



City of Costa Mesa

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

Agenda

Tuesday, September 20, 2022

6:00 PM

City Council Chambers
77 Fair Drive

***Note: All agency memberships are reflected in the title "Council Member"
4:00 P.M. Closed Session**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361 (Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, or if you've been exposed to someone with COVID-19, you may still participate in the meeting via Zoom.

2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

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. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting.

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. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

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.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available 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.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 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.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Daniel A. Stefano, Acting City Manager
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).
2. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6 (a)
Agency Designated Representative: Daniel A. Stefano, Acting City Manager
Name of Employee Organization: Costa Mesa Police Association (CMPA).

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

SEPTEMBER 20, 2022 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

LORI ANN FARRELL HARRISON
City Manager

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

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, Lighthouse Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Presentation: Costa Mesa Pony 14U Super Regional Champions
2. Presentation: Orange County Sustainability Decathlon – Dr. Fred Smoller

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3. [Proclamation: 2022 Hispanic Heritage Month](#) [22-870](#)
Attachments: [1. Proclamation: Hispanic Heritage Month](#)
 4. [Proclamation: 2022 National Forensic Science Week](#) [22-871](#)
Attachments: [1. Proclamation: Forensic Science Week](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Harper
2. Council Member Reynolds
3. Council Member Chavez
4. Council Member Gameros
5. Council Member Harlan
6. Mayor Pro Tem Marr
7. Mayor Stephens

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-8)

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: WAIVE THE FULL READING OF ALL 22-865 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. [READING FOLDER](#) [22-866](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Lauren Funke.

Attachments: [Agenda Report](#)

3. [ADOPTION OF WARRANT RESOLUTION](#) [22-868](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2686.

Attachments: [Agenda Report](#)

[1. Summary Check Register Week of 8-29-22](#)

[2. Summary Check Register Week of 9-5-22](#)

4. [MINUTES](#) [22-869](#)

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of September 6, 2022.

Attachments: [Agenda Report](#)

[1. 09-06-2022 Draft Minutes](#)

5. [MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND 22-836 OBJECTIVES](#)

RECOMMENDATION:

Staff recommends the City Council approve the September 2022 update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

Attachments: [Agenda Report](#)

[1. Strategic Objectives - Update - September 2022](#)

6. [I-405 IMPROVEMENT PROJECT - AMENDMENT TO THE 22-855 PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION SUPPORT SERVICES](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve Amendment No. 3 to Cooperative Agreement No. C-5-3612 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) to increase OCTA's maximum obligation to the City by \$50,000 for a total not-to-exceed amount of \$644,594.
2. Authorize the City Manager and City Clerk to execute the amendment, in a form approved by the City Attorney, and future amendments to the agreement within City Council authorized limits.
3. Approve revenue and expense appropriations in the amount of \$50,000 respectively, for the I-405 Improvement Project, per Amendment No. 3 to the Cooperative Agreement C-5-3612 between the City of Costa Mesa and OCTA.
4. Approve proposed Amendment No. 3 (Attachment 1) to the Professional Services Agreement (PSA) with Interwest Consulting Group Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, increasing the maximum compensation by \$50,000 for construction support services, on an as-needed basis, for the I-405 Improvement Project, for a total not-to-exceed amount of \$400,000.
5. Authorize the City Manager and the City Clerk to execute the amendment and future authorized amendments to the Professional Services Agreement.

Attachments: [Agenda Report](#)

[1. Amendment No. 3 to PSA with Interwest](#)

[2. PSA and past amendments with Interwest](#)

[3. Original Cooperative Agreement with OCTA](#)

7. [REJECT ALL BIDS - WEST 19TH STREET BICYCLE 22-862 IMPROVEMENTS AND STRIPING PROJECT, CITY PROJECT NO. 22-06](#)

RECOMMENDATION:

Staff recommends the City Council reject all bids for the West 19th Street Bicycle Improvements and Striping Project, City Project No. 22-06, and direct staff to modify the scope of the project and re-advertise.

Attachments: [Agenda Report](#)
[1. Bid Analysis](#)

8. [RETAINER AGREEMENTS BETWEEN THE CITY OF COSTA MESA 22-867 AND BUCHALTER, A PROFESSIONAL CORPORATION FOR LEGAL SERVICES](#)

RECOMMENDATION:

It is recommended that the City Council:

1. Approve the Agreements between the City of Costa Mesa and the law firm of Buchalter, a Professional Corporation in connection with the pending lawsuits entitled *The Ohio House LLC v. City of Costa Mesa*, United States District Court for the Central District of California, Case No. 8:19-cv-01710-JVS (GJSx) and *Insight Psychology and Addiction, Inc. v. City of Costa Mesa*, United States District Court for the Central District of California, Case No. 8:20-cv-00504-MEMF-JDE.
2. Authorize the City Manager and City Clerk to execute the Retainer Agreement and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Buchalter as co-counsel in the legal matter.
3. 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 2022-23 Budget from unassigned fund balance in the General Fund for attorneys' services, if needed, to represent the City in these cases through completion.

Attachments: [Agenda Report](#)

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

-----**END OF CONSENT CALENDAR**-----

PUBLIC HEARINGS: NONE.

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

OLD BUSINESS: NONE.

NEW BUSINESS: (Next Page)

1. **[COSTA MESA TENNIS CENTER: SCOPE OF SERVICES](#)** **[22-750](#)**

RECOMMENDATION:

Staff recommends that City Council:

1. Provide Direction on the proposed Scope of Services and release of a Request for Proposals (RFP) for the Operation of the Costa Mesa Tennis Center (Attachment 1).
2. Approve an extension to the agreement with Top Seed Tennis Academy for the interim operation of the Costa Mesa Tennis Center with a term of November 1 through December 31, 2022 (Attachment 2).

Attachments: [Agenda Report](#)

- [1. Excerpt of the RFP pertaining to the Draft Scope of Services](#)
- [2. Top Seed Tennis Academy - Third Extension](#)
- [3. Online Survey Results](#)

2. [APPOINTMENTS TO THE ARTS COMMISSION AND VARIOUS CITY 22-851 COMMITTEES](#)

RECOMMENDATION:

Staff recommends the City Council make appointments as follows:

1. Arts Commission - Seven (7) vacancies; four (4) appointments to fill vacancies with a term expiration of January 2024 and three (3) to fill vacancies with a term expiration of January 2026.
2. Animal Services Committee - Make two (2) alternate member appointments to fill the vacancies with term expiration of April 2024. Appointments by Council Member Gameros as liaison to the Committee.
3. Active Transportation Committee - Make one (1) alternate member appointment to fill the vacancy with term expiration of April 2024. Appointment by Council Member Harlan as liaison to the Committee.
4. Fairview Park Steering Committee - Make one (1) regular member appointment with a term expiration of April 2025, two (2) regular member appointments with a term expiration of April 2023, one (1) alternate member appointment with a term expiration of April 2023, and one (1) alternate member appointment with term expiration of April 2025. Appointments by Council Member Reynolds as liaison to the Committee.
5. Historical Preservation Committee - Make two (2) alternate member appointments to fill vacancies with a term expiration of April 2024. Appointments by Council Member Chavez as liaison to the Committee.
6. Mobile Home Park Advisory Committee - Make one (1) Independent Citizen At-large appointment to fill vacancy with a term expiration of April 2023. Appointment by Mayor Stephens as liaison to the Committee.

Attachments: [Agenda Report](#)

[1. Arts Commission Applications](#)

[2. Animal Services Committee Applications](#)

[3. Active Transportation Committee Applications](#)

[4. Fairview Park Steering Committee Applications](#)

[5. Historical Preservation Committee Applications](#)

[6. Mobile Home Park Advisory Committee Applications](#)

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT