



City of Costa Mesa

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

Agenda

Tuesday, February 15, 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: All attendees are required to wear a face covering at all times while in the Council Chambers or City Hall. Please maximize spacing by utilizing all seating in the Chambers.

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://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. 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. 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.

The City of Costa Mesa aims to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is currently provided, the Clerks office will attempt to accommodate in a reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at cityclerk@costamesaca.gov.

El objetivo de la Ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta junta, usted necesita asistencia especial, más allá de lo que actualmente se proporciona, la oficina del Secretario de la Ciudad intentara de complacer en una forma razonable. Favor de comunicarse con la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o cityclerk@costamesaca.gov.

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: Costa Mesa v. Newport Mesa Unified School District, Orange County Superior Court Case No. 30-2021-01179397-CU-WM-CXC.
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Orange County Superior Court Case No. 30-2018-01006173-CU-OR-NJC.
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00329-JVS-(PJWx).
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.
5. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. 8:20 cv 00504 JVS JDE

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation; RAW Recovery LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-PJW, Ninth Cir No. 20-55870.

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

FEBRUARY 15, 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. [Proclamation: Hank Lloyd Retirement](#)

[21-572](#)

Attachments: [Proclamation: Hank Lloyd Retirement](#)

2. [Proclamation: Teen Dating Violence Awareness and Prevention 21-573 Month](#)

Attachments: [Proclamation: Teen Dating Violence Awareness and Prevention Month](#)

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

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-11)

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: APPROVE THE READING BY TITLE ONLY 21-564 OF ALL ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

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

2. [READING FOLDER](#) [21-565](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Ed Eyerman, Ryan Kneubuhl, Mary McDorman, Ivan Mood, Michelle Niles, Aida Peper, Pedro Ramirez, Robert Raney, Misha Stotlar, Mauricio Tamayo, Balbino Villalpando.

3. [ADOPTION OF WARRANT RESOLUTION](#) [21-567](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2674

Attachments: [Week of Jan.24.2022 Summary Check Register](#)
[Week of Jan.31.2022 Summary Check Register](#)

4. [MINUTES](#) [21-568](#)

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of February 1, 2022.

Attachments: [02-01-2022 Draft Minutes](#)

5. [ADOPTION OF A RESOLUTION TO CONTINUE CONDUCTING 21-566 MEETINGS OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES REMOTELY AS NEEDED DUE TO HEALTH AND SAFETY CONCERNS FOR THE PUBLIC](#)

RECOMMENDATION:

Staff recommends the City Council adopt Resolution 2022-xx to allow the City to continue conducting City Council, Commission, and Committee meetings remotely as needed via Zoom due to:

- The current State of Emergency and global pandemic, which continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person; and
- Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

Attachments: [Draft Resolution No. 2022-xx](#)

6. [MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND 21-569 OBJECTIVES](#)

RECOMMENDATION:

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

Attachments: [February Update 021522](#)

7. [DESIGNATION OF CITY NEGOTIATORS FOR THE COSTA MESA 21-571 CITY EMPLOYEES 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](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Designate Liebert Cassidy Whitmore Partner Peter Brown as the Principal Negotiator and City Manager Lori Ann Farrell Harrison, Assistant City Manager Susan Price, Assistant to the City Manager Alma Reyes, Human Resources Manager Kasama Lee, and Finance Director Carol Molina as the City's representatives in negotiations with the CMCEA.
2. Authorize staff to have the independent fiscal analysis of the current CMCEA 2016-2022 Memorandum of Understanding (MOU) completed per the requirements of the Transparency In Labor Negotiations Council Policy (hereinafter policy).

8. [BAKER-PLACENTIA-VICTORIA-19TH STREET REGIONAL TRAFFIC 21-517 SIGNAL SYNCHRONIZATION PROJECT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to Architectural Engineering Technology, Inc. for the design and implementation of the Baker-Placentia-Victoria 19th Street Regional Traffic Signal Synchronization Project in the amount of \$2,211,405.23 (Attachment 1), in substantially the form as attached and in such final form as approved by the City Attorney.
2. Authorize a five (5) percent contingency in the amount of \$110,570 for any additional services that may be required for the project.
3. Authorize the City Manager and the City Clerk to execute the agreement and future amendments to the agreement.

Attachments: [1 Professional Services Agreement](#)
[2. Project Corridor](#)

9. [HAMILTON STREET AND SANTA ANA AVENUE IMPROVEMENT 21-550 PROJECT, CITY PROJECT NO. 20-16](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by All American Asphalt, Inc., for the Hamilton Street and Santa Ana Avenue Improvement Project, City Project No. 20-16, and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the Labor and Material Bond seven (7) months after the filing date and release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies thirty-five (35) days after the Notice of Completion filing date.

10. [CAL FIRE URBAN FOREST AND COMMUNITY GRANT PROGRAM 21-556 \(CFR 2.0\) AUTHORIZATION](#)

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2022-xx (Attachment 1), authorizing the Public Services Director to submit an application, and the City Manager or designee to execute the necessary Memorandum of Understanding (Attachment 2) to participate in the CAL FIRE Urban Forest and Community Grant Program (CFR 2.0).

Attachments: [1. City Forest Renewal 2.0 Program Resolution](#)
[2. CFR 2.0 MOU - Costa Mesa](#)

11. [PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES 21-560 FOR THE DESIGN OF FIRE STATION NO. 2](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to PBK-WLC Architects, 8163 Rochester Avenue, Suite 100, Rancho Cucamonga, California, in an amount not to exceed \$730,000 for architectural and engineering design services.
2. Authorize contingency allocation in the amount of \$73,000 for work beyond the Scope of Services.
3. Authorize the City Manager and the City Clerk to execute the PSA (Attachment 1) and any future amendments to the agreement within Council authorized limits.

Attachments: [1. PSA with PBK-WLC Architects](#)

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. **[THIRD PUBLIC HEARING REGARDING THE REDISTRICTING 21-563
PROCESS USING THE OFFICIAL 2020 CENSUS DATA](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Conduct the third public hearing to receive additional public input on communities of interest, district boundaries, and draft maps.
2. Consider and discuss draft maps submitted to the City by the public and by NDC.
3. Select a draft map to be considered for first reading at the March 1, 2022 City Council meeting and second reading and adoption at the March 15, 2022 meeting.

- Attachments:** [1. Public Map 102](#)
[2. Public Map 103](#)
[3. Public Map 104](#)
[4. Public Map 105](#)
[5. Public Map 106](#)
[6. Public Map 107](#)
[7. NDC Map 108](#)
[8. NDC Map 109](#)
[9. NDC Map 110](#)
[10. Public Map 111](#)
[11. Public Map 112](#)
[12. Public Map 113](#)
[13. Public Map 114](#)
[14. NDC Map 115](#)

2. [MINOR CONDITIONAL USE PERMIT \(MCUP\) ZA-21-48 TO AMEND 21-562 PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT \(CUP\) PA-91-102 FOR THE COSTA MESA VILLAGE AFFORDABLE HOUSING DEVELOPMENT, AND A REQUEST TO APPROVE A REGULATORY AGREEMENT AND THE TRANSFER OF OWNERSHIP OF THE COSTA MESA VILLAGE PROPERTY, LOCATED AT 2450 NEWPORT BOULEVARD](#)

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 2022-XX to approve MCUP ZA-21-48 to amend previously-approved CUP PA-91-102 to modify certain conditions of approval. Staff also recommends that the Housing Authority Board approve the Termination of Original Regulatory Agreement, Adoption of New Regulatory Agreement, transfer of property ownership from Costa Mesa Village, Ltd. to Century Affordable Development, Inc. (CADI) and authorize the Executive Director to execute these agreements and related documents to approve CADI as the new owner and operator of Costa Mesa Village (CMV).

- Attachments:** [1. City Council Draft Resolution](#)
[2. Planning Commission Resolution](#)
[3. Applicant Letter](#)
[4. Termination of Regulatory Agreement](#)
[5. Regulatory Agreement \(New\)](#)
[6. Management Plan](#)
[7. Council Policy No. 500-05](#)
[8. Original CUP Staff Report for PA-91-102](#)

OLD BUSINESS:

NONE.

NEW BUSINESS:

NONE.

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

ADJOURNMENT