



City of Costa Mesa

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

Agenda

Tuesday, November 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: 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>

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- 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. 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]. 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 LEGAL COUNSEL - ANTICIPATION OF LITIGATION - FOUR CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Carrin A. Leaman vs. City of Costa Mesa
Orange County Superior Courts Case No. 30-2021-01196302-CU-OR-CJC

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

NOVEMBER 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.]

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Proclamation: 2022 Movember](#) [22-948](#)
Attachments: [1. Proclamation: 2022 Movember](#)
2. [Proclamation: 2022 Hunger and Homelessness Awareness Week](#) [22-950](#)
Attachments: [1. Proclamation: Hunger & Homelessness Awareness Week](#)

3. [Proclamation: Law Enforcement Records and Support Personnel 22-951 Day](#)

Attachments: [1. Proclamation: Records and Support Personnel Day](#)

4. [Proclamation: 2022 World Kindness Day](#) [22-949](#)

Attachments: [1. Proclamation: World Kindness Day](#)

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

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-13)

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 22-936 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](#) [22-941](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Alexander Gonzalez.

3. [ADOPTION OF WARRANT RESOLUTION](#) [22-945](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2690.

Attachments: [1. Summary Check Register 11-1-22](#)
[2. Summary Check Register 11-3-22](#)

4. [MINUTES](#) [22-943](#)

RECOMMENDATION:

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

Attachments: [1. 11-01-2022 Draft Minutes](#)

5. [REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF 22-934 JANUARY 3, 2023](#)

RECOMMENDATION:

Staff recommends the City Council cancel the regular meeting of Tuesday, January 3, 2023.

6. [APPROVAL OF MAYOR'S APPOINTMENT TO THE ORANGE 22-937 COUNTY VECTOR CONTROL DISTRICT](#)

RECOMMENDATION:

Staff recommends the City Council approve Mr. Bill Turpit as the Mayor's appointment to the Orange County Vector Control District (OCVCD).

7. [RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA SUPPORTING THE IRANIAN-AMERICAN COMMUNITY AND CONDEMNING VIOLENCE AGAINST WOMEN](#)

RECOMMENDATION:

City Council consideration to adopt Resolution 2022-XX in support of the Iranian-American community and condemning violence against women.

Attachments: [1. Resolution for Iran](#)

8. [ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION PROJECT - AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 1 to the Professional Services Agreement (PSA) with KOA Corporation increasing the maximum compensation by \$30,230, for a total not-to-exceed amount of \$141,017.
2. Authorize the City Manager and the City Clerk to execute the amendment and any future amendments to the agreement.

Attachments: [1. Amendment No. 1 to PSA with KOA](#)
[2. PSA with KOA](#)

9. [POLICE DEPARTMENT UNDERGROUND STORAGE TANK 22-925 CLOSURE PROJECT, CITY PROJECT NO. 22-02](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Police Department Underground Storage Tank Closure Project, City Project No. 22-02.
2. Award a Public Works Agreement (PWA) to American Integrated Services, Inc., 1502 E. Opp Street, Wilmington, CA 90744 in the amount of \$156,680.
3. Authorize an additional ten percent (10%) contingency in the amount of \$15,668 as needed for any unforeseen costs related to this project.
4. Approve a budget adjustment authorizing the use of unappropriated fund balance in the Capital Improvement Fund (401) in the amount of \$48,616 and appropriate said funds to the Police Department Underground Storage Tank Closure Project (Project 200066).
5. Authorize the City Manager and City Clerk to execute the PWA and future amendments to the agreement within Council authorized limits.

Attachments: [1. Bid Abstract](#)
[2. PWA](#)

10. [MAINTENANCE SERVICES AGREEMENT FOR HVAC MAINTENANCE 22-926 AND REPAIR](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the proposed Maintenance Services Agreement (MSA) with Siemens Industry, Inc., for a term of eight months , effective November 15, 2022 - June 30, 2023, in the amount of \$154,472.71 for the eight month term to provide HVAC maintenance and repair services for the City Hall and the Police Department facility based on pricing from Sourcewell Contract #070121-SIE.
2. Approve the three year MSA with Siemens Industry from July 1, 2023 to June 30, 2026, with annual compensation amount for year one, \$224,734.43, year two, \$249,167.58 and third year, \$248,228.67.
3. Approve a 10% contingency annually for additional repairs and other unforeseen costs.
4. Authorize the City Manager and City Clerk to execute the MSA and to extend the agreement each year with an effective term of July 1st through June 30th, for up to a maximum of three (3) additional one-year terms.

Attachments: [1. MSA Siemens](#)
[2. Siemens Proposal \(Sourcewell\) 10-24-22](#)

11. [SUB-RECIPIENT AGREEMENT FOR THE 2021 URBAN AREA 22-917 SECURITY INITIATIVE GRANT](#)

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute the Sub-Recipient Agreement (Attachment 1) with the City of Santa Ana for the FY 2021 Urban Areas Security Initiative (UASI) Grant Program.

Attachments: [1. UASI Agreement](#)

12. [**COSTA MESA FIRE & RESCUE STRATEGIC PLAN 2022-2027**](#) [**22-932**](#)

RECOMMENDATION:

Staff recommends the City Council approve the Costa Mesa Fire & Rescue Strategic Plan 2022 - 2027.

Attachments: [1. CMFR Strategic Plan 2022 - 2027](#)
[2. Strategic plan - 2015-2020](#)
[3. City of Costa Mesa Goals & Objectives](#)

13. [**APPROVAL OF RESPONSE TO GRAND JURY REGARDING 22-933
ORANGE COUNTY EMS AND THE FIRE SERVICE**](#)

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and Fire Chief to respond to the Presiding Judge of the Superior Court concerning the findings and recommendations made by the Orange County Grand Jury Report. 2021-2022.

Attachments: [1. OC Grand Jury Report May 2022](#)
[2. Responses to the Grand Jury Report 2021-2022](#)

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. [**PUBLIC HEARING REGARDING THE DEVELOPMENT IMPACT FEES 22-952 ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2022 AND THE TRAFFIC IMPACT FEE ANALYSIS**](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file the Development Impact Fees Annual Report (Attachment 1) for the Fiscal Year ended June 30, 2022.
2. Adopt the attached resolution (Attachment 2) continuing the citywide traffic impact fee for new development that incorporates recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:
 - Continue a traffic impact fee of \$235 per Average Daily Trip (ADT) for Capital Improvement Projects and Active Transportation projects
 - Approve allocation of up to ten (10) percent of traffic impact fees towards traffic signal synchronization projects

Attachments: [1. 2021-22 DIF Report Consolidated](#)
[2. Traffic Impact Fee Resolution](#)
[3. Citywide Traffic Impact Fee Annual Review Report](#)
[4. Appendix A - Chronology of City Council Actions](#)
[5. Appendix B - Revised TIF Calculation 2022](#)
[6. Appendix C and Exhibit A Traffic Impact Fee Annual Accounting FY21-22](#)

2. [APPEAL OF PLANNING APPLICATION 21-07 FOR A CONDITIONAL 22-918 USE PERMIT TO ALLOW OFF-SITE VALET PARKING ON THE PROPERTY LOCATED AT 1645 SUPERIOR AVENUE AND FOR OUTDOOR SEATING FOR AN EXISTING RESTAURANT \(TRENTA PIZZA & CUCINA\) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 \(ZA-17-16 A1\) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT](#)

RECOMMENDATION:

Staff recommends the City Council uphold the Planning Commission’s decision and:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.
2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA-17-16 A1), subject to conditions of approval.

- Attachments:** [1. Resolution](#)
[2. Filed Appeal Application](#)
[3. Planning Commission Resolution](#)
[4. Site Photos](#)
[5. Project Plans](#)
[6. Public Comments](#)

3. [APPROVAL OF GENERAL PLAN AMENDMENT 21-01 FOR THE CITY 22-946 OF COSTA MESA 2021-2029 \(SIXTH CYCLE\) HOUSING ELEMENT UPDATE \(AS REVISED\), AND ADOPTION OF A RESOLUTION TO OVERRULE THE INCONSISTENCY DETERMINATION MADE BY THE AIRPORT LAND USE COMMISSION FOR ORANGE COUNTY FOR THE CITY OF COSTA MESA'S 2021-2029 SIXTH CYCLE HOUSING ELEMENT UPDATE](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that potentially significant effects on the environment have been adequately analyzed in the Initial Study/Mitigated Negative Declaration previously adopted on February 1, 2022 for the 2021-2029 (Sixth Cycle) Housing Element pursuant to State law, and find that none of the conditions described in CEQA Guidelines Section 15162 exist; therefore, no further action is required to comply with CEQA.
2. Approve Resolution No. 2022-XX to Overrule the Orange County Airport Land Use Commission's March 17, 2022 Determination that Costa Mesa's 2021-2029 (Sixth Cycle) Housing Element is inconsistent with the John Wayne Airport Environs Land Use Plan.
3. Approve Resolution No. 2022-XX to approve the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element (General Plan Amendment 21-01), as revised.
4. Direct the City Manager or designee to submit the adopted Housing Element to the State for certification, and authorize the City Manager or designee to make minor revisions to the adopted Housing Element as necessary to obtain State certification.

Attachments: [1. Housing Element revised \(strikethrough underline version\)](#)
[2. Housing Element Resolution](#)
[3. ALUC Override Resolution](#)
[4. HCD Comment Letter](#)
[5. ALUC and Caltrans comments](#)

OLD BUSINESS: NONE.

NEW BUSINESS:

1. [APPROVAL OF AMENDMENT TO CITYWIDE RENTAL ASSISTANCE 22-930 PROGRAM WITH MERCY HOUSE FUNDED BY THE AMERICAN RESCUE PLAN ACT \(ARPA\)](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 3 (Attachment 1) to the Subrecipient Agreement (SRA) with Mercy House Living Centers increasing the compensation by \$500,000 and authorize the appropriation of American Rescue Plan Act (ARPA) funds for program administration for the City's ARPA Rental Assistance Program for lower-income households.
2. Authorize the City Manager and City Clerk to execute all agreements and any amendments to the agreements.

Attachments: [1. Mercy House Amendment 3](#)

2. [COMMITMENT OF \\$975,000 IN AMERICAN RESCUE PLAN ACT 22-940 FUNDS TO FAMILIES FORWARD FOR DEVELOPMENT OF THE BUNGALOWS AFFORDABLE HOUSING PROJECT LOCATED AT 2039 POMONA AVENUE](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the appropriation and allocation of \$975,000 in American Rescue Plan Act (ARPA) funds, or any other viable source of funds, to Families Forward for the development of The Bungalows Project, an affordable housing project to serve an estimated 36 individuals, contingent upon the successful completion of a financial feasibility analysis by the City's third-party underwriting consultant, Keyser Marston Associates.
2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition.

3. APPROVE A COMMITMENT OF \$850,000 OF LOW/MODERATE 22-939 INCOME HOUSING ASSET FUNDS TO CM MERCY HOUSE CHDO, LLC, FOR THE CONVERSION OF THE MOTEL 6 INTO A HOMEKEY PROJECT LOCATED AT 2274 NEWPORT BOULEVARD IN COSTA MESA

RECOMMENDATION:

Staff recommends the City Council:

1. Approve an appropriation and allocation of \$850,000 in Low/Moderate Income Housing Asset Funds to CM Mercy House CHDO LLC for development of the Motel 6 Project Homekey Housing Project.
2. Authorize the City Manager or their designee to execute the Funding Agreement and all associated documents, as needed, to bring the project to fruition and create an estimated 88 units of permanent affordable housing.

4. [ADOPTION OF THE 2022 - 2025 MEMORANDUM OF 22-953 UNDERSTANDING \(MOU\) BETWEEN THE CITY OF COSTA MESA \(CITY\) AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION \(CMCEA\) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTIONS FOR CMCEA AND THE CONFIDENTIAL UNIT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the 2022 - 2025 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa City Employees Association (CMCEA);
2. Approve and Adopt Resolution Numbers 2022-XX, 2022-XX, 2022-XX, 2022-XX, 2022-XX, and 2022-XX revising the pay ranges for CMCEA and the Confidential Unit (Attachments I - VII);
3. Approve the Fiscal Impact Analyses (Attachment VIII); and
4. Authorize the City Manager and members of the City's Negotiation Team to execute the MOU documents and appropriate into the respective departmental budgets.

Attachments: [1. CMCEA MOU](#)

[2. CMCEA Salary Resolution January 2023](#)

[3. CMCEA Salary Resolution July 2023](#)

[4. CMCEA Salary Resolution July 2024](#)

[5. Confidential Salary Resolution January 2023](#)

[6. Confidential Salary Resolution July 2023](#)

[7. Confidential Salary Resolution July 2024](#)

[8. CMCEA Fiscal Analyses](#)

5. [ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE 22-954 CITY OF COSTA MESA \(CITY\) AND THE COSTA MESA POLICE ASSOCIATION \(CMPA\) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTION FOR CMPA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the Side Letter of Agreement between the City of Costa Mesa and CMPA (Attachment I);
2. Approve and Adopt Resolution Number 2022-XX revising the pay ranges for CMPA (Attachment II);
3. Approve the Fiscal Impact Analyses (Attachment III);
4. Authorize the City Manager and members of the City's Negotiation Team to execute the Side Letter of Agreement documents, and amend the Fiscal Year 2022-23 Adopted Budget for the Police Department accordingly.

Attachments: [1. CMPA Side Letter](#)
[2. CMPA Salary Resolution January 2023](#)
[3. CMPA Fiscal Analyses](#)

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

ADJOURNMENT