



City of Costa Mesa

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

Agenda

Tuesday, December 6, 2022

6:00 PM

City Council Chambers
77 Fair Drive

***Note: All agency memberships are reflected in the title "Council Member"**
5:00 P.M. Closed Session

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361 (Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, or if you've been exposed to someone with COVID-19, you may still participate in the meeting via Zoom.

2. 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) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv).

3. Zoom Webinar: (For both 5:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- 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” feature 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: (For both 5:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

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.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 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.

5. 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.

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. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

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 and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 48 horas de anticipación.

CLOSED SESSION - 5:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Carrin A. Leaman vs. City of Costa Mesa
Orange County Superior Courts Case No. 30-2021-01196302-CU-OR-CJC

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

DECEMBER 6, 2022 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Council Member - District 4

ANDREA MARR
Mayor Pro Tem - District 3

JEFFREY HARLAN
Council Member - District 6

LOREN GAMEROS
Council Member - District 2

ARLIS REYNOLDS
Council Member - District 5

DON HARPER
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

LORI ANN FARRELL HARRISON
City Manager

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Mr. Brendan Ford

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 Christine Wallington, Seventh Day Adventist Church

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS: NONE.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Harper
2. Council Member Reynolds
3. Council Member Chavez
4. Council Member Gameros
5. Council Member Harlan
6. Mayor Pro Tem Marr
7. Mayor Stephens

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

NEW BUSINESS:

1. [**CERTIFICATION OF GENERAL MUNICIPAL ELECTION AND CITY 22-972 COUNCIL REORGANIZATION**](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt Resolution No. 2022-xx to be read by title only and further reading waived: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.
2. Oath of Office to be administered to the newly-elected Mayor and City Council Members.
3. Comments by the Mayor and City Council Members.
4. Selection of the Mayor Pro Tem.

Attachments: [1 Resolution No. 2022-xx](#)

CONSENT CALENDAR (Items 1-10)

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: WAIVE THE FULL READING OF ALL 22-965 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. [READING FOLDER](#) [22-967](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Jesus Benitez, Rosita Bishopp, Shandler Brown, and Robert Steven Wilson.

3. [ADOPTION OF WARRANT RESOLUTION](#) [22-971](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2691

Attachments: [1. Summary Check Register week of 11-7-22](#)
[2. Summary Check Register week of 11-14-22](#)
[3. Summary Check Register week of 11-21-22](#)

4. [MINUTES](#) [22-966](#)

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of November 15, 2022.

Attachments: [1. 11-15-2022 Draft Minutes](#)

5. [EXTENSION OF RESOLUTION NO. 2022-62 TO ALLOW MEMBERS 22-968 OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO PARTICIPATE IN THE MEETINGS REMOTELY, AS NEEDED, DUE TO HEALTH AND SAFETY CONCERNS FOR THE MEMBERS AND THE PUBLIC PURSUANT TO ASSEMBLY BILL 361](#)

RECOMMENDATION:

Staff recommends the City Council extend Resolution 2022-62 to allow the members of the City Council, Commission, and Committees to participate in the meetings remotely, as needed, via Zoom due to:

- The current State of Emergency and global pandemic, which continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person; and
- Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

Attachments: [1. Resolution No. 2022-62](#)

6. [ACCEPTANCE OF RANDOLPH AVENUE AND ST. CLAIR STREET 22-947 PARKING AND PEDESTRIAN IMPROVEMENT PROJECT, CITY PROJECT NO. 21-07](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by All American Asphalt, Inc., 400 East Sixth Street, Corona, CA 92879 for the Randolph Avenue and St. Clair Street Parking and Pedestrian Improvement Project, City Project No. 21-07, and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond one (1) year after the filing date.

Attachments: [1. Location Map](#)
[2. Final Costs](#)

7. **MEASURE M2 EXPENDITURE REPORT** **22-955**

RECOMMENDATION:

Staff recommends the City Council adopt the proposed Resolution No. 2022-xx, approving the Measure M2 Expenditure Report and authorizing staff to submit the report to the Orange County Transportation Authority (OCTA.)

Attachments: [1. Proposed Resolution](#)
[2. Costa Mesa M2 Expenditure Report](#)

8. **CLEAN CALIFORNIA MAINTENANCE AGREEMENT** **22-960**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Clean California Maintenance Agreement between the City of Costa Mesa (City) and the California Department of Transportation (Caltrans).
2. Award a Maintenance Services Agreement (MSA) to The Sayler Group Corporation, 28699 Fieldgrass Street, Menifee, California 92584 in the not-to-exceed amount of \$150,000.
3. Authorize the revenue and expense appropriations in the amounts of \$150,000 respectively, for the maintenance agreement with Caltrans.
4. Authorize the City Manager and City Clerk to execute both agreements and future amendments within Council authorized limits.

Attachments: [1. Clean California Maintenance Agreement](#)
[2. Maintenance Services Agreement](#)

9. **ALLOCATION OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS 22-969 FROM THE COUNTY OF ORANGE FOR CITY PROJECTS**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the projects for the proposed allocation of American Rescue Plan Act (ARPA) funds from the County of Orange.
2. Authorize the City Manager to negotiate agreements and appropriate eligible ARPA funds that were allocated to the County through the Office of Supervisor Foley for two City projects.

10. [ADOPT A RESOLUTION FOR THE APPLICATION OF SPECIFIED 22-970 GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt Resolution No. 2022-xx for the formal submittal of a grant application to the California Department of Parks and Recreation Specified Grant Program for \$10,000,000 in grant funds for improvements at the Jack Hammett Sports Complex, TeWinkle Park and Athletic Complex, Fairview Park, Shalimar Park; and \$1,200,000 in grant funds to expand and upgrade the Ketchum- Libolt Park (Grant-Funded Projects).
2. Delegate authority to the City Manager, or her designee, as the agent of the City, and under City Council direction, to accept grant funds, conduct all negotiations, and execute and submit all documents including, but not limited to, applications, agreements, deed restrictions, amendments, and payment requests which may be necessary for the completion of the upgrades at Grant-Funded Projects, in order to expend all funds by the statutory deadlines.

Attachments: [1. Proposed Resolution No. 2022-XX](#)

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

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

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT