

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

JANUARY 8, 2019

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

PUBLIC COMMENTS ON CLOSED SESSION - NONE

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 (00:00:03)

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.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:13)

Costa Mesa High School Madrigal Choir

MOMENT OF SOLEMN EXPRESSION (00:01:47)

Pastor Christine Nolf, Redemption Church, Costa Mesa

ROLL CALL (00:01:54)

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

Officials Present: Acting City Manager Tamara Letourneau, City Attorney Kimberly Hall Barlow, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

ANNOUNCEMENTS - NONE

PRESENTATIONS - NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:02:52)

Liz McNabb, Parks and Recreation Commissioner, invited all to the Estancia Adobe Plaque Dedication on January 12th from 10-12 p.m. (00:03:15)

Hank Castignetti, member of the OC Model Engineers, spoke in appreciation of employee Gaetano Russo and his staff for removing graffiti on Christmas day. (00:03:57)

John Sharpe, representing Heavenly Culture, World Peace, Restoration of Light (HWPL), spoke on Peace and Peace Education. (00:05:08)

Speaker, invited all to join in the OC Women's March on January 19th in Santa Ana. (00:07:03)

Flo Martin, Costa Mesa, praised City staff for fixing a broken traffic signal cover. (00:10:02)

Speaker, spoke on open forums; and requested grass at the dog park. (00:10:54)

Speaker, spoke on the transition team information; and transparency. (00:13:22)

Speaker, spoke on District Attorney Spitzer's inaugural speech. (00:15:14)

Ms. Sharpe, requested information on addressing homeless issues. (00:17:23)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:17:53)

Council Member Reynolds spoke on the opening of the new library on April 26, 2019; invited all to a neighborhood meeting on January 12th at the Downtown Recreation Center to receive input on improvements at the Lions Park Playground; and spoke on the Costa Mesa Connect app. (00:18:13)

Council Member Chavez praised City staff for their hard work; spoke on his ride-along with the police department; and the tour of the Lions Park. (00:20:57)

Council Member Marr spoke on meeting with City staff; and invited all to Priceless Pets grand opening on January 12th from 12-5 p.m. located at 1536 Newport Blvd. (00:23:07)

Council Member Mansoor spoke on the Lions Park tour; and rotating Council Member comments. (00:24:16)

Council Member Genis invited all to Priceless Pets grand opening on January 12th from 12-5 p.m.; Estancia Adobe Plaque Dedication on January 12th from 10-12 p.m.; neighborhood meeting on January 12th at the Downtown Recreation Center to receive input on improvements at the Lions Park Playground; and spoke on drainage issues. (00:25:07)

Mayor Pro Tem Stephens spoke on Priceless Pets grand opening; addressing coyote issues; the Yellowstone lawsuit; and praised City staff for their hard work. (00:27:18)

Mayor Foley spoke on the orientations for the new Council Members; meetings with the new Assemblywoman Cottie Petrie-Norris and the new congressional leadership for sober living reforms; inauguration of the new Governor; thanked the community members who donated to Captain Kreza and Officer Reyes; and introduced Connor Lock as the new Chief of Staff and Hadassa Jakher, Alberto Ruiz and Ivis Torres as the new Management Aides for the City Council. (00:30:27)

CONSENT CALENDAR (00:36:29)

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.

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.

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

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 (00:37:50)**

Public Comment:

Speaker, spoke on legal costs; and homelessness. (00:38:04)

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 (00:40:51)**

Public Comment:

Ralph Taboada, Costa Mesa, complimented staff on the improved agenda reports. (00:41:03)

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; and

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 (00:43:39)

Council Member Mansoor requested information on time limits for presentations; and spoke on the sequence of speaking. (00:43:48)

Discussion ensued on receiving and filing the report. (00:45:50)

Public Comments:

Speaker, spoke against the item. (00:47:42)

Speaker, spoke in support of the item. (00:49:22)

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

MOTION: Receive and file the report. (00:49:53)

Council Member Genis requested clarification on the item; and spoke on conflict with Robert's Rules of Order and the Municipal Code. (00:50:09)

Mayor Pro Tem Stephens spoke on the motion. (00:51:15)

Council Member Chavez spoke in support of the motion. (00:54:21)

Council Member Genis spoke against the motion. (00:55:23)

Mayor Pro Tem Stephens spoke on debates in reference to a motion. (00:58:02)

Mayor Foley spoke on the Robert's Rules of Order; and transparency. (00:59:20)

Discussion ensued on implementing the procedures. (00:59:20)

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) (01:04:08)**

Peter Brown, Chief Negotiator, presented the staff report. (01:07:54)

Tamara Letourneau, Acting City Manager, explained the COIN process. (01:14:27)

Mr. Brown spoke on the zipper clause; and Persable income. (01:17:02)

Public Hearing opened:

Ralph Taboada, Costa Mesa, spoke on medical benefits; employee portion; and employee contributions. (01:21:00)

Speaker, spoke in support of the item; and on more police dogs. (01:23:45)

Public Hearing closed.

MOVED/SECOND: Council Member Reynolds/Council Member Marr
MOTION: Approve the recommended actions.

Council Member Marr spoke in support of the motion. (01:26:47)

Council Member Mansoor spoke on the process. (01:27:09)

Mayor Foley spoke in support of the motion. (01:27:39)

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 (01:28:48)

1. AMENDMENT OF CONTRACT FOR CITY ATTORNEY SERVICES (01:29:02)

Kimberly Hall Barlow recused herself, stepped down from the dais and left the room due to potential financial conflicts. (01:28:53)

Tamara Letourneau, Acting City Manager, presented the staff report. (01:29:07)

Discussion ensued on performance reviews. (01:29:46)

Public Comment:

Speaker, spoke in support of the new attorney; and spoke on public records requests. (01:30:38)

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.

Mayor Pro Tem Stephens spoke on the motion. (01:32:34)

Council Member Genis spoke in support of Ms. Barlow. (01:34:00)

Council Member Reynolds spoke in support of Ms. Barlow. (01:35:35)

Council Member Marr spoke in support of the motion. (01:36:00)

Mayor Foley spoke in support of the motion. (01:36:43)

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 (01:38:04)

Mayor Foley presented the staff report. (01:38:13)

Discussion ensued on the responsibilities of the Ad Hoc Committee; and City Manager surveys. (01:40:24)

Public Comments:

Speaker, spoke on filling vacant positions; and transparency. (01:41:54)

Speaker, spoke in support of a City Manager that is open to dialogue. (01:43:42)

Rick Huffman, Costa Mesa, spoke in support of a City Manager that is concerned about the quality of life, future developments and has strong urban planning skills. (01:44:45)

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 (01:48:32)

Kelly Telford, Finance Director, presented the staff report. (01:49:00)

Discussion on the exception list; current purchasing policy; and Minute Action vs. Resolution. (01:50:28)

No public comments on this item.

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.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:55:13)

Mayor Foley reminded all that she is available on Fridays at City Hall to meet with constituents and to contact Janet Hauser to schedule an appointment.

Council Member Reynolds spoke on available sandbags at City Hall and the Sanitary District.

Council Member Genis reminded all about Priceless Pets grand opening.

REPORT – CITY MANAGER (01:56:40) – Ms. Letourneau provided updates on the I-405 Improvement and Lions Park projects.

REPORT – CITY ATTORNEY (01:59:11) – City Attorney Barlow reported that the City successfully obtained an injunction against the Orange County Needle Exchange program.

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

Minutes adopted on this 5th day of February, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk