

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

**SEPTEMBER 15, 2020**

**CALL TO ORDER** - The meeting was called to order by Mayor Foley at 6:05 p.m. via Zoom webinar

## **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Marr

## **MOMENT OF SOLEMN EXPRESSION**

Pastor Dave Manne, Calvary Chapel, 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 for Hispanic Heritage Month.
2. Mayor Foley presented a Proclamation for Constitution Week 2020.
3. Police Captain Bakkila presented a Coyote Management Update.

## **PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Pacific Management Company, spoke on pension benefits and pension reform.

Russell Toler, Costa Mesa, with Costa Mesa Alliance for Better Streets spoke on traffic calming measures.

Flo Martin, Costa Mesa, with Costa Mesa Alliance for Better Streets spoke on drivers at the traffic calming circle and requested red curbs on all sides.

Jim Erickson, Costa Mesa, shared a PowerPoint presentation on walking and exercising outside and in the parks.

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

Council Member Mansoor spoke on contacting him regarding any issues and on pension reform.

Council Member Genis spoke on the city of Pasadena challenging RHNA numbers, investigating Community Choice aggregates, spoke on roundabouts and emergency response access.

Council Member Reynolds spoke on the traffic calming demonstration project and roadway safety, thanked Costa Mesa Alliance for Better Streets, requested staff to look into signage on the riverbed to encourage bikers to visit Costa Mesa shops, spoke on bike rack installation opportunities, and spoke on Hispanic Heritage Month and diversity.

Council Member Chavez spoke on Hispanic Heritage Month and diversity, spoke on the Spanish Town Hall, speeding on Myers Street, street sweeping, thanked Costa Mesa Alliance for Better Streets for roundabouts, and requested an update on Tradewinds Mobile Home Park.

Council Member Marr spoke on Hispanic Heritage Month, thanked staff for the cooling centers, praised firefighters for their efforts, thanked Mr. Erickson for his presentation, spoke on researching Community Choice aggregates.

Mayor Pro Tem Stephens congratulated Samuel Johnson the new CEO of San Joaquin TCA, spoke on campaign yard signs, traffic calming measures, requested prayers for Coach Nolan's family and requested to adjourn the meeting in remembrance of Micki Nolan.

Mayor Foley spoke on COVID-19 and working with businesses and the community on opening up, sports groups starting practice again for skills training and conditioning, schools beginning in person learning, the testing site at the Orange County Fairgrounds, grants to small businesses, thanked Council Members Marr and Reynolds for working on food distribution programs, and the skate park and playgrounds not being able to open due to county regulations.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison reported on the upcoming Study Session on September 22<sup>nd</sup> on homelessness and housing, congratulated CMTV on winning five awards, and congratulated Chief Stefano on his appointment as President of the California Fire Chief Association.

**REPORT – CITY ATTORNEY** – Ms. Hall Barlow provided an update on enforcement of the illegal marijuana dispensaries.

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

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Chavez

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 16 except for 11 and 15.

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: Richard Delbey

**ACTION:**

City Council received and filed.

**3. WARRANT RESOLUTION NO. 2646 – Finance Department**

**ACTION:**

City Council approved 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**

**ACTION:**

City Council approved 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

**ACTION:**

City Council adopted Resolution 2020-54 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**

**ACTION:**

1. City Council approved and authorized 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. Authorized 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

**ACTION:**

1. City Council approved 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. Authorized the City Manager and City Clerk to execute the proposed amendment and future amendments to the PSA within Council authorized limits.

**8. APPROVAL OF RETAINER AGREEMENT 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 *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. Authorized 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. 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 this cases through completion.

**9. APPROVAL OF RESPONSE TO GRAND JURY  
City Attorney’s Office/Police Department**

**ACTION:**

City Council authorized 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**

**ACTION:**

1. City Council approved 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. Authorized the City Manager and City Clerk to execute Amendment No. 2.

**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**

**ACTION:**

City Council approved and authorized 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).

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

Public Services Department

**ACTION:**

City Council adopted Resolution No. 2020-56, 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**

**ACTION:**

1. City Council adopted plans, specifications, and working details for the Hamilton Street and Santa Ana Avenue Improvement Project, City Project No. 20-16.
2. Awarded a construction contract to All American Asphalt, Inc., 400 East Sixth Street, Corona, CA 92879 in the amount of \$1,360,022.
3. Authorized an additional ten percent (10%) contingency totaling \$136,000 as needed for unforeseen costs.
4. Authorized 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.

**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**

**ACTION:**

1. City Council adopted 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. Rejected 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. Awarded 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. Authorized 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. Authorized 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.

## **ITEMS PULLED FROM THE CONSENT CALENDAR**

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

Public Services Department/Engineering Division

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on design solutions for 17<sup>th</sup> and Pomona, hot spots, funding options, implementation schedule, community workshops, reducing travel costs, additional scope of work items, and incorporating the plan into the Hazard Management Plan to enhance obtaining grants.

Public Comments: None

**MOVED/SECOND:** Council Member Reynolds/Council Member Genis

**MOTION:** Approve the staff recommendation and have the City Manager review the contingency budget for potential savings.

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:**

1. City Council awarded a 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. Authorized a ten percent (10%) contingency for unforeseen costs, if needed.
3. Authorized the City Manager and City Clerk to execute the agreement, and future amendments to the agreement within Council-authorized limits.
4. Requested the City Manager review the contingency budget for potential savings.

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

Staff presentation by Police Captain Bakkila.

Discussion ensued on the locations of enforcement operations and considering operations on Newport Boulevard.

Public Comments: None

**MOVED/SECOND:** Council Member Reynolds/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:**

1. City Council approved Resolution No. 2020-55, 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. Approved 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.

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

City Council recessed into a break at 7:42 p.m.

City Council reconvened at 7:50 p.m.

**PUBLIC HEARINGS: NONE**

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

**OLD BUSINESS: NONE**



**NEW BUSINESS:**

**1. LIONS PARK PLAYGROUND IMPROVEMENT PROJECT, CITY PROJECT NO. 20-15**

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on park equipment, what was not included in the project and add ons if the budget allows, shade structures, picnic shelters, enhanced landscaping, monument signs, bathrooms, timeline, and trees.

Public Comments: None

**MOVED/SECOND:** Mayor Foley/Council Member Reynolds

**MOTION:** Approve recommended actions.

Mayor Foley, Mayor Pro Tem Stephens, and Council Members Reynolds, Marr, Chavez, Genis, and Mansoor spoke on supporting the motion.

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:**

1. City Council adopted plans, specifications, and working details for the Lions Park Playground Improvement Project, City Project No. 20-15.
2. Approved Budget Appropriation in Fund 209 Drainage in the amount of \$90,679.
3. Waived a minor irregularity in the bid submitted by the apparent low bidder and awarded a Public Works Agreement to Handy Industrial, 4228 Lewis Street, Oceanside, California 92056 in the amount of \$1,780,000.
4. Authorized a 5% additional contingency in the amount of \$89,000 as needed for unforeseen costs.
5. Authorized 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.

**2. REQUEST COUNCIL DIRECTION FOR THE NAMING OF A POCKET PARK AT UNIVERSITY DRIVE AND SANTA ANA AVENUE**

Staff presentation by Mr. Minter, Parks and Community Services Director.

Discussion ensued on the waiving of the policy and the nomination of Ms. Perez.

Public Comments: None

**MOVED/SECOND:** Mayor Foley/Mayor Pro Tem Stephens

**MOTION:** Approve recommended actions.

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: None

Absent: Council Member Mansoor (left the meeting at 8:17 p.m.)

Motion carried: 6-0-1

**ACTION:**

1. City Council waived the "City Parks and Facilities Naming Policy" requirement for the naming of a Park and/or facility.
2. Named 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.

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

Mayor Foley announced that the Western City Magazine featured Costa Mesa Smart Camp and thanked first responders.

**ADJOURNMENT** – Mayor Foley adjourned the meeting at 8:27 p.m. in memory of Micki Nolan.

**Minutes adopted on this 6<sup>th</sup> day of October, 2020.**

  
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Katrina Foley, Mayor

ATTEST:

  
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Brenda Green, City Clerk