



CITY OF COSTA MESA

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

Agenda - **Final Amended**

Tuesday, June 6, 2023

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**

Council Member Marr will be attending the meeting via Zoom Webinar from:
Hyatt Place Arlington
2401 Wilson Blvd
Arlington, VA 22201

**PLEASE NOTE, THE FOLLOWING TWO ITEMS HAVE BEEN REMOVED FROM THE
AGENDA:**

**PUBLIC HEARING ITEM #1: REVIEW OF THE PLANNING COMMISSION'S APPROVAL
OF THE NORTHGATE MARKET AT 2300 HARBOR BOULEVARD (UNIT C), AND**

NEW BUSINESS ITEM #1: COSTA MESA BRIDGE SHELTER CAPACITY PROJECT.

The City Council meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

TRANSLATION SERVICES AVAILABLE / SERVICIOS DE TRADUCCIÓN DISPONIBLE
Please contact the City Clerk at (714) 754-5225 to request language interpreting services for City meetings. Notification at least 48 hours prior to the meeting will enable the City to make arrangements.

Favor de comunicarse con la Secretaria Municipal al (714) 754-5225 para solicitar servicios de interpretación de idioma para las juntas de la Ciudad. Se pide notificación por lo mínimo 48 horas de anticipación, esto permite que la Ciudad haga los arreglos necesarios.

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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.

Note, if you have installed a zoom update, please restart your computer before participating in the meeting.

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.

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. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

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].

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].

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 LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Ohio House, LLC v. City of Costa Mesa, USDC, Central District of CA,
Case No. 8:19 cv 01710 DOC (KESx)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to California Government Code Section 54957 (b) (1)
Title: City Manager

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

JUNE 6, 2023 – 6:00 P.M.

JOHN STEPHENS
Mayor

JEFFREY HARLAN
Mayor Pro Tem - District 6

ANDREA MARR
Council Member - District 3

MANUEL CHAVEZ
Council Member - District 4

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.]

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Presentation: Estancia High School Girls Softball CIF Southern Section Playoffs Champions](#)
2. [Presentation: Costa Mesa High School Boys' Swimming CIF Southern Section Division Champions](#)

3. [Presentation: Newport Harbor High School Boys Volleyball CIF23-1240 Southern Section Division Champions](#)
4. [Proclamation: 2023 National Gun Violence Awareness Day](#) [23-1237](#)
Attachments: [06.06.2023 National Gun Violence Awareness Day](#)
5. [Proclamation: 2023 Pride Month](#) [23-1238](#)
Attachments: [06.06.2023 Pride Month](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments on Consent Calendar items may also be heard at this time.
Comments are limited to 3 minutes, or as otherwise directed.

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

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: WAIVE THE FULL READING OF ALI23-1211 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](#) [23-1212](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Hallock Derickson Davis, Geico (Claire Ting), Kailyn Mensing, Melissa Moore, Chad Peters, The Ledger Law Firm (Landon Hurtado), Daniel Vo.

3. [ADOPTION OF WARRANT RESOLUTION](#) [23-1215](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2699.

Attachments: [1. Summary Check Register week of 4.24.23](#)
[2. Summary Check Register week of 5.1.23](#)
[3. Summery Check Register week of 5.8.23](#)
[4. Summary Check Register week of 5.15.23](#)
[5. Summary Check Register week of 5.22.23](#)

4. [MINUTES](#) [23-1213](#)

RECOMMENDATION:

City Council approve the Minutes of the Strategic Planning Retreat of March 10, 2023, the Regular meeting of May 2, 2023, the Study Session meeting of May 9, 2023, and the Special Joint Study Session of May 16, 2023.

Attachments: [1. 03-10-2023 Draft Minutes](#)
[2. 05-02-2023 Draft Minutes](#)
[3. 05-09-2023 Draft Minutes](#)
[4. 05-16-2023 Draft Minutes](#)

5. [**SERVICE AGREEMENT AMENDMENT WITH TYLER TECHNOLOGIES**](#)**3-1214**
[**TO MODIFY THE AGREEMENT FROM A NAMED USER LICENSE TO**](#)
[**A CITY-WIDE SITE LICENSE FOR THE CITY'S LAND MANAGEMENT**](#)
[**SYSTEM**](#)

RECOMMENDATION:

Staff recommends the City Council:

Authorize the City Manager and City Clerk to execute Amendment No. 3 with Tyler Technologies to modify the agreement to provide for a citywide site license, increasing the total compensation by \$150,000 for a not-to-exceed amount of \$1,210,856, in substantially the form as attached and in such final form as approved by the City Attorney.

Attachments: [1. Draft Amendment](#)

6. [**AWARD OF CITY SIDEWALK AND GUTTER FLOW GRINDING**](#)**3-1216**
[**SERVICES TO BPR, INC.**](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award the Maintenance Services Agreement (MSA) for citywide sidewalk grinding and gutter flow grinding with BPR, Incorporated, for an initial three-year period with two one-year renewal periods for a not to exceed annual amount of \$150,000.
2. Authorize a 10% contingency annually for emergency response, special events and other unforeseen costs; and approval for Consumer Price Index (CPI) escalation and de-escalation.
3. Authorize the City Manager and the City Clerk to execute the agreement and future amendments to this agreement within Council authorized limits.

Attachments: [1. Maintenance Services Agreement with BPR, Inc.](#)
[2. Bid Tabulation](#)

7. [REJECT ALL BIDS - PLACENTIA AVENUE STORM WATER QUALITY IMPROVEMENT PROJECT, CITY PROJECT NO. 23-02](#)

RECOMMENDATION:

Staff recommends the City Council reject all bids for the Placentia Avenue Storm Water Quality Improvement Project, City Project No. 23-02.

Attachments: [1. Bid Abstract](#)

8. [RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 AND RE-ALLOCATE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDS](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt Resolution No. 2023-xx approving the Fairview Road Improvement Project (Adams Avenue to Fair Drive) for funding with Road Maintenance and Rehabilitation Account (RMRA) revenues for Fiscal Year 2023-24.
2. Appropriate previously approved allocation of Fiscal Year 2018-19 Capital Improvement Program RMRA Funds from the Fairview Road (I-405 to Adams Avenue) project, in the amount of \$1,178,820, to the Newport Boulevard (Victoria Street / 22nd Street to 19th Street) project.

Attachments: [1. Resolution](#)

9. [SENATE BILL 1205 COMPLIANCE REPORT FOR STATE-MANDATED ANNUAL FIRE INSPECTIONS](#)

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution to accept this Compliance Report as its report on the status of all 2022 state-mandated annual fire inspections in the City as required by California Health and Safety Code Section 13146.4.

Attachments: [1. SB 1205 Resolution](#)

10. [REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING O23-1068
JULY 5, 2023](#)

RECOMMENDATION:

Staff recommends the City Council cancel the regular meeting of Wednesday, July 5th, 2023.

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

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

PUBLIC HEARINGS:

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

1. **THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

~~REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF THE NORTHGATE MARKET AT 2300 HARBOR BOULEVARD (UNIT C)~~

2. [BUSINESS IMPROVEMENT AREA \(BIA\) REAUTHORIZATION T23-1217
LEVY ANNUAL ASSESSMENT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Conduct a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for Fiscal Year 2023-2024.
2. Adopt Resolution No. 2023-XX, confirming the annual report filed by Travel Costa Mesa and levying an annual assessment for Fiscal Year 2023-2024 for the Business Improvement Area covering certain Costa Mesa hotels and motels.

Attachments: [1. BIA Resolution](#)

3. **CONSOLIDATED MASTER FEE SCHEDULE**

23-1222

RECOMMENDATION:

Staff recommends the City Council

1. Open a Public Hearing and take testimony, if any.

2. Adopt a Resolution of the City Council of the City of Costa Mesa, California, Adopting a Consolidated Schedule of User and Regulatory Fees for Various City Services.

Attachments: [1. Consolidated Master Fee Schedule - 060123](#)
[2. Resolution - Consolidated Fee Schedule - DRAFT](#)
[3. FIPAC Letter to Council by the Revenue Subcommittee](#)

4. [FISCAL YEAR 2023-24 PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM AND HOUSING AUTHORITY BUDGET](#)

RECOMMENDATION:

Staff recommends that City Council:

1. Approve Resolution 23-XX, adopting the Proposed Fiscal Year 2023-24 Operating and Capital Improvement Program (CIP) Budget; and
2. Approve Joint Resolution 23-XX adopting the Housing Authority Budget including Housing and Community Development expenditures for Fiscal Year 2023-24; and
3. Authorize and approve staffing as follows:
 - a. Authorize the following full-time positions: Business License Inspector, Cyber Security Analyst, Associate Engineer, and a Management Analyst (Solid Waste Coordinator) for an increase of 4.0 FTE as presented at the May 9, 2023 Study Session; and
 - b. Authorize the following part-time to full-time conversions: Animal Control Officer, Community Services Specialist to Crime Analyst, Property Evidence Specialist, four Recreation Specialists, Video Production Specialist, and a Maintenance Worker to one Equipment Mechanic for a net 2.62 FTE increase as presented at the May 9, 2023 Study Session; and
 - c. Authorize an additional 0.25 FTE to convert a part-time Management Aide to full-time in the Homeless Services Division to help support increasing homeless services; and
 - d. Consolidate the Animal Services and Enforcement Program by transferring the Animal Services Program and associated staff from the Parks and Community Services Department to the Police Department and authorize a full-time Animal Control Supervisor position in the Police Department; and
 - e. Approve Salary and Classification Updates Resolution 23-xx (new Assistant Fire Chief positions); and
 - f. Approve Salary and Classification Updates Resolution 23-xx for (Animal Control Supervisor and Cyber Security Analyst); and

4. Authorize the City Manager, or her designee, to appropriate funding to fully cover all prior years and new FY 2023-24 Arts and Culture Master Plan costs by utilizing FY 2022-23 General Fund year-end savings; and
5. Authorize the City Manager, or her designee, to work with the City Attorney's Office to execute any and all documents necessary to finance and purchase the large equipment and machinery purchases: water truck, stake bed, sign truck, street stencil truck, asphalt roller truck, and two Fire pumper trucks (one partially offset by CDBG funds) for an estimated lease amount of \$2.3 million; and
6. Authorize the City Manager, or her designee, to work with the Newport Mesa Unified School District for the use of school fields for expanded community and recreational use and open space opportunities, including but not limited to, the addition of new full time or part time staff and operating appropriations; and
7. Approve Resolution 23-XX establishing the Fiscal Year 2023-2024 GANN Appropriations Limit for the City of Costa Mesa at \$298,356,781, by using Orange County's growth for population adjustment, and the California per capita income growth for inflationary adjustment; and
8. Approve the City of Costa Mesa's Revised Special Event Rates; and
9. City Council action is requested for the following to comply with AB 481 Police Equipment Report and Resolution:
 - a. Receive and file the 2023 Annual AB 481 Report and take public comment; and
 - b. Approve Resolution 23-XX Renewing Ordinance No. 2022-03, the AB 481 Equipment Use Policy of the City of Costa Mesa, California, governing the use of police safety equipment.

Attachments: [Proposed Budget Agenda Report](#)

- [1. Proposed Fiscal Year 2023-24 Operating and Capital Improvement Program Budget Resolution 23-xx](#)
- [2. City Manager Transmittal Letter](#)
- [3. Revised FY 2023-24 All Funds Revenues with General Fund, without CIP](#)
- [4. FY 2023-24 Revised All Funds Appropriations with General Fund, without CIP](#)
- [5. FY 2023-24 Capital Improvement Program](#)
- [6. Revised FY 2023-24 Table of Organization](#)
- [7. Housing Authority Budget Resolution No 23-xx](#)
- [8. FY 2023-24 Housing Authority Budget](#)
- [9.A - Executive Resolution.Final](#)
- [9.B - CMCEA Resolution.Final](#)
- [10. FY 2023-24 Appropriations Limit Resolution](#)
- [11. Rate Determination Schedule](#)
- [12.A - Annual AB 481 Report](#)
- [12.B - AB 481 Proposed Resolution 23-xx](#)
- [12.C - 2022-03 Approved AB481 Ordinance](#)
- [12.D - Equipment Inventory](#)

OLD BUSINESS: NONE.

NEW BUSINESS:

1. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

~~COSTA MESA BRIDGE SHELTER CAPACITY PROJECT~~

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

ADJOURNMENT