

# **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 15, 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://youtube.com/costamesatv).
2. Zoom Webinar:  
Please click the link below to join the webinar:  
<https://zoom.us/j/94504846284?pwd=Q1FBMGILZkZJRkdKNVZGakJxbmZ0QT09>  
Or sign into Zoom.com and "Join a Meeting"  
Enter Webinar ID: [945 0484 6284](#)/ Password: [570950](#)
  - 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: [945 0484 6284](#)/ Password: [570950](#)

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** 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 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 15, 2020 – 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**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Marr

**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 Dave Manne, Calvary Chapel, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. [Hispanic Heritage Month Proclamation](#)
2. [Constitution Week 2020 Proclamation](#)
3. [Coyote Management Update](#)

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

### **REPORT – CITY MANAGER**

### **REPORT – CITY ATTORNEY**

### **CONSENT CALENDAR: (Items 1-16)**

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: Richard Delbey

##### **RECOMMENDATION:**

City Council receive and file.

3. [WARRANT RESOLUTION NO. 2646](#) – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2646 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-16 “A” for \$3,864.21, 20-17 for \$2,513,368.22, 20-17 “A” for \$123.85 and 20-18 for \$2,475,636.74; and City operating expenses for \$3,133,527.50.

4. [MINUTES OF THE SPECIAL AND EMERGENCY CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF MARCH 13, 2020, MARCH 17, 2020, MARCH 24, 2020, MARCH 27, 2020, AND APRIL 14, 2020](#) - City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

City Council approve the minutes of March 13, 2020, March 17, 2020, March 24, 2020, March 27, 2020, and April 14, 2020.

5. [PROPOSED CHANGES TO THE CITY COUNCIL MEETING SCHEDULE](#)  
City Manager’s Office/City Clerk’s Division

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 2020-XX changing the City Council meeting schedule as follows:

- September 22, 2020, Rescheduled Study Session from September 8, 2020 due to the Labor Day holiday
- October 6, 2020, Regular City Council Meeting (no change)
- October 13, 2020, Regular Study Session (no change)
- October 20, 2020, Regular City Council Meeting (no change)
- November 3, 2020, Cancel Regular City Council Meeting due to the Election
- November 10, 2020 Regular City Council Meeting in lieu of Study Session
- November 17, 2020, Regular City Council Meeting (no change)
- December 1, 2020, Regular City Council Meeting (no change)
- December 8, 2020, Additional Study Session
- December 15, 2020, Additional Regular City Council Meeting
- January 5, 2021, Cancel Regular City Council Meeting due to holidays
- January 12, 2021, Regular Study Session (no change)
- January 19, 2021, Regular City Council Meeting (no change)

6. **AUTHORIZE THE PURCHASE OF GRANICUS AGENDA MANAGEMENT SOFTWARE AND SERVICES** - City Manager's Office/City Clerk's Division

RECOMMENDATION:

Staff recommends that City Council:

1. Approve and authorize the Granicus Legistar agenda management software and installation of the Legistar software and related equipment and technology for a not-to-exceed \$60,000, and annual subscription services not-to-exceed \$50,000, for a five-year term ending September 14, 2025.
2. Authorize the City Manager and City Clerk to execute a Professional Services Agreement, in substantially the form as attached and in such final form as approved by the City Attorney, and future amendments within Council authorized limits.

7. **INSURANCE BROKER SERVICES**

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Amendment No. 3 to the Professional Services Agreement (PSA) with Alliant Insurance Services, Inc., to extend the agreement for two (2) years, with an annual compensation amount not to exceed \$46,750.
2. Authorize the City Manager and City Clerk to execute the proposed amendment and future amendments to the PSA within Council authorized limits.

**Agenda continued on next page**

8. **APPROVAL OF RETAINER AGREEMENT 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 *National Therapeutic Services, Inc. v. City of Costa Mesa*, United States District Court for the Central District of California, Case Number: 8:18-cv-01080-JVS-PJW, Ninth Circuit Case No. 20-55870.
2. Authorize the City Manager and City Clerk to execute the Retainer Agreement and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Buchalter as co-counsel in the legal matter.
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 cases through completion.

9. **APPROVAL OF RESPONSE TO GRAND JURY**

City Attorney’s Office/Police Department

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the City Manager to respond to the Presiding Judge of the Superior Court concerning recommendations made by the 2019-20 Orange County Civil Grand Jury regarding peer support programs for law enforcement.

10. **EXTENSION OF CONTRACT FOR PARKING CITATION PROCESSING SERVICES WITH DATA TICKET** – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment No. 2 to the Scope of Service and Performance Agreement between the City and Data Ticket, Inc. for parking citation processing services, to extend the Agreement for one year, through September 22, 2021.
2. Authorize the City Manager and City Clerk to execute Amendment No. 2.

11. **ACCEPTANCE AND ALLOCATION OF THE OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM** - Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed resolution, which ratifies the application for a grant award from the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the City Manager to execute the Grant Agreement and accept and administer the grant.
2. Approve a budget adjustment recognizing \$269,500 in 2020 OTS STEP Grant funding and appropriating \$269,500 to the Police Department budget for overtime, professional development, and equipment associated with the 2020 OTS STEP Grant.

12. **APPROVAL OF AN AFFORDABLE HOUSING AGREEMENT THAT PROVIDES FOR NINE AFFORDABLE UNITS AS PART OF THE 200-UNIT MULTI-FAMILY DEVELOPMENT PROJECT LOCATED AT 2277 HARBOR BOULEVARD**  
Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

Approve and authorize the City Manager to execute an Affordable Housing Agreement in compliance with the Stipulated Judgment dated July 12, 2018 in the matter of Kennedy Commission, et al. v. City of Costa Mesa (Los Angeles County Superior Court Case No. 30-2016-00832585-CU-WM-CJC) and the global settlement agreement entered into by all parties in the consolidated matter of Dadey, et al. v. City of Costa Mesa, et al. (Orange County Superior Court Case No. 30-2014-00757962-CU-CR-CJC).

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

13. **RESOLUTION APPROVING APPLICATIONS FOR PER CAPITA GRANT FUNDS FROM THE STATE DEPARTMENT OF PARKS AND RECREATION**  
Public Services Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt the proposed resolution, approving the submittal of grant applications to the California Department of Parks and Recreation for the Per Capita Program and delegating authority to the City Manager, the Public Services Director, or designee to serve as the City's Authorized Representatives in connection with said application



14. **HAMILTON STREET AND SANTA ANA AVENUE IMPROVEMENT PROJECT, CITY PROJECT NO. 20-16** – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the Hamilton Street and Santa Ana Avenue Improvement Project, City Project No. 20-16.
2. Award a construction contract to All American Asphalt, Inc., 400 East Sixth Street, Corona, CA 92879 in the amount of \$1,360,022.
3. Authorize an additional ten percent (10%) contingency totaling \$136,000 as needed for unforeseen costs.
4. Authorize the City Manager and City Clerk to execute the Public Works Agreement (PWA), in substantially the form as attached and in such final form as approved by the City Attorney.

15. **AWARD OF A PROFESSIONAL SERVICES AGREEMENT TO Q3 CONSULTING FOR THE STORM DRAIN SYSTEM MASTER PLAN UPDATE**

Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Award a proposed Professional Services Agreement (PSA) to Proactive Engineering Consultants, Inc. dba Q3 Consulting, 27042 Towne Centre Drive, Suite 110, Foothill Ranch, California 92610, in an amount not-to-exceed \$761,773, for engineering services for the City's Storm Drain System Master Plan Update.
2. Authorize a ten percent (10%) contingency for unforeseen costs, if needed.
3. Authorize the City Manager and City Clerk to execute the agreement, and future amendments to the agreement within Council-authorized limits.

16. [FAIRVIEW ROAD HSIP IMPROVEMENT PROJECT \(ADAMS AVENUE TO BAKER STREET\) – FEDERAL PROJECT NO. HSIPL–5312\(102\), CITY PROJECT NO. 19-10](#) – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the Fairview Road HSIP Improvement Project (Adams Avenue to Baker Street), Federal Project No. HSIPL–5312(102), City Project No. 19-10.
2. Reject the bid proposal submitted by All American Asphalt, Inc., which should be deemed as non-responsive due to errors made in the tabulation of the project bid items.
3. Award a construction contract to the second apparent lowest bidder, Hardy & Harper, Inc., 32 Rancho Circle, Lake Forest, CA 92630 in the amount of \$1,230,000.
4. Authorize the use of Gas Tax fund balance for the grant match in the amount of \$779,820 and an additional ten percent (10%) contingency totaling \$123,000 also from the Gas Tax fund balance as needed for unforeseen costs.
5. Authorize the City Manager and City Clerk to execute the Public Works Agreement (PWA), in substantially the form as attached and in such final form as approved by the City Attorney.

**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**

**Agenda continued on next page**

## NEW BUSINESS:

1. [LIONS PARK PLAYGROUND IMPROVEMENT PROJECT, CITY PROJECT NO. 20-15](#) – Public Services Department/Engineering Division

### RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt plans, specifications, and working details for the Lions Park Playground Improvement Project, City Project No. 20-15.
2. Approve Budget Appropriation in Fund 209 Drainage in the amount of \$90,679.
3. Waive a minor irregularity in the bid submitted by the apparent low bidder and award a Public Works Agreement to Handy Industrial, 4228 Lewis Street, Oceanside, California 92056 in the amount of \$1,780,000.
4. Authorize a 5% additional contingency in the amount of \$89,000 as needed for unforeseen costs.
5. Authorize the City Manager and the City Clerk to execute the Public Works Agreement (PWA) with Handy Industrial and future contract amendments within Council-authorized limits.

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

2. [REQUEST COUNCIL DIRECTION FOR THE NAMING OF A POCKET PARK AT UNIVERSITY DRIVE AND SANTA ANA AVENUE](#)  
Parks and Community Services Department

### RECOMMENDATION:

Staff recommends that the City Council:

1. Consider waiver of the “City Parks and Facilities Naming Policy” requirement for the naming of a Park and/or facility.
2. Consider the naming of the pocket park, located at the corner of University Drive and Santa Ana Avenue, Perez Park in honor of Rachel Perez Hamilton, a lifelong Costa Mesa resident and Orange Coast College Hall of Fame member.

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

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

## ADJOURNMENT