

AGENDA
CITY OF COSTA MESA
JOINT MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY AND COSTA MESA HOUSING AUTHORITY*

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

TUESDAY, JULY 21, 2020
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
JOINT CITY COUNCIL AND HOUSING AUTHORITY MEETING
6:00 P.M.

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice.

If you would like to participate in this meeting, you can participate via the following options:

1. 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) AND ONLINE AT [youtube.com/costamesatv](https://www.youtube.com/costamesatv).
2. Zoom Webinar:
Please click the link below to join the webinar:
<https://zoom.us/j/96629853302?pwd=bTVkRTZRRkJUZHNYVGhJTWVxSWJsUT09>
Or sign into Zoom.com and "Join a Meeting"
Enter Webinar ID: [966 2985 3302](#) / Password: [074435](#)
 - 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" function 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: Call: [1 669 900 6833](tel:16699006833)

Enter Webinar ID: [966 2985 3302](tel:96629853302) / Password: [074435](tel:074435)

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 unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

3. Members of the public who wish to make a comment on a specific agenda item, may submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 1:00 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.
4. 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.

Please 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. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon**.

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 at www.costamesaca.gov or by clicking [here](#).

The City of Costa Mesa's goal is 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 normally provided, we will attempt to accommodate you in every 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 reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a 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

The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

TUESDAY, JULY 21, 2020
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
JOINT CITY COUNCIL AND HOUSING AUTHORITY MEETING
6:00 P.M.

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

JOHN B. STEPHENS
Mayor Pro Tem

ANDREA MARR
Council Member

ARLIS REYNOLDS
Council Member

ALLAN R. MANSOOR
Council Member

SANDRA L. GENIS
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

CLOSED SESSION
4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy
Whitmore, Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 427-091-12; Property: 3175 Airway Avenue, Costa Mesa, CA 92627
Pursuant to Section 54956.8, California Government Code
Agency Negotiator: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: Cities in the Central Orange County Service Planning Area
(SPA)
Under Negotiation: Price and Terms of Payment

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 424-211-01; Property: 695 West 19th Street, Costa Mesa, CA 92626

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Lori Ann Farrell Harrison, City Manager and Barry Curtis,
Economic and Development Services Director

Negotiating Parties: Laura Archuletta, CEO, Jamboree Housing Corporation

4. THREAT TO SECURITY

Pursuant to subdivision (a) of Section 54957, California Government Code

Consultation with: Costa Mesa Director of Emergency Services, and City Manager,
Lori Ann Farrell Harrison; Bryan Glass, Police Chief; Dan Stefano, Fire Chief; and
Jason Dempsey, Emergency Services Administrator.

**The City Council and Successor Agency to the Redevelopment Agency will recess
for Closed Session at the conclusion of public comments.**

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

TUESDAY, JULY 21, 2020 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Led by Council Member Chavez

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 Jordan Hansen, Newport Mesa Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Thank you to donors.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

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

1. Council Member Chavez
2. Council Member Marr
3. Council Member Mansoor
4. Council Member Genis
5. Council Member Reynolds
6. Mayor Pro Tem Stephens
7. Mayor Foley

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: APPROVE THE READING BY TITLE ONLY 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

Claims received by the City Clerk: Marisa Boring, Christine Destefano, Jaime Estrada, Geico, Julio Hernandez, Jeff Magy

RECOMMENDATION:

City Council receive and file.

3. WARRANT RESOLUTION NO. 2644 – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2644 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-12 for \$2,623,020.41, 20-13 for \$ 2,576,021.73, 20-13 "A" for - \$507.07, and 20-14 for \$2,541,010.78; and City operating expenses for \$7,202,589.39.

4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF OCTOBER 1, 2019, OCTOBER 15, 2019, NOVEMBER 5, 2019, AND NOVEMBER 19, 2019.

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of October 1, 2019, October 15, 2019, November 5, 2019, and November 19, 2019.

5. **APPROVAL OF RETAINER AGREEMENT FOR LEGAL SERVICES WITH HAYNES AND BOONE, LLC** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Retainer Agreement with Haynes and Boone, LLP for legal services in connection with the case Summit Coastal Living, Inc. v. City of Costa Mesa, United States District Court Case No. 8:18-cv-01369-JVS-PJW (Court of Appeal Case No. 20-55628).
2. Authorize the City Manager and City Clerk to execute the Retainer Agreement and future authorized amendments to the Agreement and the City Attorney to take necessary steps to associate Haynes and Boone as co-counsel in the legal matters.
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 2020-21 Budget from unassigned fund balance in the General Fund for attorneys’ services, if needed, to represent the City in this case through completion.

6. **PROFESSIONAL SERVICES AGREEMENT FOR SOLID WASTE COLLECTION SERVICES AT CITY FACILITIES** - Public Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Professional Services Agreement with Ware Disposal Inc., 1035 E. 4th Street, Santa Ana, CA 92701, for a two (2) year agreement for Solid Waste Collection Services at City facilities for a not-to-exceed annual cost of \$133,388.40. The agreement also provides for up to three (3) additional one-year term periods with an increase that is equal to or less than the Consumer Price Index (CPI) if the parties subsequently agree in writing.
2. Authorize the City Manager to execute the Professional Services Agreement and to extend the Professional Services Agreement each year, for up to a maximum of three (3) additional one-year terms, as applicable, only if the rate increase is equal to or less than the annual Consumer Price Index (CPI).

7. **MODERNIZATION OF THE CITY HALL ELEVATORS (77 FAIR DRIVE, COSTA MESA), CITY PROJECT NO. 20-03**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the Modernization of the City Hall Elevators, City Project No. 20-03.
2. Award a construction contract to GMS Elevator Services, Inc. in the amount of \$662,000.00.
3. Authorize \$18,287.70 from approved allocations for the project as needed for unforeseen costs.
4. Authorize the City Manager and the City Clerk to execute the Public Works Agreement with GMS Elevator Services, Inc. and future contract amendments within Council-authorized limits.

8. **CITYWIDE PARKWAY MAINTENANCE PROJECT (ZONES 2 AND 5) – CITY PROJECT NO. 18-12** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by S&H Civilworks and authorize the City Clerk to file the Notice of Completion.
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

9. **STREET REHABILITATION PROJECT (ZONES 2 AND 5) CITY PROJECT NO. 18-16** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by R.J. Noble Company, and authorize the City Clerk to file the Notice of Completion.
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

10. **VW MITIGATION TRUST FUND ZERO-EMISSION BUS REPLACEMENT GRANT APPLICATION AUTHORIZATION** - Public Services Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt Resolution No. 2020-43, authorizing the Public Services Director to submit an application and the City Manager or designee to execute necessary agreements for Volkswagen (VW) Mitigation Trust Fund Zero-Emission Transit, School and Shuttle Bus Projects, including the Bus Replacement Program, for which the City is eligible.

11. **MAINTENANCE SERVICES AGREEMENT FOR HVAC MECHANICAL SYSTEM REPAIRS & MAINTENANCE SERVICES**

Public Services Department/Maintenance Services

RECOMMENDATION:

Staff recommends that the City Council:

1. Award a Maintenance Services Agreement (MSA) to F. M. Thomas Air Conditioning, Inc., for a term of two (2) years, for HVAC mechanical system repairs and maintenance services for seventeen (17) City-owned facilities, for an annual not-to-exceed cost of \$54,223. The MSA also provides the option to extend the term for up to three (3) additional one-year periods with an increase that is equal to or less than the Consumer Price Index (CPI).
2. Authorize the City Manager to execute the MSA and to extend the MSA for up to three (3) additional one-year periods, only if the rate increase is equal to or less than the annual Consumer Price Index (CPI).

12. **MAINTENANCE SERVICES AGREEMENT WITH SIEMENS INDUSTRY, INC. FOR HVAC MAINTENANCE AND REPAIR SERVICES**

Public Services Department/Maintenance Services

RECOMMENDATION:

Staff recommends that the City Council:

1. Award a Maintenance Services Agreement (MSA) to Siemens Industry, Inc., for a term of two (2) years, August 1, 2020 – July 31, 2022, in the amount of \$90,648.00 for the first year and \$83,419 for the second year, to provide HVAC maintenance and repair services for City Hall and the Police Department facility, based on pricing from Sourcewell Contracts #030817-SIE & #031517-SIE.
2. Authorize the City Manager and City Clerk to execute the agreement.

13. **AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENTS FOR TEMPORARY STAFF SUPPORT SERVICES IN THE FINANCE DEPARTMENT: AMENDMENT NO. 4 WITH MV CHENG & ASSOCIATES, INC. AND AMENDMENT NO. 3 WITH LANCE, SOLL & LUNGHARD LLP**

Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the following proposed amendments to the Professional Services Agreements for temporary staff support services in the Finance Department:
 - a. Amendment No. 4 to the Professional Services Agreement with MV Cheng & Associates, Inc., to increase the maximum compensation by \$150,000, for a total not-to-exceed amount of \$399,999.
 - b. Amendment No. 3 to the Professional Services Agreement with Lance, Soll, & Lunghard LLP to increase the maximum annual compensation by \$75,000, for a total annual not-to-exceed amount of \$150,000.
2. Authorize the City Manager and City Clerk to execute the proposed amendments.

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. **SB 2 PERMANENT LOCAL HOUSING ALLOCATION PROGRAM GRANT APPLICATION AND RELATED FIVE-YEAR PLAN**

City Manager's Office and Finance Department

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council and the Housing Authority:

1. Adopt the proposed Resolution No. 2020-46 approving both the five-year Permanent Local Housing Allocation (PLHA) Plan which is incorporated into the funding application; and approving the submission of PLHA Grant funding application.
2. If awarded, authorize the City Manager and the Finance Director to execute the State's standard agreement.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **APPROVAL OF SIDE LETTER OF AGREEMENT REDUCING EMPLOYEE COMPENSATION AND BENEFITS FOR COSTA MESA FIREFIGHTERS ASSOCIATION** - City Manager's Office/Human Resources Division

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve and adopt the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Firefighters Association.
2. Approve a streamlined Transparency in Labor Negotiations Fiscal Impact Analysis Report (City Council Policy #300-8).

[Click here for public correspondence received on this item.](#)

2. **URGENCY ORDINANCE TO MODIFY THE REQUIREMENTS FOR SIDEWALK AND PARKING LOT SALES TO ALLOW TEMPORARY OUTDOOR ACTIVITIES INCLUDING RETAIL SALES AND SERVICES**
Development Services Department

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council:

Approve an Urgency Ordinance to allow the Director of Development Services to modify the requirements of sidewalk and parking lot sales permits to facilitate the installation of temporary retail and service business activities on sidewalks and in parking lots for a period of 180 days as a result of COVID-19 limitations.

[Click here for public correspondence received on this item.](#)

3. [**EXCESS LIABILITY INSURANCE COVERAGE THROUGH PUBLIC RISK INNOVATION, SOLUTIONS, AND MANAGEMENT \(PRISM\) JPA**](#)
City Manager's Office/Human Resources Division

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution Number 2020-44 to join Public Risk Innovation, Solutions, and Management JPA.
 2. Authorize the City Manager and City Clerk to execute the Joint Powers Agreements.
 3. Authorize the City Manager and City Clerk to execute the Memorandum of Understanding for the General Liability I Program and appropriate funds to cover anticipated increases in premium costs.
4. [**ACCEPTANCE AND APPROPRIATION OF SENATE BILL 2 PLANNING GRANT AND AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR CONSULTING SERVICES FOR THE 2021-2029 HOUSING ELEMENT UPDATE AND RELATED ENVIRONMENTAL DOCUMENTS**](#)
Development Services Department/Planning Division

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept a \$310,000 Senate Bill (SB) 2 Planning Grant from California Department of Housing and Community Development (HCD) for the following purposes: 2021-2029 Housing Element Update, planning software update; and zoning code amendment.
2. Approve a budget adjustment recognizing and appropriating \$310,000 in grant revenue;
3. Award a Professional Services Agreement (PSA) to Kimley-Horn and Associates, Inc. (Kimley-Horn) in the amount of \$154,920 with a term of two years with three optional one year extensions for the preparation of the 2021-2029 Housing Element Update;
4. Authorize the City Manager and City Clerk to sign and execute the agreement;

5. Authorize the City Manager to execute future amendments to this agreement, including a potential increase in compensation as long as the amendment is funded by grant funds, thereby not affecting the City's General Fund.

5. **PROPOSED SENIOR HOUSING PROJECT AT THE SENIOR CENTER
695 WEST 19TH STREET** - Development Services Department/Planning Division

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff recommends that the City Council:

Approve the proposed Exclusive Negotiating Agreement (ENA) with Jamboree Housing Corporation.

[Click here for public correspondence received on this item.](#)

6. **COMMUNITY WORKFORCE AGREEMENT** – Public Services Department

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

1. Staff requests City Council direction on the attached Community Workforce Agreement (CWA) for a five-year term between the City of Costa Mesa (City) and the Los Angeles/Orange Counties Building and Construction Trades Council (Trades Council).
2. If approved, authorize the City Manager or designee to execute the agreement and accept any minor modifications to the agreement during the CWA term.

[Click here for public correspondence received on this item.](#)

7. **CONSIDERATION OF A CITY BALLOT MEASURE TO AUTHORIZE THE CITY COUNCIL TO ADOPT AN ORDINANCE AMENDING MEASURE X TO ALLOW RETAIL CANNABIS USES IN CERTAIN AREAS OF THE CITY SUBJECT TO SPECIFIED LIMITATIONS AND IMPOSING A FOUR PERCENT TO SEVEN PERCENT GROSS RECEIPTS TAX THEREON**

Development Services Department

[Click here for the staff presentation on this item.](#)

RECOMMENDATION:

Staff requests City Council provide direction on whether to place a ballot measure on the November 3, 2020 General Election allowing for cannabis retail storefront (dispensaries) and retail non-storefront (delivery) uses in specified areas of the City and subject to limitations:

1. Consider the proposed ordinance entitled, “The City of Costa Mesa Retail Cannabis Tax and Regulation Measure” relating to cannabis retail storefront and non-storefront uses within certain areas of the City; and
2. Provide direction on whether to place the proposed ordinance on the November 3, 2020 ballot by adoption of the following resolutions:
 - a. Adopt Resolution 2020-40: Ordering the submission to the qualified electors of the City of a certain Measure relating to retail cannabis tax and uses at the General Election to be held on Tuesday November 3, 2020, as called by Resolution No. 2020-25; and
 - b. Adopt Resolution 2020-41: Requesting the Orange County Board of Supervisors to Consolidate a General Municipal election to be held on November 3, 2020, for the purpose of submitting to the voters of the City of Costa Mesa a question relating to the adoption of a proposed ordinance entitled, “The City of Costa Mesa Retail Cannabis Tax and Regulation Measure”; and
 - c. Adopt Resolution 2020-42: Authorizing written arguments for or against the proposed ordinance “The City of Costa Mesa Retail Cannabis Tax and Regulation Measure”, setting priorities for filing written arguments, determining the authors of the written arguments, and directing the City Attorney to prepare an impartial analysis; and
 - d. Adopt Resolution 2020-45: Providing for the filing of rebuttal arguments for City Measures submitted at Municipal Elections.

[Click here for public correspondence received on this item.](#)

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT