

**AGENDA**  
**CITY OF COSTA MESA**  
**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY**  
**TO THE REDEVELOPMENT AGENCY\* MEETING**

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

**TUESDAY, SEPTEMBER 1, 2020**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**REGULAR 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: [915 6238 2257](#) / Password: [666888](#)
  - 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: [915 6238 2257](#) / Password: [666888](#)

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.

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](mailto: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](mailto: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](mailto: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](http://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](mailto: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](mailto:cityclerk@costamesaca.gov)

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

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

**TUESDAY, SEPTEMBER 1, 2020 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Genis

**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, The Lighthouse Community Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. Proclamation - Sharing our Selves (SOS) celebrating 50 years
2. Census Update
3. Costa Mesa Minute

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

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**CONSENT CALENDAR: (Items 1-14)**

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: Jack Bunker, Christian Celis, Jinny Sohn, Alejandro Melendez

RECOMMENDATION:

City Council receive and file.

**3. [WARRANT RESOLUTION NO. 2645](#) – Finance Department**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2645 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-14 “A” for \$1,029.00, 20-15 for \$2,498,868.25, 20-15 “A” for \$738.53 and 20-16 for \$2,403,848.11, and City operating expenses for \$4,213,830.62.

**4. [MINUTES OF THE REGULAR AND SPECIAL CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF DECEMBER 3, 2019, DECEMBER 17, 2019, JANUARY 9, 2020, JANUARY 21, 2020, FEBRUARY 18, 2020, MARCH 3, 2020, MARCH 17, 2020, AND APRIL 7, 2020, AND EMERGENCY CLOSED SESSION MEETING OF FEBRUARY 21, 2020.](#)**

City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

City Council approve the minutes of December 3, 2019, December 17, 2019, January 9, 2020, January 21, 2020, February 18, 2020, February 21, 2020, March 3, 2020, March 17, 2020, and April 7, 2020.

5. **BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE**

City Manager's Office/City Clerk's Division

RECOMMENDATION:

Staff recommends that the City Council:

Approve Resolution No. 2020-xx revising the list of designated positions in the City's Conflict of Interest Code.

6. **SANTA ANA DELHI DIVERSION PIPELINE PROJECT, CITY PROJECT NO. 19-13** – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Gwinco Construction, Inc., 2131 S. Grove Avenue, Suite A, Ontario, CA 91761 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 if appropriate, at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

7. **CITY HALL ELECTRIC VEHICLE (EV) CHARGING STATIONS – CITY PROJECT NO. 20-09** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the City Hall Electric Vehicle (EV) Charging Stations – City Project No. 20-09.
2. Reject the bid submitted by BNC Construction, Inc., as non-responsive.
3. Award a construction contract to AMTEK Construction, 946 N. Lemon Street Orange, CA 92867, in the amount of \$333,001.40.
4. Authorize an additional ten percent (10%) contingency totaling \$33,300.14 as needed for unforeseen costs.
5. Authorize the City Manager and the City Clerk to execute the Public Works Agreement (PWA) with AMTEK Construction, and authorize the City Manager to execute future contract amendments within Council-authorized limits.

8. **BEAR STREET IMPROVEMENT PROJECT (I-405 TO BAKER STREET) – CITY PROJECT NO. 20-14** - Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the Bear Street Improvement Project (I-405 to Baker Street), City Project No. 20-14;
2. Award a construction contract to All American Asphalt, Inc., 400 East Sixth Street, Corona, CA 92879 in the amount of \$657,777.00;
3. Authorize an additional ten percent (10%) contingency totaling \$65,778.00 as needed for unforeseen costs;
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.

9. **RESOLUTION FOR THE APPLICATION FOR GRANT FUNDS FROM THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE PLACENTIA AVENUE STORMWATER QUALITY IMPROVEMENT PROJECT**  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the proposed Resolution No. 2020-xx for the submittal of a grant application to the Orange County Transportation Authority (OCTA) Environmental Cleanup Program, Tier 1 Grant for the Placentia Avenue Stormwater Quality Improvement Project.
2. Authorize the Public Services Director as the City's representative.

10. [ACCEPTANCE OF THE BUREAU OF JUSTICE ASSISTANCE FY 20 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM AWARD](#) – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2020-xx, which authorizes the acceptance of the Bureau of Justice Assistance (BJA) FY 20 Coronavirus Emergency Supplemental Funding (CESF) Program award and authorizes the City Manager to accept the funds in the amount of \$87,467.
2. Approve a budget adjustment appropriating of \$87,467 to Fund 230 Federal Grants Police Department account for the specified purpose.

11. [PURCHASE FROM AMERICAN VAN WORKS OF THE CRIME SCENE UNIT VEHICLES MODIFICATIONS TO ENHANCE THE COLLECTION OF DNA AND FORENSIC EVIDENCE](#) – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve and authorize the City Manager to sign the Justification for Sole Source Request for American Van Works for the Crime Scene Unit (CSU) van modifications.
2. Authorize the City Manager to execute a Purchase Order, and any other documents required in connection with the purchase, with American Van Works, for \$57,865.54 to equip the City's CSU vans with scene lights and organizer bins to assist in the collection of DNA and forensic evidence.

12. [ACCEPTANCE AND ALLOCATION OF THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT \(JAG\) FUNDS](#) – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed resolution authorizing acceptance of the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds and authorize the City Manager to execute the Memorandum of Understanding (MOU) with the County of Orange for the 2019 Edward Byrne Memorial JAG.
2. Approve a budget adjustment recognizing \$21,697.20 in JAG funding and appropriating \$21,697.20 to the Police Department budget for the specified purpose.

13. **APPROVAL OF RETAINER AGREEMENTS FOR LEGAL SERVICES WITH BUCHALTER** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Retainer Agreement with Buchalter for legal services in connection with the following cases:
  - a. Yellowstone Women’s First Step v. City of Costa Mesa, United States District Court Case No. 8:14-cv-0182-JVS-JDEx, Ninth Circuit Case No. 19-56410;
  - b. Summit Coastal Living, Inc. v. City of Costa Mesa, United States District Court Case No. 8:18-cv-01369-JVS-PJW, Ninth Circuit Case No. 20-55628;
  - c. Pacific Shores, LLC v. City of Costa Mesa, United States District Court Case No. 8:18-cv-01170, Ninth Circuit Case No. 20-55456;
  - d. Casa Capri Recovery v. Costa Mesa, United States District Court Case No. 8:18-cv-00329-JVS-PJWx, Ninth Circuit Case No. 20-55334;
  - e. SoCal Recovery v. City of Costa Mesa, United States District Court Case No. 8:18-cv-01304-JVS-PJW, Ninth Circuit Case No. 20-55820.
2. Authorize the City Manager and City Clerk to execute the Retainer Agreements and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Buchalter 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 these cases through completion.

14. **COVID-19 EMERGENCY PURCHASES OVER \$50,001** – Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file this report regarding emergency purchases of \$50,001.00 or more.

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

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

**PUBLIC HEARINGS: NONE**

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

**OLD BUSINESS: NONE**



**NEW BUSINESS:**

1. **DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2020 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE** - City Manager's Office/City Clerk's Division

RECOMMENDATION:

Staff recommends that the City Council:

Designate a member of the City Council as Costa Mesa's voting delegate and up to two alternate voting delegates for the 2020 League of California Cities Annual Virtual Conference.

2. **APPROVAL OF FINANCE DEPARTMENT PAYROLL STAFFING PLAN, CORRESPONDING RESOLUTIONS ADDING RELATED JOB CLASSIFICATION, AND THE SALARY RANGE** - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Approve a reclassification of the existing Accountant (Confidential) position to a Payroll Supervisor (Confidential) position in the Finance Department and adopt corresponding proposed Resolution No. 20-xx, amending Resolution No. 17-18 by establishing a new classification in the Confidential Employees Unit and establishing the pay range for the new classification in order to create a viable succession plan for the City's critical payroll operation.

3. **CONSIDER REVISION TO CITY COUNCIL COMPENSATION**  
City Attorney's Office

RECOMMENDATION:

That the City Council consider revising City Council Compensation as determined by the City Council and direct staff accordingly.

4. **RESOLUTION SUPPORTING MEASURE AUTHORIZING CITY TO ALLOW CANNABIS DELIVERY AND DISPENSARIES IN CITY SUBJECT TO STRICT REGULATION AND TAXATION** - City Attorney's Office/City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

Consider the adoption of Resolution 20-xx in support of Measure Q "The City of Costa Mesa Retail Cannabis Tax and Regulation Measure".

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

**ADJOURNMENT**