

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

SEPTEMBER 1, 2020

CALL TO ORDER - The regular meeting and Joint Housing Authority meeting were called to order by Mayor Foley at 6:27 p.m. via Zoom webinar.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Led by Council Member Genis

MOMENT OF SOLEMN EXPRESSION

Pastor Phil Eyskens, The Lighthouse Community Church, Costa Mesa

ROLL CALL

Present by Zoom: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

1. Mayor Foley presented a Proclamation to Share our Selves (SOS) celebrating 50 years.
2. Mr. Ruiz, Management Aide, presented a Census update.
3. The Costa Mesa Minute was played.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

PIMCO, spoke on Police and Fire Department salaries and pensions.

Victor Jacinto, spoke on the pandemic, hardships, and opening businesses.

Michael Long, spoke on the face mask mandate.

Joselyn Sanchez, spoke in favor of the mask mandate and on taking precautions.

James Peters, spoke against the face mask mandate and liabilities for businesses.

Speaker, spoke on not cancelling meetings.

Susan Iwomoto, spoke on Costa Mesa opportunity zones.

Stacy Lynne Taylor, spoke on her candidacy for Municipal Water District of Orange County.

Speaker, spoke on AB 1063 and Measure Y.

Speaker, inquired on PPE distribution to the business sector.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on COVID-19 and handling stress, small business and food distributions, and praised city staff for hard work.

Council Member Mansoor spoke on public comments and civic involvement.

Council Member Genis congratulated Share Our Selves and encouraged residents to patronize local businesses.

Council Member Reynolds encouraged everyone to shop locally, spoke on street sweeping and ticketing policies, safe streets, and project opportunities.

Council Member Chavez spoke on the census caravan, food distributions, touring Someone Cares Soup Kitchen, and touring Trade Winds Mobile Home Park and their feral cats issue.

Mayor Pro Tem Stephens spoke on the COVID-19 testing site at the Orange County Fairgrounds, Huntington Beach Homeless shelter groundbreaking, provided a permanent housing update, spoke on COVID-19 numbers decreasing, thanked first responders, and requested to adjourn the meeting in memory of Floyd Waldron.

Mayor Foley spoke on remembrance of those recently passed away, requested an agenda item to retroactively cancel street sweeping tickets, spoke on PPE supplies for businesses, thanked City Manager Ms. Farrell Harrison for her leadership during the pandemic, spoke on South Coast Plaza reopening, the importance of face masks and other safety measures.

REPORT – CITY MANAGER – Ms. Farrell Harrison thanked Council for their leadership and thanked first responders for their dedication and work.

REPORT – CITY ATTORNEY – Ms. Hall Barlow provided an update on sober living homes, clarified the authority on the mask order, and spoke on the reopening of sports fields and state and county guidelines.

CONSENT CALENDAR: (Items 1-14)

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14.
The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

City Council and Agency Board approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Jack Bunker, Christian Celis, Jinny Sohn, Alejandro Melendez

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2645 – Finance Department

ACTION:

City Council approved 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

ACTION:

City Council approved 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

ACTION:

City Council approved Resolution No. 2020-48 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

ACTION:

1. City Council accepted the work performed by Gwinco Construction, Inc., 2131 S. Grove Avenue, Suite A, Ontario, CA 91761 and authorized the City Clerk to file the Notice of Completion.
2. Released the Labor and Material Bond seven (7) months after the filing date; released the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and released 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

ACTION:

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

ACTION:

1. City Council adopted plans, specifications, and working details for the Bear Street Improvement Project (I-405 to Baker Street), City Project No. 20-14.
2. Awarded a construction contract to All American Asphalt, Inc., 400 East Sixth Street, Corona, CA 92879 in the amount of \$657,777.00.

3. Authorized an additional ten percent (10%) contingency totaling \$65,778.00 as needed for unforeseen costs.
 4. Authorized the City Manager and City Clerk to execute the Public Works Agreement (PWA), and authorized 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
- ACTION:**
1. City Council adopted Resolution No. 2020-49 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. Authorized 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**
- ACTION:**
1. City Council adopted Resolution 2020-50, 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. Approved 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**
- ACTION:**
1. City Council approved and authorized the City Manager to sign the Justification for Sole Source Request for American Van Works for the Crime Scene Unit (CSU) van modifications.
 2. Authorized 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

ACTION:

1. City Council approved Resolution No. 2020-51 authorizing acceptance of the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds and authorized the City Manager to execute the Memorandum of Understanding (MOU) with the County of Orange for the 2019 Edward Byrne Memorial JAG.
2. Approved 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

ACTION:

1. City Council approved the 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. Authorized 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. Authorized 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 the cases through completion.

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

ACTION:

City Council received and filed the report regarding emergency purchases of \$50,001.00 or more.

----- **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

Staff presentation by Ms. Green, City Clerk.

Public Comments: None.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Stephens

MOTION: Designate Council Member Reynolds as Delegate and Mayor Foley and Council Member Marr as alternates.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council designated Council Member Reynolds as Costa Mesa's voting delegate and Mayor Foley and Council Member Marr as 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

Staff presentation by Ms. Molina, Finance Director.

Public Comments:

PIMCO, spoke on reallocating funds for the position.

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved a reclassification of the existing Accountant (Confidential) position to a Payroll Supervisor (Confidential) position in the Finance Department and adopted corresponding Resolution No. 2020-53, 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

Staff presentation by Ms. Hall Barlow, City Attorney.

Discussion ensued on Council taking a reduction due to the economic downturn.

Public Comments:

PIMCO, spoke on Police and Fire Department salaries and on the item.

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Receive and file the report.

SUBSTITUTE MOTION/SECOND: Council Member Mansoor/Council Member Genis

SUBSTITUTE MOTION: For Council to take a 10% pay cut.

SUBSTITUTE MOTION/SECOND: Mayor Foley/Mayor Pro Tem Stephens

SUBSTITUTE MOTION: Receive and file the report and post on the city website the voluntary reduction waivers already filed by City Council.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

ACTION:

City Council received and filed the report and directed staff to post the voluntary pay reduction waivers that Council Members have filed on the city website.

City Council recessed into a break at 8:27 p.m.

City Council reconvened at 8:45 p.m.

4. RESOLUTION SUPPORTING MEASURE AUTHORIZING CITY TO ALLOW CANNABIS DELIVERY AND DISPENSARIES IN CITY SUBJECT TO STRICT REGULATION AND TAXATION

Staff presentation by Ms. Hall Barlow, City Attorney.

Public Comments:

Speaker, spoke on the resolution, the roll out of green zones, and shutting down illegal dispensaries.

Costa Mesa Opportunity Zone, spoke on opportunity zones allowing cannabis.

MOVED/SECOND: Council Member Mansoor/Council Member Genis

MOTION: Receive and file the report.

Council Member Mansoor expressed concern on transparency.

Council Member Genis expressed concern on taking a position on the measure.

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Stephens/Council Member Chavez

SUBSTITUTE MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

ACTION:

City Council adopted of Resolution 2020-52 in support of Measure Q “The City of Costa Mesa Retail Cannabis Tax and Regulation Measure”.

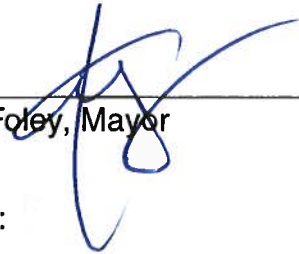
ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on Trellis hosting Costa Mesa Day.

Mayor Foley thanked Council Member Marr for efforts on food distribution and serving and thanked Council Member Reynolds for the virtual bike safety event.

ADJOURNMENT – Mayor Foley adjourned the meeting at 9:01 p.m. in honor and memory of Floyd Waldron, Vince Stefano, and Captain Bockmiller.

Minutes adopted on this 6th day of October, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk