

# **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, NOVEMBER 5, 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;  
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: 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 - 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 LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

**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

**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, NOVEMBER 5, 2019 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Katie Odell, music performance major at California State University Long Beach

**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 Christine Wallington, Costa Mesa Seventh Day Adventist Church

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. Costa Mesa Foundation, Concerts in the Park – Lisa Schultz, President
2. Proclamation for Nurse Practitioners Week - Christina Mello, California Association of Nurse Practitioners (CANP)
3. Fairview Park Steering Committee Annual Report – Andy Campbell, Committee Chair and Cynthia D'Agosta, Fairview Park Administrator
4. Costa Mesa Minute

**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. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of the City Council. Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the City Manager during the City Manager's Report.

## **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 Reynolds
2. Council Member Chavez
3. Council Member Marr
4. Council Member Mansoor
5. Council Member Genis
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: Benjamin Chan, Kara Marks, Sara Popovich, Amar Varma

#### **RECOMMENDATION:**

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2629 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-20 "A" FOR -\$410.44; 19-21 FOR \$2,784,747.28; AND CITY OPERATING EXPENSES FOR \$3,796,249.52; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2629.

4. **PROPOSED CHANGES TO THE DECEMBER 2019 AND JANUARY 2020 CITY COUNCIL MEETING SCHEDULE AND MODIFICATIONS TO ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS**

City Manager's Office/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Change the City Council meeting schedule in the month of December to provide for one additional regular meeting on Tuesday, December 17, 2019 through the adoption of Resolution 19-xx and cancelling the regularly scheduled meeting on Tuesday, January 7, 2020; and
2. Adopt Resolution No. 19-xx changing the Order of Business for City Council meetings.

[Click here for public correspondence received on this item](#)

5. **APPROVE FISCAL YEAR 2018/19 YEAR END BUDGET ADJUSTMENTS AND TRANSFERS** - Finance Department/Administration Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Fiscal Year 2018-19 year end budget adjustments; and
2. Approve interfund transfer from the General Fund to the Information Technology Replacement Fund totaling \$150,000.

6. **SB 2 PLANNING GRANT APPLICATION**  
Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a resolution authorizing the City Manager (including his or her designee) to apply for the California Department of Housing and Community Development (HCD)'s SB 2 Planning Grants Program (PGP) in the amount of \$310,000 and, if awarded, authorize the City Manager to execute the standard agreement.

7. **RELEASE OF BONDS IN CONNECTION WITH VESTING TRACT MAP 17747 AT 1620 THROUGH 1644 WHITTIER AVENUE, COSTA MESA, CALIFORNIA**  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the release of the Performance, and Labor and Material Bonds (Certificate No. 024060641) in the amount of \$407,498.00 each to Taylor Morrison of California, LLC, 100 Spectrum Center Drive, Suite 1450, Irvine, CA 92618.

8. **RELEASE OF BONDS IN CONNECTION WITH TRACT MAP 17981 AT 2626 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the release of the Performance, and Labor and Material Bonds (Certificate No. 651915S) in the amount of \$184,832.00 each, and Monumentation Bond in the amount of \$6,000.00 to SoCal Harbor, LLC, 1500 Willow Pass Court, Concord, CA 94520.

9. **2021 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**  
Public Services Department/Transportation Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a resolution approving projects for inclusion in the Orange County Transportation Authority's (OCTA) Federal Transportation Improvement Program (FTIP) for Fiscal Years 2021/22 through 2025/26.

**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. [\*\*APPEAL OF THE DENIAL OF CONDITIONAL USE PERMIT PA-16-63 TO OPERATE A RESIDENTIAL FACILITY SERVING MENTALLY DISABLED PERSONS IN SIX UNITS HOUSING UP TO 30 RESIDENTS AS WELL AS THE DENIAL OF REASONABLE ACCOMMODATION RA-19-06 FOR RELIEF FROM CERTAIN REQUIREMENTS OF THE ZONING CODE; OPERATED BY NSIGHT PSYCHOLOGY AND ADDICTION AT 2641 SANTA ANA AVENUE, UNITS A THROUGH F\*\*](#)

Development Services Department/Planning Division

**RECOMMENDATION:**

Staff recommends that the City Council:

Adopt a Resolution upholding the decision of the Planning Commission and deny Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06.

[Click here for public correspondence received on this item](#)

2. [\*\*2019 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES\*\*](#)  
Development Services Department/Fire Department

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt a resolution of the City Council of the City of Costa Mesa, California, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduce an ordinance for first reading and set for second reading and adoption at the Council's December 3, 2019, meeting. This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 16-01.

**OLD BUSINESS: NONE**



**NEW BUSINESS:**

1. **APPROVAL OF FINANCE DEPARTMENT STAFFING CHANGES AND CORRESPONDING RESOLUTIONS ADDING RELATED JOB CLASSIFICATIONS AND SALARY RANGES**

Finance Department/Administration Division

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Approve a reclassification of the existing vacant Treasury Specialist position to a Financial Analyst position, and adopt Resolution No. 19-xx, amending Resolution No. 17-14 by establishing a new classification represented by the Costa Mesa City Employee Association (CMCEA) and establishing the pay ranges for the new classification; and
2. Approve changing one vacant Accountant position bargaining unit from CMCEA to Confidential Employees Unit, and adopt corresponding proposed Resolution No. 19-xx, amending Resolution No. 17-18 by establishing a new classification in the Confidential Employees Unit and establishing the pay ranges for the new classification; and
3. Reauthorize one full-time equivalent Budget and Purchasing Manager, previously titled Budget and Research Officer in the Costa Mesa Division Managers Association (CMDMA), and corresponding proposed Resolution No. 19-xx, amending Resolution No. 17-27 by establishing a new classification in the Confidential Management Unit and establishing the pay ranges for the new classification; and
4. Approve a reclassification of the existing Management Analyst (Confidential) position to a Senior Management Analyst (Confidential) position.

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

**ADJOURNMENT**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

Friday & Saturday, November 8 & 9, 2019 – **Holiday Art Show, Hosted by Costa Mesa Women’s Club**, 610 W. 18th St.

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

Saturday, November 9 - **Salute to Veterans**, Free Community Celebration 10 a.m. to 2 p.m. at the OC Fair & Event Center, 88 Fair Dr., hosted by the Orange County Employees Association.

Saturday, November 9, 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)

Friday – Sunday, November 15 – 17, **Community Emergency Response Team (CERT) Weekend Training Course**, hosted by Costa Mesa Fire and Rescue, Contact the Costa Mesa Fire & Rescue CERT Coordinator at (714) 327-7406 or email [brenda.emrick@costamesaca.gov](mailto:brenda.emrick@costamesaca.gov) to reserve your place in the next CERT training.

Saturday, November 16, 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.

Sunday, November 17, 2019 – **Community Bike Ride with Council Member Reynolds**, 2:30 p.m., This ride will visit various historical locations and long-time Costa Mesa businesses. Departure site and route TBD.

Monday, November 25, 2019 – **Community Blood Drive**, 2 – 7 p.m., Lions Park Event Lawn, 1855 Park Ave. [www.costamesaca.gov/lionsparkevents](http://www.costamesaca.gov/lionsparkevents)

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 Snowland**, 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 are-as of the park through non-native plant removal and native species planting every 2nd Saturday of the month.

Sunday, December 15, 2019 – **Community Bike Ride with Council Member Reynolds**, This ride will deliver cookies and treats to Costa Mesa Police and Fire stations. Departure site, time and route TBD.