



CITY OF COSTA MESA

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, COSTA MESA PUBLIC FINANCING AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND HOUSING AUTHORITY

Agenda

Tuesday, January 17, 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**

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. 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 – 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.
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9, (d)(1)
Name of Case: Raw Recovery, LLC et al v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR
3. 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.
4. 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
5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

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6. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).
 7. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Management Association (CMFMA).
 8. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA).
 9. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Management Association (CMDMA).
 10. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Executive Employees
 11. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Confidential Management Unit
 12. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Part Time Employees

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY, COSTA MESA PUBLIC FINANCING
AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND HOUSING
AUTHORITY**

January 17, 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

Led by Chara Wondercheck

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.]

Led by The Rev. Dr. George Okusi, St. John the Divine Episcopal Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Proclamation: Martin Luther King Jr. Day](#) [23-1001](#)
Attachments: [1. Proclamation: Martin Luther King Jr. Day](#)

2. [Presentation: Recognition of Planning Commissioner Byron d23-1002 Arakai](#)

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

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-12)

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 23-987 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](#) [23-988](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Jessica Garten, National General Insurance, Gabrielle Talbert, Kyle Wong.

3. [ADOPTION OF WARRANT RESOLUTION](#) [23-999](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2692.

Attachments: [1. Summary Check Register week of November 28 2022](#)

[2. Summary Check Register week of December 05 2022](#)

[3. Summary Check Register week of December 12 2022](#)

[4. Summary Check Register week of December 19 2022](#)

[5. Summary Check Register week of December 26 2022](#)

4. [MINUTES](#) [23-989](#)

RECOMMENDATION:

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

Attachments: [1. 12-06-2022 Draft Minutes](#)

5. [EXTENSION OF RESOLUTION NO. 2022-62 TO ALLOW MEMBERS 23-990 OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO PARTICIPATE IN THE MEETINGS REMOTELY, AS NEEDED, DUE TO HEALTH AND SAFETY CONCERNS FOR THE MEMBERS AND THE PUBLIC PURSUANT TO ASSEMBLY BILL 361](#)

RECOMMENDATION:

Staff recommends the City Council extend Resolution 2022-62 to allow the members of the City Council, Commission, and Committees to participate in the meetings remotely, as needed, via Zoom due to:

1. 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
2. Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

Attachments: [1. Resolution No. 2022-62](#)

6. [REQUEST TO RESCHEDULE THE CITY COUNCIL STUDY SESSION 23-991 MEETING OF FEBRUARY 14, 2023 TO FEBRUARY 15, 2023](#)

RECOMMENDATION:

Staff recommends the City Council reschedule the City Council Study Session meeting of Tuesday, February 14, 2023 to Wednesday, February 15, 2023.

7. [MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND 22-931 OBJECTIVES](#)

RECOMMENDATION:

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

Attachments: [1. Strategic Objectives Update January 2023](#)

8. [AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM 23-981
BETWEEN THE CITY OF COSTA MESA AND NEWPORT-MESA
UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2022-2023](#)

RECOMMENDATION:

Staff recommends City Council:

1. Approve the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2022-2023.
2. Authorize the City Manager to execute the agreement.

Attachments: [1. SRO Agreement FY-22-23](#)

9. [SOUTHERN CALIFORNIA EDISON RULE 20B PRELIMINARY 23-979
DESIGN AND ENGINEERING AGREEMENT FOR UTILITY
UNDERGROUNDING ALONG ADAMS AVENUE](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Preliminary Design and Engineering Agreement between the City of Costa Mesa (City) and Southern California Edison Company (SCE), authorizing an advance payment of \$130,000 to SCE for design of undergrounding utilities along Adams Avenue.
2. Authorize the City Manager or designee to execute the agreement and any future authorized amendments to this agreement.

Attachments: [1. Agreement](#)
[2. Segment Limits](#)

10. [RESIDENTIAL PERMIT PARKING PROGRAM - PERMIT 23-983
MANAGEMENT SYSTEM](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve proposed Amendment No. 1 to the Professional Services Agreement with Data Ticket Inc. increasing the maximum annual compensation by \$35,000 for Residential Parking Permits, for a total not-to-exceed annual amount of \$135,000.
2. Authorize the City Manager and the City Clerk to execute the amendment and future authorized amendments to this agreement.

Attachments: [1. Amendment No. 1 to PSA with Data Ticket](#)

11. [FAIRVIEW ROAD ACTIVE TRANSPORTATION IMPROVEMENTS](#) [23-984](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to TDG Engineering, Inc. for professional engineering design services for Fairview Road Active Transportation Improvements in the amount of \$137,566, in substantially the form as attached and in such final form as approved by the City Attorney.
2. Authorize a ten percent (10%) contingency in the amount of \$13,756 for any additional services that may be required by the project.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement.

Attachments: [1. PSA with TDG Engineering, Inc.](#)

12. [ADOPT RESOLUTION APPROVING RECOGNIZED OBLIGATION 23-992 PAYMENT SCHEDULE FOR FISCAL YEAR 2023-2024 FOR THE PERIOD OF JULY 1, 2023 TO JUNE 30, 2024](#)

RECOMMENDATION:

Adopt Successor Agency Resolution No. 23-XX approving the Recognized Obligation Payment Schedule for Fiscal Year 2023-24 for the period of July 1, 2023 to June 30, 2024, subject to submittal to and review by the Orange Countywide Oversight Board (Oversight Board) and the State of California, Department of Finance (DOF). Further, the Finance Director, or her authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by the DOF.

Attachments: [1. Resolution ROPS FY 2023-24](#)
[2. ROPS Payment Schedule 23-24](#)

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. [AMENDMENT TO THE CITY OF COSTA MESA'S MUNICIPAL CODE 23-985 3-151 FOR APPEALS FROM POLICE CHIEF ACTIONS RELATED TO SPECIAL ANIMAL PERMITS](#)

RECOMMENDATION:

Staff recommends that the City Council:
Introduce for first reading the attached Ordinance No. 2023-xx to amend Section 3-151 (Appeals from Action of Police Chief) Chapter VI (Special Animal Permit) of Title 3 (Animal Regulations) of the CMMC to grant appeal authority to the City Manager in place of the City Council for Special Animal Permit related actions taken by the Chief of Police.

Attachments: [1. Draft Ordinance 2023-xx](#)

OLD BUSINESS: NONE

NEW BUSINESS:

1. [AWARD OF THE PLACENTIA AVENUE, WEST 19TH STREET, AND 23-982 EAST 17TH STREET PAVEMENT REHABILITATION, BICYCLE FACILITY, AND STRIPING IMPROVEMENTS PROJECT, CITY PROJECT NO. 22-08](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Placentia Avenue, West 19th Street, and East 17th Street Pavement Rehabilitation, Bicycle Facility, and Striping Improvements Project, City Project No. 22-08.
2. Award a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, CA 92879 in the amount of \$2,745,547.20.
3. Authorize the City Manager and City Clerk to execute the PWA (Attachment 1) for All American Asphalt and future amendments to the agreements within Council authorized limits.
4. Authorize a ten percent (10%) contingency in the amount of \$274,555 for construction and unforeseen costs related to this project.
5. Find this item categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1: Existing Facilities and Class 2: Replacement or Reconstruction.

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

2. [AWARD OF THE TRAFFIC SIGNAL AND HAWK SIGNAL 23-980
INSTALLATION PROJECT, CITY PROJECT NO. 22-07](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Traffic Signal and HAWK Signal Installation Project, City Project No. 22-07.
2. Authorize an expense appropriation in the amount of \$192,037 from the Traffic Impact Fee fund balance for the project.
3. Award a construction contract to Elecnor Belco Electric, Inc., 14320 Albers Way, Chino, CA 91710, in the amount of \$784,877 (Attachment 1).
4. Authorize the City Manager and City Clerk to execute the Public Works Agreement (PWA), and authorize the City Manager to execute future contract amendments within Council authorized limits.
5. Authorize an additional ten percent (10%) contingency totaling \$78,488 as needed for unforeseen costs.
6. Find this item categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Class 3: New Construction, Class 4: Minor Alterations to Land and Cal. Code of Regs. Section 15064.3(b)(2) Transportation Projects.

Attachments: [1. PWA](#)

[2. Bid Results](#)

3. [APPOINTMENTS TO THE PARKS AND COMMUNITY SERVICES, 23-986
ARTS, AND PLANNING COMMISSIONS](#)

RECOMMENDATION:

Staff recommends the City Council make appointments as follows:

1. Parks and Community Services Commission - Make three (3) member appointments with a term expiration of January 2027 (Appointments by Council Member Marr, Chavez, and Reynolds) and one (1) member appointment with a term expiration of January 2025 (Appointment by Mayor Stephens)
2. Arts Commission - Make one (1) member appointment with a term expiration of January 2024 (Appointment by Council Member Harper)
3. Planning Commission - Make three (3) member appointments with a term expiration of January 2027 (Appointments by Council Member Marr, Chavez, and Reynolds) and one (1) member appointment with a term expiration of January 2025 (Appointment by Mayor Stephens)

Attachments: [1. Parks and Community Services Commission Applications](#)
[2. Arts Commission Applications](#)
[3. Planning Commission Applications](#)

4. [AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR 23-994
FAIRVIEW PARK MASTER PLAN UPDATE](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement to Moore, Iacofano, Goltsman, Inc., in the amount of \$314,565, for professional consulting and environmental planning services for the Fairview Park Master Plan Update project.
2. Authorize a ten-percent (10%) contingency, if needed, for unforeseen costs.
3. Authorize an additional expense appropriation of \$64,565 from the Park Development Impact Fees fund balance to cover the requested contract value for the Fairview Park Master Plan Update.
4. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement (Attachment 1) and future amendments to the agreement within Council-authorized limits.

Attachments: [1. Professional Services Agreement to MIG, Inc.](#)

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

ADJOURNMENT