

**ACTION REPORT
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."
**CONSENT CALENDAR NO. 14 AND NEW BUSINESS NO. 3
HAVE BEEN ADDED TO THE AGENDA.**

**TUESDAY, JANUARY 8, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. (ROOM 102)
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

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

Acting City Manager
Tamara S. Letourneau

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis (arrived at 4:05 p.m.), Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Room 102 at 4:02 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

The City Council reconvened at 6:12 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:12 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

ROLL CALL

Present: 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 - NONE

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for 3, 8 and 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: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council and Agency Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER**

Claims received by the City Clerk: American Automobile Association (AAA) as Subrogee for Edward McGuire, Alfaro Communications Construction, Inc., Tung M. Bui, Laura Henshall, and Anna Ubaldini.

ACTION:

City Council received and filed.

- 4. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF DECEMBER 4, 2018](#)**

ACTION:

City Council approved the minutes of December 4, 2018.

- 5. [RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00506 FOR STREET IMPROVEMENTS LOCATED AT 580 ANTON BOULEVARD, COSTA MESA, CALIFORNIA](#)**

ACTION:

City Council authorized the release of the Performance and Labor and Materials Bonds (Certificate No. 544532) in the amounts of \$660,602.00 each for street improvements to SCP Apartments, LLC (Developer), 580 Anton Boulevard, Costa Mesa, 92626.

FOR INFORMATIONAL PURPOSES ONLY

6. ACCEPT WORK COMPLETED UNDER THE 2016 NEW SIDEWALK AND PARKWAY MAINTENANCE PROGRAMS – CITY PROJECT NO. 16-07

ACTION:

1. City Council accepted the work performed by C.J. Concrete Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
 - a. Authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

7. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BUCKNAM INFRASTRUCTURE GROUP

ACTION:

1. City Council approved Amendment No. 1 to the existing Professional Services Agreement with Bucknam Infrastructure, Inc., increasing the maximum compensation by \$74,443.00; and
2. Authorized the Acting City Manager and City Clerk to execute the amendment.

9. MODIFICATIONS TO ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS

ACTION:

City Council adopted Resolution No. 19-01, changing the order of business for City Council meetings.

10. AWARD THE PURCHASE OF THREE (3) NEW 2019 BMW R1250RT-P POLICE MOTORCYCLES

ACTION:

City Council approved and authorized the Acting City Manager to execute a purchase order for the purchase of three (3) new 2019 BMW R1250RT-P Police Motorcycles from Irv Seaver Motorcycles, 607 W. Katella Avenue, Orange, CA 92867, in the amount of \$82,975.93.

FOR INFORMATIONAL PURPOSES ONLY

11. ACCEPTANCE OF EAST 19TH STREET SAFE ROUTE TO SCHOOL (SRTS) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL -5312 (089) - CITY PROJECT NO. 16-17

ACTION:

1. City Council accepted the work performed by EBS General Engineering, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date and the Faithful Performance Bond six (6) months after the filing date, if appropriate, at the conclusion of the warranty period; and release the retention monies after the Notice of Completion is filed.

12. ACCEPTANCE OF THE STREET REHABILITATION PROJECT (ZONES 14, 25, 26, AND 27), CITY PROJECT NO. 17-14

ACTION:

1. City Council accepted the work performed by Eagle Paving Company, Inc. dba Toro Engineering, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date and the Faithful Performance Bond six (6) months after the filing date, if appropriate, at the conclusion of the warranty period; and release the retention monies after the Notice of Completion is filed.

13. APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE TRANSPORTATION CORRIDOR AGENCIES AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT

ACTION:

City Council approved the following Mayor's appointments:

1. Transportation Corridor Agencies (TCA): Mayor Katrina Foley/Alternate-Mayor Pro Tem John Stephens; and
2. Orange County Vector Control District (OCVCD): Councilmember Sandra Genis

FOR INFORMATIONAL PURPOSES ONLY

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. [WARRANT RESOLUTION NO. 2610 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-23 "A" FOR \\$1,093.85; 18-24 FOR \\$2,495,169.12; 18-24 "A" FOR \\$847.15; 18-25 FOR \\$2,816,323.73 AND CITY OPERATING EXPENSES FOR \\$7,341,332.13; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#)

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Genis

MOTION: Approve Warrant Resolution No. 2610.

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 Warrant Resolution No. 2610.

8. [ACCEPT WORK COMPLETED UNDER THE SLURRY SEAL PROJECT, CITY PROJECT NO. 16-13](#)

MOVED/SECOND: Council Member Genis/Council Member Chavez

MOTION: Approve the 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 accepted the work performed by Roy Allan Slurry Seal, Inc. and authorized the City Clerk to file the Notice of Completion.
2. Authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

14. CITY COUNCIL MEETING PROCEDURES

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

MOTION: Receive and file the report.

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 received and filed the report from the Mayor and Mayor Pro Tem regarding City Council meeting procedures.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):

1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2018-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA) AND THE ADOPTION OF THE 2018-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA)

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve the 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 conducted the first public hearing regarding the proposed 2018-2020 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa Police Association (CMPA) and proposed 2018-2022 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa Police Management Association (CMPMA) and scheduled the second public hearing for final approval on January 15th, 2019 as required by COIN.

NEW BUSINESS:

1. **AMENDMENT OF CONTRACT FOR CITY ATTORNEY SERVICES**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Genis

MOTION: Approve Amendment Two to the amended retainer agreement between City of Costa Mesa and Jones & Mayer, designating Kimberly Hall Barlow as City Attorney and Tarquin Preziosi and Yolanda Summerhill as Assistant City Attorneys.

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 Amendment Two to the amended retainer agreement between City of Costa Mesa and Jones & Mayer, designating Kimberly Hall Barlow as City Attorney and Tarquin Preziosi and Yolanda Summerhill as Assistant City Attorneys.

2. **AD HOC COMMITTEE FORMATION FOR RECRUITMENT OF A NEW CITY MANAGER**

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Approve formation of an ad hoc transition team for City Manager Recruitment consisting of Dave Kiff, Council Member Reynolds, Mayor Pro Tem Stephens and Mayor Foley.

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 approved formation of an ad hoc transition team for City Manager Recruitment consisting of Dave Kiff, Council Member Reynolds, Mayor Pro Tem Stephens and Mayor Foley.

3. **INTRODUCE FOR FIRST READING AN ORDINANCE TO AMEND SECTION 2-165 OF ARTICLE 2 OF CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EXEMPTIONS FROM BIDDING PROCEDURES**

MOVED/SECOND: Council Member Genis/Council Member Reynolds

MOTION: Introduce the ordinance for first reading.

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 introduced for first reading, by title only, the ordinance amending Section 2-165 (Bidding required; exceptions) or Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code.

ADJOURNMENT – Mayor Foley adjourned the meeting at 8:15 p.m.