



City of Costa Mesa

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

Agenda

Tuesday, June 7, 2022

6:00 PM

City Council Chambers
77 Fair Drive

***Note: All agency memberships are reflected in the title "Council Member"
4:00 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, 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/costamesatv).

3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMlZZz09>

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 4:00 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. Please e-mail to the City Clerk at 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 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.

The City of Costa Mesa aims 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 currently provided, the Clerks office will attempt to accommodate in a reasonable manner. Note, Closed Captioning is available via the Zoom application. 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.

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 junta, usted necesita asistencia especial, más allá de lo que actualmente se proporciona, la oficina del Secretario de la Ciudad intentara de complacer en una forma razonable. Favor de comunicarse con 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.

CLOSED SESSION - 4:00 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 - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Costa Mesa v. Newport Mesa Unified School District, Orange County Superior Court Case No. 30-2021-01179397-CU-WM-CXC.
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9, (d)(1)
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9, (d)(1)
Name of Case: Raw Recovery, LLC et all v. City of Costa Mesa, United States District Court, Central District of California, Case No.
4. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9(d)(4), Potential Litigation
5. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

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

JUNE 7, 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

Chara Wondercheck

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, Lighthouse Church.

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Certificates of Recognition to Estancia Baseball Team CIF Southern 22-745 Section Champions](#)

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2. [Certificates of Recognition to Newport Harbor High School Boys' 22-746 Volleyball team CIF Champions](#)
 3. [Proclamation: Juneteenth 2022](#) [22-749](#)
Attachments: [Proclamation: Juneteenth 2022](#)
 4. [Proclamations: LGBTQ+ Pride Month 2022](#) [22-752](#)
Attachments: [Proclamation: Pride Month 2022](#)
 5. [Proclamation: National Gun Violence Awareness Day](#) [22-754](#)
Attachments: [Proclamation: National Gun Violence Awareness Day](#)

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

CONSENT CALENDAR (Items 1-9)

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 22-727 OF ALL 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](#) [22-728](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Interinsurance Exchange of the Automobile Club of Southern California, Chris and Joni Corum, Bret Evans, Alexander Fernando, Philip Josephs, Faye Saur, Kim Schmidt, Carissa Williams.

3. [ADOPTION OF WARRANT RESOLUTION](#) [22-733](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2681

Attachments: [1. Summary Check Register Week of 5.9.22](#)
[2. Summary Check Register Week of 5.16.22](#)
[3. Summary Check Register Week of 5.23.22](#)

4. [MINUTES](#) [22-729](#)

RECOMMENDATION:

City Council approve the Minutes of the Regular meetings of May 3, 2022, May 17, 2022, and the Study Session minutes of May 10, 2022.

Attachments: [1. 05-03-2022 Draft Minutes](#)
[2. 05-10-2022 Draft Minutes](#)
[3. 05-17-2022 Draft Minutes](#)

5. [RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL 22-739 MUNICIPAL ELECTION ON NOVEMBER 8, 2022](#)

RECOMMENDATION:

Staff recommends the City Council take the following actions:

1. Adopt Resolution No. 2022-xx, to be read by title only and waive further reading, calling and giving notice to conduct a General Municipal Election on November 8, 2022 for the purpose of electing a Mayor for the full term of two years; and election of three members of the City Council from the third, fourth, and fifth districts, for the full term of four years.
2. Adopt Resolution No. 2022-xx, to be read by title only and waive further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election.
3. Adopt Resolution No. 2022-xx, to be read by title only and waive further reading, adopting regulations pertaining to Candidate Statements submitted to the voters at a General Municipal Election to be held on November 8, 2022.

Attachments: [1. Resolution 2022-xx - Calling Election](#)
[2. Resolution 2022-xx - Consolidating Election](#)
[3. Resolution 2022-xx - Candidate Statements](#)

6. [ACCEPTANCE OF THE LIONS PARK PLAYGROUND IMPROVEMENT 22-682 PROJECT, CITY PROJECT NO. 20-15](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work as complete performed by Handy Industrial, Inc., 4228 Lewis Street, Oceanside, California 92056, for the Lions Park Playground Improvement Project, City Project No. 20-15, 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 Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

Attachments: [1. Cost Summary](#)

7. [ACCEPTANCE OF CITYWIDE ALLEY IMPROVEMENT PROJECT, 22-710 CITY PROJECT NO. 20-20](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by Black Rock Construction Company, 929 Mariner Street, Brea, CA 92821, for the Citywide Alley Improvement Project, City Project No. 20-20, 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, if appropriate, at the conclusion of the one-year warranty period.

Attachments: [1. Location Map](#)
[2. Cost Summary](#)

8. [SECOND READING AND ADOPTION OF AN ORDINANCE ENTITLED: 22-715 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER XV \(UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER\) TO TITLE 11 \(OFFENSES-MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY](#)

RECOMMENDATION:

Staff recommends that the City Council give second reading and adopt: Ordinance No. 2022-02, entitled: An Ordinance of the City Council of the City of Costa Mesa, California, adding Chapter XV (Unlawful Possession of a Catalytic Converter) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful possession of catalytic converters in the City.

Attachments: [1. Ordinance Adding Chapter XV to Title 11 re Catalytic Converters 2022-02](#)

9. [SB 1205 COMPLIANCE REPORT FOR 2021 STATE-MANDATED 22-725 ANNUAL FIRE INSPECTIONS](#)

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution to accept this Compliance Report as its report on the status of all 2021 state-mandated annual fire inspections in the City as required by California Health and Safety Code Section 13146.4.

Attachments: [1. SB 1205 Draft Resolution](#)

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

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

PUBLIC HEARINGS: (Next Page)

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

1. [FISCAL YEAR 2022-23 PROPOSED OPERATING AND CAPITAL 22-720 IMPROVEMENT PROGRAM AND HOUSING AUTHORITY BUDGET AND INTRODUCTION OF AN ORDINANCE TO ESTABLISH CHAPTER VII \(AB 481 EQUIPMENT USE POLICY\) TO TITLE 14 \(POLICE AND LAW ENFORCEMENT\) OF THE COSTA MESA MUNICIPAL CODE](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve Resolution 2022-xx, adopting the Proposed Fiscal Year 2022-23 Operating and Capital Improvement Program (CIP) Budget; and
2. Approve Salary and Classification Updates Resolutions 2022-xx to comply with the bargaining groups' MOUs as approved in May and June of 2020, and to update classifications consistent with the Proposed Budget recommendations; and
3. Authorize the appropriation of one additional full time Police Officer position (School Resource Officer) to the City's Table of Organization with a corresponding 50 percent cost sharing from the Newport Mesa Unified School District; and
4. Authorize the appropriation and enter into a purchase agreement for two ambulances through the Houston-Galveston Area Council of Governments (H-GAC) Buy Coop Purchasing contract with Redsky Emergency Vehicles, and authorize the City Manager and City Clerk to execute the necessary documents to support public safety to be funded from the \$500,000 legal settlement set-aside for this purpose; and
5. Authorize the City Manager and/or Finance Director to appropriate upon receipt and transfer American Rescue Plan Act (ARPA) Federal Funds as needed to comply with U.S. Treasury Guidelines and to facilitate audit review and compliance; and return to City Council with a proposed plan to best utilize the second available tranche of ARPA funds to offset economic losses as a result of the pandemic; and
6. Approve Joint Resolution 2022-xx adopting the Housing Authority Budget including Housing and Community Development expenditures for Fiscal Year 2022-23; and
7. If available, upon the closing of FY 2021-22, consider depositing up to \$1.5 million from newly available General Fund Balances to the Section 115 Trust Plan to expedite the pay down of pension obligations; and
8. Approve the City of Costa Mesa's Revised Special Event Rates and

request that said rates be reviewed on an annual basis and submitted to City Council for approval; and

9. Introduce for first reading, by title only, Ordinance No. 2022-xx, adding Chapter VII (AB 481 Equipment Use Policy) to Title 14 (Police and Law Enforcement) pursuant to Assembly Bill 481 (AB 481) of Gov. Code Title 1, Div. 7, Chapter 12.8, to establish the City's AB 481 Equipment Use Policy and AB 481 Equipment Inventory.

Attachments: [1. Budget Resolution No 22-XX 04-27-2022](#)
[2. FY2022-23 All Funds REVENUES with Gen Fund](#)
[3. FY2022-23 All Funds APPROPRIATIONS no CIP](#)
[4. FY2022-23 CIP](#)
[5. FY2022-23 Table of Org](#)
[6. Housing Auth No 22-XX 05-18-22](#)
[7. FY2022-23 Housing Authority](#)
[8a. CMCEA Salary Resolution](#)
[8b. CMPA Salary Resolution](#)
[8c. CMFMA Salary Resolution](#)
[8d. CMDMA Resolution](#)
[8e. Confidential Management Resolution](#)
[8f. Executive Resolution](#)
[8g. Confidential Resolution](#)
[9. Rate Determination](#)
[10. Proposed Ordinance](#)
[11. Proposed AB 481 Policy](#)
[12. AB 481 Equipment Inventory](#)
[13. H-GAC Buy Coop Contract Agreement](#)

2. ADOPTION OF FISCAL YEAR 2022-23 APPROPRIATIONS LIMIT 22-721

RECOMMENDATION:

Staff recommends that City Council adopt Resolution 22-XX establishing the Fiscal Year 2022-2023 Appropriations Limit for the City of Costa Mesa at \$286,881,520, by using Orange County's growth for population adjustment, and the California per capita income growth for inflationary adjustment.

Attachments: [1. Appropriation Limit Resolution for FY 2022-23](#)

OLD BUSINESS:

NONE.

NEW BUSINESS:

1. [PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL PLAN 22-708 REVIEW, INSPECTIONS, AND STAFFING SERVICES](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the City Manager and City Clerk to execute a five-year Professional Service Agreement (PSA) with each consulting firm listed below from July 1, 2022 - June 30, 2027 in substantially the form as attached and in such final form as approved by the City Attorney for on-call plan review, inspections, and staffing services:
 - 4Leaf, Inc.
 - Bureau Veritas, North America, Inc.
 - CSG Consultants, Inc.
 - Dennis Grubb & Associates, LLC
 - Interwest Consulting Group
 - Melad and Associates, Inc.
 - Scott Fazekas & Associates, Inc.
 - The Code Group, Inc.

2. Authorize the City Manager and City Clerk to execute future amendments with the above listed firms including any potential increases in compensation as long as the amendments are within the annual budget.

Attachments: [1. 4LEAF, Inc. PSA](#)

[2. Bureau Veritas North America, Inc. PSA](#)

[3. CSG Consultants, Inc. PSA](#)

[4. Dennis Grubb and Associates LLC PSA](#)

[5. Interwest Consulting Group Inc. PSA](#)

[6. Melad & Associates, Inc. PSA](#)

[7. Scott Fazekas & Associates, Inc. PSA](#)

[8. The Code Group, Inc. PSA](#)

2. [ADOPT A RESOLUTION 22-XX AND APPROVE A LETTER OF 22-730 SUPPORT FOR HOUSE RESOLUTION 8](#)

RECOMMENDATION:

The Legislative Review Team recommends that the City Council consider the adoption of Resolution 2022-xx (Attachment 1) approving a letter in support of the United States House of Representatives' Resolution 8 (H.R. 8), the Bipartisan Background Checks Act of 2021 (Attachment 2).

Attachments: [1. Draft Resolution HR 8](#)
[2. Draft Letter of Support - HR 8](#)

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

ADJOURNMENT