authorize the City Manager and City Clerk to execute the proposed amendment and future amendments to the agreement within Council authorized limits.

8. APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PUBLIC SERVICES DEPARTMENT, ENGINEERING AND TRANSPORTATION SERVICES DIVISIONS – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve proposed Amendment No. 3 to the Professional Services Agreement (PSA) with Interwest Consulting Group Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, increasing the compensation by \$200,000, for a total not-to-exceed amount of \$534,000; and
2. Authorize the City Manager and the City Clerk to execute the proposed Amendment and future authorized 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:

1. UPDATE ON EFFORTS TO ADDRESS HOMELESSNESS
City Manager’s Office/Parks & Community Services

RECOMMENDATION:

Staff requests that the City Council:

Receive and file this update on issues related to homelessness efforts in Costa Mesa, the temporary Bridge Shelter and the Permanent shelter site on Airway Avenue.

NEW BUSINESS:

1. **A RESOLUTION AMENDING AND ADOPTING THE CITY'S SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES**

Development Services Department/ Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a Resolution amending and approving the City's Design Guidelines for Small Cell Telecommunication Facilities and provide direction to staff regarding modified procedures and requirements as described in this report.

2. **APPROVAL OF SOFTWARE AND IMPLEMENTATION SERVICES AGREEMENT WITH TYLER TECHNOLOGIES AND PURCHASE ORDER WITH DELL MARKETING, L.P. FOR IMPLEMENTATION OF NEW LAND MANAGEMENT SYSTEM** – Development Services Department/ Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve a budget adjustment appropriating \$1,974,693 from committed fund balance in the Information Technology Replacement Fund (ITRF) for the acquisition and implementation of a new land management system (LMS); and
2. Approve the proposed software and implementation services agreement with Tyler Technologies for a not-to-exceed amount of \$901,606; and
3. Authorize the City Manager and City Clerk to execute the proposed agreement and future amendments to the agreement; and
4. Authorize a contract contingency of up to \$100,000, if needed; and
5. Authorize the City Manager to execute a purchase order with Dell Marketing, L.P. for the purchase of servers and support hardware necessary to implement the new system for a not-to-exceed amount of \$52,157.75.

3. **URBAN MASTER PLAN SCREENING REQUEST (UMP-19-01) FOR AN EIGHT-UNIT DETACHED RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 1978 MEYER PLACE AND 1979 ANAHEIM AVENUE**

Development Services Department/Planning Division

RECOMMENDATION:

Staff requests that the City Council:

Provide feedback on the proposed eight-unit detached residential common interest development within the Mesa West Residential Ownership Urban Plan area.

4. **PRESENTATION ON CALIFORNIA SENATE BILL 127 – COMPLETE STREETS**

City Manager's Office

RECOMMENDATION:

Staff requests that the City Council:

Provide direction to staff on a position to take on Senate Bill 127 currently pending before Governor Newsom. Such a position would be communicated by sending a letter requesting the Governor either sign or veto Senate Bill 127. This review was requested by Council Member Reynolds.

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, October 2, 2019 – **NMUSD State of the Schools Breakfast**, 7 a.m., Estancia High School, 2323 Placentia Ave., More info at www.newportmesaschoolsfoundation.com.

Wednesday, October 2, 2019 – **International Walk to School Day**, Participating elementary schools include Sonora, College Park, Victoria, Kaiser and Woodland. Students are encouraged to walk to school with their parents, families, teachers, and community leaders in an effort to promote healthy living and pedestrian safety.

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

Saturday, October 5, 2019 – **Costa Mesa Fire & Rescue Open House**, 10 a.m. - 2 p.m., Fire Station 4, 2300 Placentia Ave. Come meet your local firefighters and department staff, observe the operations of front-line fire equipment and take part in a fire ground challenge event for adults and kids at this free annual event..

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.

Saturday & Sunday, October 5 & 6, 2019 – **11th Annual Armenian Food Festival**, [St Mary Armenian Church](#), 148 22nd St, Costa Mesa, enjoy an authentic Armenian cultural experience with your whole family.

Saturday, October 5, 2019 – **Voices – Veterans Storytelling Project**, 7 p.m., Heroes Hall at the OC Fair & Event Center. The free event will feature local veterans in a reading of their stories. More info at www.ocfair.com/heroeshall.

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

Monday, Oct. 7, 2019 - **Werner Escher Community Golf Classic**, Santa Ana Country Club, 20382 Newport Blvd., hosted by the Costa Mesa Chamber of Commerce. More info at www.costamesachamber.com

Wednesday, Oct. 9, 2019 - **Musical Instrument Celebration**, 9:30 a.m., Mesa Verde Library, 2969 Mesa Verde Dr. East. Ribbon cutting ceremony hosted by the Friends of the Costa Mesa Libraries.

Saturday, October 12, 2019 – **Author Talk/Book Signing with Victor Villasenor**, critically acclaimed local, Southern California author and public speaker. 10 a.m. - 1 p.m., Donald Dungan Library Lion’s Park Event Lawn, 570 W. 18th St.

Saturday, October 12, 2019 – **Barktoberfest**, 11 a.m. - 2 p.m., Costa Mesa Bark Park, 890 Arlington Dr. Pet adoptions, pet vendors, K9 costume contest and more hosted by Costa Mesa Animal Care Services. More info at www.costamesaca.gov.

Saturday, October 12, 2019 – **Costa Mesa Bridge Shelter Volunteer Orientation**, 12 p.m. & 1 p.m., The Crossing Church & Costa Mesa Senior Center. Learn more about how you can get involved at this mandatory training for all shelter volunteers. Training sessions held every second Saturday of the month. RSVP to Alyssa@mercyhouse.net

Tuesday, Oct. 15, 2019 - **Boys & Girls Club of Central Orange Coast Argyros Center for Opportunity Ribbon Cutting Ceremony**, 9:30 a.m., Boys & Girls Club of Central Orange Coast, 2131 Tustin Ave. RSVP to events@boysandgirlsclub.com

Wednesday, Oct. 16, 2019 - **NMUSD College and Career Night**, 6:30 – 8:30 p.m., OC Fair & Event Center – Costa Mesa Building, More info at www.nmusd.us

Friday & Saturday, Oct. 18 & 19 – **The Taste Costa Mesa**, The Met, 535 Anton Blvd., Sip, savor, and celebrate Southern California's most inspired food and drink hosted by Travel Costa Mesa and LA Times. More info & tickets at www.travelcostamesa.com/taste

Saturday, October 19, 2019 – **Costa Mesa Art Walk & Dance Battle**, 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 watch a final dance battle.

Saturday & Sunday, Oct. 19 & 20 – **Scarecrow Festival**, 10 a.m. – 3 p.m., Goathill Junction in Fairview Park. A Costa Mesa tradition dating back to the 1930's Times. More info at www.costamesaca.gov/scarecrow.

Sunday, October 20 – **Bike ride with Council Member Reynolds**. Riders will explore parks, public art, and other special Costa Mesa locations north of the I-405. Ride departs 2:30 p.m.; starting location South Coast Collection "SOCO."