

# 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, DECEMBER 3, 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: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;  
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: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)  
Negotiation: Price and Terms of Payment

**3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - INITIATION OF LITIGATION**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code – one case

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

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

**5. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

**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, DECEMBER 3, 2019 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

St. John the Baptist School Chamber Singers

**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. Arbor Day Proclamation
2. Costa Mesa Minute

**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:

- Charmaine Carlson, Maria G. Zuniga Corrales, Juan Carlos Haro Romero, Debra Von Trapp

#### **RECOMMENDATION:**

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2631 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-22 "A" FOR -\$1,956.95; 19-23 FOR \$2,897,716.26 AND CITY OPERATING EXPENSES FOR \$2,077,626.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**  
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2631.

4. **COSTA MESA CITY HALL AUDIO VISUAL (AV) IMPROVEMENT AND BROADCAST PRODUCTION UPGRADE PROJECT – CITY PROJECT NO. 18-05** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Key Code Media, 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 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 immediately after the Notice of Completion filing date.

5. **COSTA MESA COUNCIL CHAMBERS / FIRST FLOOR IMPROVEMENT PROJECT – CITY PROJECT NO. 18-06**  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Optima RPM, 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 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 immediately after the Notice of Completion filing date.

6. [AUTHORIZE A PURCHASE ORDER WITH BOUND TREE MEDICAL, LLC FOR SMALL DOLLAR EMERGENCY MEDICAL SUPPLIES THAT COLLECTIVELY EXCEEDS \\$50,000 IN FY 2019-20 THROUGH THE EXTENDED TERM OF COOPERATIVE AGREEMENT, SET FORTH TO EXPIRE ON DECEMBER 31, 2019](#) – Fire & Rescue Department

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the City Manager to execute a Purchase Order with Bound Tree Medical, LLC for various small dollar commodity purchases which collectively exceeds \$50,000 in FY 2019-20 through the term of the extended cooperative agreement, set forth to expire December 31, 2019. Staff also recommends authorizing the City Manager to execute a Purchase Order with Bound Tree Medical effective January 1, 2020 under the new cooperative agreement, should Bound Tree Medical be awarded the contract.

7. [ACCEPTANCE OF FIRE STATION NO. 1 RECONSTRUCTION, CITY PROJECT NO. 16-16](#) – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Horizons Construction Company, Int'l. 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 Bonds, and release the Faithful Performance Bonds, as the one-year warranty period is complete. Retention monies have been released pursuant to Public Contract Code 7107(c).

8. [MEASURE M2 EXPENDITURE REPORT](#)  
Public Services Department/Transportation Services Division

RECOMMENDATION:

Staff recommends that the City Council adopt the proposed resolution approving the Measure M2 Expenditure Report.

**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. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM**

Public Services Department/Transportation Services

**RECOMMENDATION:**

Staff recommends that the City Council:

Adopt the proposed resolution, continuing the citywide traffic impact fee for new development in the City of Costa Mesa and conducting the related annual review of the citywide traffic impact fee program and capital improvement plan for transportation improvements (Attachment 1). The resolution incorporates the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:

1. Continue a traffic impact fee of \$235 per Average Daily Trip (ADT) based on the Capital Improvement Projects and inclusion of Active Transportation projects; and
2. Approve allocation of up to 10% of traffic impact fees towards traffic signal synchronization projects; and
3. Remove the 5% cap on Active Transportation Projects to allow for additional active transportation projects; and
4. Approve a ten percent (10%) reduction in ADT to account for active transportation project benefits; and
5. Approve the annual accounting of the Citywide Traffic Impact Fee Program.

**OLD BUSINESS: NONE**

**Agenda continued on next page**



## NEW BUSINESS:

1. [APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEE ASSOCIATION \(CMCEA\) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY 300-8](#) – City Manager’s Office/Human Resources Division

### RECOMMENDATION:

Staff recommends that the City Council:

1. Designate Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager and Lance Nakamoto, Human Resources Manager as the City’s representatives in negotiations with the CMCEA; and
2. Authorize staff to have the independent fiscal analysis of the current CMCEA 2016-2020 Memorandum of Understanding (MOU) completed per the requirements of the Transparency In Labor Negotiations Council Policy 300-8 (hereinafter policy) and any future analysis that may arise from the meet and confer process.

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

## ADJOURNMENT

### UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Nov. 30 – December 24, 2019 – **A Christmas Carol**, The 40th annual production of the Dickens classic on stage at South Coast Repertory starring Hal Landon as Scrooge. More info and tickets available at [www.scr.org](http://www.scr.org).

Thursday – Saturday, December 5 – 7, 2019 – **It’s a Wonderful Life**, 7 p.m. presented by Estancia Production Drama, Barbara Van Holt Theater at Estancia High School.

Saturday, December 7, 2019 – **Polar Express**, Estancia Park, 1900 Adams Ave. The free event hosted by L3 Real Estate includes photos with Santa, cookie decorating, face painting, electric train rides, bounce house and more.

Saturday, December 7, 2019 – **OC Taco Festival**, 12 – 4 p.m., OC Marketplace at the OC Fair & Event Center. The OC Taco Festival celebrates a universal love of tacos and taco culture wrapped in a lively festival that refuses to take itself seriously.

December 13 – 22, 2019 – **Costa Mesa Snoopy House**, 5:30 - 9 p.m. Celebrate the holidays with family and friends and the City of Costa Mesa. Enjoy train rides, local performances and nightly visits with Santa Claus. More info [www.costamesaca.gov/lionsparkevents](http://www.costamesaca.gov/lionsparkevents)

Friday, December 13, 2019 – **Movie Night in the Park: Nightmare Before Christmas**, 4:30 – 8:30 p.m., Lions Park Event Lawn, 1855 Park Ave. [www.costamesaca.gov/lionsparkevents](http://www.costamesaca.gov/lionsparkevents)

Saturday, December 14, 2019 – **Holiday Snow Land**, 9 a.m. – noon. Hosted by Torelli Realty, Bring the family to Balearic Park and enjoy a bounce house, cookie decorating, arts and crafts and Santa Claus.

Saturday, December 14 – **Restore Fairview Park**, 9 - 11 a.m., Restoring various areas of the park through non-native plant removal and native species planting every 2<sup>nd</sup> Saturday of the month.

Saturday, December 14, 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 [AlyssaS@mercyhouse.net](mailto:AlyssaS@mercyhouse.net)

Sunday, December 15, 2019 – **Community Bike Ride with Council Member Reynolds**, riders will deliver cookies and other holiday treats to Costa Mesa Police and Fire stations and there will be a shorter ride for kids and beginners as well as a longer ride. Departure site and route TBD.

Thursday, December 19, 2019 – **Breakfast with Santa**, 10 a.m. – 1 p.m., Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Celebrate the holidays at the Senior Center. More info at [www.costamesaca.gov](http://www.costamesaca.gov).

December 19, 2019 – January 5, 2020 – **Winter Fest OC**, hours vary, OC Fair & Event Center. Experience Southern California's largest winter festival Featuring ice tubing down a 150-foot mountain, massive snow play and slide area, SoCal's largest outdoor ice rink, over 20 carnival rides and attractions, festive entertainment, seasonal eateries and more.

Saturday & Sunday, December 21 & 22 – **Christmas with Santa**, 10 a.m. – 3:30 p.m., Goathill Junction at Fairview Park, hosted by the Orange County Model Engineers, this annual event features free train rides and photos with Santa.

Monday, December 23 – **Community Blood Drive**, 2 – 7 p.m., Lions Park Event Lawn, 1855 Park Ave. [www.costamesaca.gov/lionsparkevents](http://www.costamesaca.gov/lionsparkevents)