

MINUTES OF REGULAR CITY COUNCIL, COSTA MESA FINANCING AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

JANUARY 15, 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, Council Member Mansoor (arrived at 4:05 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION:

Speaker, spoke against the locations proposed on Closed Session Item Numbers 2 and 3; and spoke on outsourcing operations.

The City Council recessed to Room 102 at 4:07 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: City of Costa Mesa, et al. v. Michael Cohen, in his Official Capacity as Director of the California Department of Finance, et al., Sacramento Superior Court Case No. 34-2013-80001675.

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1040 West 17th Street, Costa Mesa, CA 92627
APN: 424-351-07
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Tamara Letourneau, Acting City Manager and Ssms Investments LLC
Negotiation: Price and Terms of Payment.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1885 Anaheim Street, Costa Mesa, CA 92627

APN: 424-211-12

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Tamara Letourneau, Acting City Manager and Linda Miles, Outreach Director and Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church

Negotiation: Price and Terms of Payment.

4. 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.

The City Council reconvened at 6:07 p.m.

CALL TO ORDER (00:00:05)

The meeting was called to order by Mayor Foley at 6:07 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California. The Mayor also announced that there may be changes to the order or time limits on public comments due to the City being under a strict deadline by the court to make decisions related to New Business Item Number 3, Bridge Shelter Project, before midnight.

NATIONAL ANTHEM (00:03:46)

Mrs. McVeigh's First Grade Class, Sonora Elementary School

PLEDGE OF ALLEGIANCE (00:02:00)

MOMENT OF SOLEMN EXPRESSION (00:05:16)

Pastor David Manne, Calvary Church, Costa Mesa

ROLL CALL (00:06:43)

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 (00:07:18) – At the request of the City Attorney, an item was added to the agenda, on a motion by Mayor Foley, seconded by Council Member Genis and on a vote of 7-0, regarding a discussion with Real Property Negotiators concerning Real Property at 3115 Red Hill, Costa Mesa. At the motion of Mayor Pro Tem Stephens and seconded by Council Member Marr, item number 1 of New Business 3 (Approve the purchase of the property located at 1040 W. 17th Street to be utilized as the City’s bridge shelter location) was removed from the agenda. It was determined at the staff level through a variety of means that there are a number of legal issues that have been raised including those relating to easements, rights of access to the property, practical implications including truck traffic and the very strong likelihood of long delay in any acquisition of entitlements for that particular property, which will make it unsatisfactory for City Council to move forward in order to address the expected orders and directives of the Federal Court in the Orange County Catholic Worker’s matter.

PRESENTATIONS (00:10:18)

1. Police Department K-9 Team – Mayor Foley introduced the new police department service dog Bodi and the first female handler, Officer Candice McMorris.
2. The 2019 Sister City Presentation was made by the Student Ambassadors and Teachers from Hoppers Crossing Secondary College in Wyndham, Australia, Estancia High School Representative, Anne McClanahan, President of the Australia Sister City Exchange Program Committee and Cyvonne Scarica, Chaperone for Hoppers College.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:17:08)

Dr. Richard Mehren, Fairview Park Alliance President, presented an award to Cynthia D’ Agosta, for her efforts on improving Fairview Park. (00:17:50)

Dean Bow, Nation’s United University, proposed to plant fruit trees throughout the City. (00:19:10)

Kim Hendricks, Costa Mesa, spoke on Fairview Park Master Plan and the Fairview Park Purchase Agreement. (00:20:56)

Robin Leffler, Costa Mesa, spoke against public comments at the end of the meeting. (00:24:01)

Tim Lewis, Costa Mesa, spoke on the City’s MyCostaMesa smartphone app; and on women police officers. (00:25:12)

Jennifer Martin, spoke in support of planting fruit trees throughout the City. (00:27:21)

Jay Humphrey, Costa Mesa, spoke on the order of the agenda and placing the City Manager’s and City Attorney’s reports before the public comment section. (00:28:00)

Henry Draper, spoke in support of planting fruit trees throughout the City. (00:29:12)

Speaker, Costa Mesa, spoke on traffic safety features at Victoria and Placentia. (00:30:02)

Speaker, spoke on healing. (00:33:09)

Speaker, thanked the City Council. (00:35:00)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:36:12)

Council Member Chavez spoke on Sister City students visit; on Consent Calendar Item Number 9 and how pleased he was on the street rehabilitations. (00:36:33)

Council Member Marr spoke in support of the K9 unit; reported on her tour of Lions Park with Council Member Mansoor; attendance at the Association of California Cities Orange County new elected training with Council Member Reynolds; Lions Park Playground Open House; and opening of the pet adoption center. (00:38:12)

Council Member Mansoor spoke on rotating Council Member comments. (00:40:22)

Council Member Genis spoke on council members requesting to speak; in support of the K9 unit; spoke on the pet shelter opening; a fire incident in an apartment complex on 18th Street and providing resources for the fire victims. (00:42:03)

Council Member Reynolds reiterated that the proposed location at 1040 W. 17th Street has been removed from the agenda; spoke on prioritizing Parkway and Median standards; volunteering for the City's public gardens; a meeting with Mayor Foley on Fairview Park; reported her attendance at the Orange Coast River Parks meeting related to Talbert Nature Preserve; spoke on the accident on Victoria Street and scheduling a safety meeting at Victoria school; the City Council's annual priority session; and encouraged all to e-mail Council their ideas and suggestions. (00:45:38)

Mayor Pro Tem Stephens spoke on Snoopy House and acknowledged Dan Baker and Jennifer Christ; offered condolences to City of Davis police department and the family of Officer Natalie Corona; and requested to adjourn the meeting in her memory. (00:48:29)

Chief Stefano spoke on promotions and hiring of firefighters in the fire department. (00:49:54)

Mayor Foley requested an update on the Parks and Recreation Master Plan; thanked the citizens for their involvement; spoke on the Lions Park playground design community meeting; opening of the new library on April 26th at 10:00 a.m.; and announced her constituent service time at City Hall on the 3rd and 5th Fridays of each month from 3-5 p.m. (00:52:05)

REPORT – CITY MANAGER (00:55:06)

Ms. Letourneau provided an update on the I-405 project, in which the Orange County Transportation Authority will be holding a neighborhood meeting on Saturday, January 19th from 9-10:30 a.m., at Paularino Elementary School, 1060 Paularino Avenue. Ms. Letourneau announced that the California Society Municipal Finance Officer has given an excellence in Budget Award for the 2018-19 Budget.

REPORT – CITY ATTORNEY (00:56:02)

City Attorney Barlow reported that she has been meeting with Mayor Foley and Mayor Pro Tem Stephens in preparing an update on all pending litigation matters for the City that they will be reviewing with the City Council in February; and also with the attorneys that are handling those matters.

CONSENT CALENDAR (00:56:43)

MOVED/SECOND: Council Member Mansoor/Council Member Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3, 5, 6, 7, 10 and 12.

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: Debra Von Trapp**

ACTION:

City Council received and filed.

4. RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 19-20 A-B ANNUAL FISCAL PERIOD OF JULY 1, 2019 TO JUNE 30, 2020

ACTION:

Successor Agency adopted Successor Agency Resolution No. 19-06, approving Recognized Obligation Payment Schedule for the 19-20 A-B Fiscal Period of July 1, 2019 to June 30, 2020, subject to submittal to and review by the Orange Countywide Oversight Board and then State of California, Department of Finance. Further, the Finance Director, or her authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications or additions as may be necessary or directed by DOF.

8. DONALD DUNGAN LIBRARY LEASE AGREEMENT BETWEEN THE CITY OF COSTA MESA AND COUNTY OF ORANGE

ACTION:

City Council approved a 10-year lease with an additional two (2) five-year extension options between the City of Costa Mesa and the County of Orange for the operation of the new Donald Dungan Library at Lions Park and authorized the Mayor to sign the lease.

9. STREET REHABILITATION PROJECT, CITY PROJECT NO. 18-16

ACTION:

1. City Council adopted plans, specifications, and working details for the Street Rehabilitation Project, City Project No. 18-16; and
2. Awarded a construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, California 92865, in the amount of \$3,067,539.00; and
3. Authorized the City Manager/Acting City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager/Acting City Manager to execute future contract amendments; and
4. Authorized an additional ten percent (10%) contingency totaling \$306,753.90 as needed for unforeseen costs; and
5. Authorized a budget adjustment appropriating \$356,788.30 in the Gas Tax Fund using available Road Maintenance and Rehabilitation Account (RMRA) funds.

11. ACCEPT WORK COMPLETED UNDER THE PLAYGROUND SURFACE REPLACEMENT AT VARIOUS CITY'S PARKS – CITY PROJECT NO. 18-09

ACTION:

1. City Council accepted the work performed by T. J. Janca Construction, 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; authorized the City Manager/Acting City Manager to release the performance bond, if appropriate, at the conclusion of the one-year warranty period; and release of the retention monies 35 days after the Notice of Completion filing date.

ITEMS PULLED FROM THE CONSENT CALENDAR:

- 3. WARRANT RESOLUTION NO. 2611 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-25 "A" FOR \$256.22 AND 18-26 FOR \$2,637,027.23; AND CITY OPERATING EXPENSES FOR \$3,093,356.84; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:57:40)**

No public comments on this item.

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION: Approve Warrant Resolution No. 2611.

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. 2611.

- 5. INTEGRATED PEST MANAGEMENT (IPM) PLAN – ORGANICS FIRST POLICY (00:58:03)**

Raja Sethuraman, Public Services Director, presented the staff report. (00:58:06)

Mayor Foley spoke in support of the item. (00:59:57)

Public Comments:

Vanessa Handy Armstrong, spoke in support of the item. (01:00:47)

Speaker, spoke in support of the item. (01:02:32)

Speaker, spoke in support of the item. (01:04:20)

Chrissy Logan, Costa Mesa, spoke in support of the item. (01:04:57)

Public Comments closed.

Council Member Mansoor spoke in support of the item and on citizen partnership. (01:05:39)

Council Member Chavez spoke in support of the item. (01:07:00)

Council Member Genis spoke in support of the item. (01:07:18)

Council Member Reynolds spoke in support of the item. (01:08:43)

Mayor Pro Tem Stephens spoke in support of the item. (01:09:20)

Mayor Foley spoke in support of the item. (01:09:47)

MOVED/SECOND: Mayor Foley/Council Member Mansoor

MOTION: Approve and adopt the proposed Integrated Pest Management (IPM) Plan.

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 and adopted the Integrated Pest Management (IPM) Plan.

6. RECEIVE AND FILE THE CITY'S AUDITED FINANCIAL REPORTS AND COSTA MESA PUBLIC FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2018 (01:11:17)

Jennifer King, Assistant Finance Director, presented the staff report. (01:12:44)

Public Comments:

Robin Leffler, Costa Mesa, questioned why the item is on consent calendar. (01:14:08)

Ralph Taboada, Costa Mesa, spoke on financial highlights; net position; increase of long-term liabilities; and revenues under budget. (01:15:01)

Speaker, thanked Mr. Taboada for his analysis. (01:18:16)

Public Comments closed.

Council Member Genis spoke on the need for a mid-year budget review; estimated revenues; and pension liability. (01:20:14)

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

MOTION: Receive and file.

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 received and filed the following reports for fiscal year ended June 30, 2018:
 - a. Comprehensive Annual Financial Report (CAFR);
 - b. Single Audit Report;
 - c. Air Quality Improvement Fund Compliance Report;
 - d. Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*;
 - e. Audit Communication Letter; and
 - f. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.

2. City Council and Costa Mesa Public Financing Authority received and filed the Costa Mesa Public Financing Authority audited financial statements for fiscal year ended June 30, 2018.

7. **RECEIVE AND FILE THE COSTA MESA FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2018 (01:25:39)**

No public comments on this item.

MOVED/SECOND: Mayor Foley/Council Member Marr

MOTION: Receive and file.

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 and Costa Mesa Financing Authority received and filed the Costa Mesa Financing Authority audited financial statements for fiscal year ended June 30, 2018.

10. I-405 IMPROVEMENT PROJECT – CONSTRUCTION SERVICES & TRAFFIC ENGINEERING (01:26:00)

Raja Sethuraman, Public Services Director, presented the staff report. (01:26:00)

Council Member Genis spoke on bicycle connections between the north and south sides of the 405 freeway; safe route for bicyclists; and pursuing grants. (01:26:40)

Discussion ensued on the design services. (01:28:10)

No public comments on this item.

MOVED/SECOND: Council Member Genis/Mayor Foley

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 the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, in the amount of \$200,000 for construction support services, on an as-needed basis, for the I-405 Improvement Project; and
2. Approved Amendment Number One to the Professional Services Agreement with Albert Grover & Associates, Inc., 211 E. Imperial Highway, Suite 208, Fullerton, CA 92835, increasing the maximum compensation by \$35,000 to secure additional services, on an as-needed basis, for traffic engineering services for the I-405 Improvement Project; and

3. Authorized the City Manager/Acting City Manager and the City Clerk to execute the Professional Services Agreement and the Amendment, and future authorized amendments to both agreements.

12. AMENDMENT NUMBER THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALLIED NATIONWIDE SECURITY, INC. TO INCLUDE YEAR ROUND SECURITY GUARD SERVICES AT LIONS PARK AND SURROUNDING CAMPUS (01:29:49)

Justin Martin, Parks and Community Services Director, presented the staff report. (01:29:56)

Council Member Reynolds spoke on the item. (01:30:19)

Public Comments:

Speaker, expressed concern with the security company. (01:31:18)

Speaker, spoke against the item. (01:32:40)

Speaker, spoke against the item. (01:33:11)

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 Amendment Number Three to the Professional Services Agreement with Allied Nationwide Security, Inc., to include security guard services at Lions Park and the surrounding campus on a year round (24 hours, 7 days/week, 365/year) basis; and
2. Authorized the City Manager/Acting City Manager to execute the amendment and future amendments to the Agreement.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:36:24)

- 1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING AND ADOPTION OF THE 2018-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA), 2018-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) AND THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTIONS (01:36:24)**

Lance Nakamoto, Human Resources Manager, presented the staff report. (01:38:00)

Public Hearing opened:

No public comments on this item.

Public Hearing closed.

Mayor Pro Tem Stephens spoke on approving the item. (01:39:10)

Council Member Mansoor spoke to not supporting the item due to the zipper clause. (01:39:45)

Mayor Foley spoke to supporting the motion. (01:42:28)

MOVED/SECOND: Mayor Pro Tem Stephens/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 Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
2. Approved and adopted the 2018-2020 Memorandum of Understanding between the City of Costa Mesa and the CMPA; and
3. Approved and adopted the 2018-2022 Memorandum of Understanding between the City of Costa Mesa and the CMPMA; and

4. Adopted Resolution No. 19-02, which provides for 3% salary increases for CMPMA represented employees effective December 23, 2018, June 23, 2019, June 23, 2019, June 21, 2020 and June 20, 2021; and
5. Adopted Resolution No. 19-03, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is January 20, 2019; and
6. Adopted Resolution No. 19-04, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is June 23, 2019; and
7. Adopted Resolution No. 19-05, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Management Association. The effective date of this Resolution is June 21, 2020.

OLD BUSINESS: NONE

NEW BUSINESS (01:44:06)

1. **ADOPT URGENCY ORDINANCE AND INTRODUCE FOR FIRST READING AN ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS AND ADOPT AN ADMINISTRATIVE POLICY THAT ENSURES TRANSPARENCY IN THE LABOR NEGOTIATION PROCESS (01:44:07)**

Tamara Letourneau, Acting City Manager/Assistant Manager, presented the staff report. (01:44:41)

Discussion ensued on the 30-day waiting period; urgency ordinance vs. regular ordinance; ex parte communications; disclosure provisions; options for revising the ordinance; no penalties for failure to disclose ex parte communications; and the process. (01:49:42)

Public Comments:

Michelle Figueredo-Wilson, Costa Mesa, spoke on transparency. (02:01:19)

Wendy Leece, Costa Mesa, spoke in support of the item. (02:04:26)

Speaker, spoke on thoroughly researching the policies and doing the best for the citizens. (02:06:28)

Robin Leffler, Costa Mesa, spoke on holding over for a second reading. (02:08:03)

Public Comments closed.

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds
MOTION: Approve recommended actions. (02:09:28)

Mayor Pro Tem Stephens spoke on the motion. (02:09:54)

Council Member Reynolds spoke in support of the motion. (02:14:17)

Council Member Chavez spoke in support of the motion. (02:15:38)

Council Member Marr spoke in support of the motion. (02:16:52)

Council Member Mansoor spoke against the motion. (02:19:04)

Discussion ensued on the Independent Economic Analysis. (02:22:37)

Council Member Genis spoke on preserving the ex parte disclosure; Economic Analysis; and revising the COIN ordinance. (02:24:30)

SUBSTITUTE MOTION/SECOND: Council Member Genis/Council Member Mansoor

SUBSTITUTE MOTION: Revise the existing ordinance to take out the word "Independent" before Economic Analysis and remove the portion of Section 2-238(a), which reflects the language in Government Code Section 22176(f) (02:30:53)

Discussion ensued on ordinance vs. policy; and making the Economic Analysis available to the public. (02:32:08)

Mayor Pro Tem Stephens spoke against the substitute motion. (02:34:57)

The substitution motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Mansoor.

Nays: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

Motion failed: 2-5

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

ORIGINAL MOTION: Approve recommended actions.

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:

1. City Council Introduced and adopted Urgency Ordinance 19-03, repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code; and
 2. Introduced for first reading, by title only, and waived further reading of the regular Ordinance No. 19-04, repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code; and
 3. Adopted the new Transparency in Labor Negotiations policy.
2. **INTRODUCTION AND ADOPTION OF AN URGENCY ORDINANCE AND ADOPTION OF 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 (02:36:01)**

Kelly Telford, Finance Director, presented the staff report. (02:37:10)

Discussion ensued on compliance with the bidding requirements; declaration of an emergency; and standard purchasing forms. (02:41:12)

Council Member Reynolds spoke on the exemption and unforeseen emergencies. (02:47:19)

Discussion ensued regarding the process. (02:48:03)

Public Comments:

Speaker, expressed concern on transparency and the process. (02:49:39)

Speaker, spoke on the City's 60th anniversary; issues with purchasing procedures; and expressed concern on adopting a policy instead of an ordinance. (02:52:38)

Robin Leffler, Costa Mesa, expressed concern on urgency and exemptions on bidding process. (02:55:05)

Speaker, expressed concern on transparency. (02:56:46)

Jay Humphrey, Costa Mesa, spoke on exceptions and problems; and against alterations for control. (02:59:20)

Speaker, spoke against the item. (03:01:54)

Public Comments closed.

Kimberly Hall Barlow, City Attorney, clarified the ordinances, procedures, and transparency. (03:04:54)

MOVED/SECOND: Council Member Genis/Mayor Foley (03:09:26)

MOTION: Approve recommended actions with the following changes to Section 2-165(b)(6):

- (6) When the city council determines, by minute action or resolution, that compliance with the bidding requirements and procedures is inefficient, impractical, or not in the best interest of the city, based on specifically identified conditions and supported by substantial evidence in the record.

Council Member Genis spoke on the motion. (03:10:01)

Discussion ensued on the recommended language. (03:10:33)

Mayor Pro Tem Stephens spoke in support of the motion. (03:12:10)

Mayor Foley spoke in support of the motion. (03:12:28)

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 introduced and adopted Urgency Ordinance No. 19-02, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code with the following changes to Section 2-165(b)(6):

- (6) When the city council determines, by minute action or resolution, that compliance with the bidding requirements and procedures is inefficient, impractical, or not in the best interest of the city, based on specifically identified conditions and supported by substantial evidence in the record.

2. City Council gave second reading and adopted Ordinance No. 19-01, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code with the following changes to Section 2-165(b)(6):

- (6) When the city council determines, by minute action or resolution, that compliance with the bidding requirements and procedures is inefficient, impractical, or not in the best interest of the city, based on specifically identified conditions and supported by substantial evidence in the record.

City Council recessed into a break at 9:20 p.m.

City Council reconvened at 9:25 p.m.

3. APPROVAL OF BRIDGE SHELTER PROJECT AS A COMPONENT OF A WESTSIDE RESTORATION PROJECT (03:15:26)

Kimberly Hall Barlow, City Attorney, spoke on the existing litigation regarding anti-encampment ordinance; legal requirements for a shelter; and provided a legal overview of the issue. (03:15:54)

Justin Martin, Parks and Community Services Director, presented the staff report. (03:23:00)

Adam Eliason, Affordable Housing Consultant, spoke on the proposed Bridge Shelter location recommendations. (03:27:30)

Kelly Telford, Finance Director, provided the financial analysis. (03:41:30)

Robert Sharpnack, Police Chief, spoke on the enforcement by Public Safety. (03:45:37)

Mr. Martin invited all to the Community meeting scheduled for January 30th at the Costa Mesa Senior Center regarding the Bridge Shelter Projects. (03:45:37)

Mr. Eliason spoke on exploring possible locations. (03:51:31)

Discussion ensued on policing; security lighting; the outreach team; the armory; Fairview Development Center; and the Citizens Advisory Committee on shelter. (03:54:10)

Muriel Ullman, Housing Consultant, defined Costa Mesa homeless. (04:03:15)

Mr. Martin spoke on sex offenders or clients with certain types of warrants. (04:04:15)

Discussion ensued on remote check-in locations; Faith Based community; Bridge Shelter services; and permanent supportive housing. (04:04:46)

Mayor Pro Tem Stephens spoke on the shelter plan. (04:14:55)

Discussion ensued on the budget to address homelessness; follow-up services; homeless with medical issues; calls for service; shelter plan for allowing pets, segregation of women and men, spouses, and families with children. (04:17:42)

MOVED/SECOND: Mayor Pro Tem Stephens/None

MOTION: Limit public comments to 2 minutes each.

Motion died due to lack of a second.

Public Comments:

Mike Ridley, Costa Mesa, spoke on a shelter that provides rehabilitation facility services, job training, and assessment; and suggested placing a shelter away from the elementary school on Whittier. (04:25:54)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:27:47)

Michelle Murphy, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:30:10)

Speaker, spoke in support of the Bridge Shelter Project. (04:32:32)

Rachel Perry, spoke in support of the Bridge Shelter Project. (04:35:41)

Ian Stevenson, Costa Mesa and Executive Director of Trellis, spoke in support of the Bridge Shelter Project. (04:36:30)

Speaker, spoke on the OC Rescue Mission. (04:37:51)

Speaker, spoke in support of the Bridge Shelter Project. (04:39:02)

Michelle Figueredo-Wilson, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:41:03)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:44:10)

Kathy Anderson, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:46:22)

Amelia Painter, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:48:00)

Speaker, spoke in support of the Bridge Shelter Project. (04:49:32)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:51:35)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:52:47)

Phil Eyskens, Senior Pastor of the Lighthouse Church, spoke in support of the Bridge Shelter Project. (04:54:30)

Pam Ellis, Costa Mesa, spoke in support of the Bridge Shelter Project. (04:57:35)

Speaker, spoke in support of the Bridge Shelter Project. (05:00:22)

Ken Stahl, representing People for Housing Orange County, spoke in support of the Bridge Shelter Project. (05:03:02)

Bill Nelson, Director of Fresh Beginnings Ministries, spoke in support of the Bridge Shelter Project. (05:03:40)

Cassius Rutherford, Costa Mesa and representing Associated Students of the University of California Irvine, spoke in support of the Bridge Shelter Project. (05:05:34)

Erin Roberts, representing the Orange County Young Democrats, spoke in support of the Bridge Shelter Project. (05:06:17)

Kathy Esfahani, representing the Costa Mesa Affordable Housing Coalition, spoke in support of the Bridge Shelter Project. (05:08:11)

Speaker, spoke in support of the Bridge Shelter Project. (05:09:36)

Aaron McCall, spoke in support of the Bridge Shelter Project. (05:12:40)

Jody Eswick, representing People for Housing Orange County, spoke in support of the Bridge Shelter Project. (05:13:46)

Krissie Bogner, Costa Mesa and Parks and Recreation Commissioner, spoke on transparency; and in support of the Bridge Shelter Project. (05:14:32)

Hank Castigetti, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:17:32)

Andrew Smith, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:18:40)

Robin Leffler, Costa Mesa, suggested a Foundation to raise money. (05:21:07)

Janet Krochman, Costa Mesa business owner, spoke in support of the Bridge Shelter Project. (05:22:53)

Margaret Sharp, spoke on costs; and in support of the Bridge Shelter Project. (05:25:25)

Speaker, spoke in support of the Bridge Shelter Project. (05:27:27)

Speaker, spoke in support of the Bridge Shelter Project. (05:30:11)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:30:52)

Jason Griffith, spoke in support of the Bridge Shelter Project. (05:32:00)

Jackie Bouche, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:32:53)

Speaker, spoke in support of the Bridge Shelter Project. (05:33:40)

Speaker, spoke in support of the Bridge Shelter Project. (05:35:20)

Speaker, spoke in support of the Bridge Shelter Project. (05:36:24)

Edward Garcia, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:37:45)

Christopher Cuthill, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:38:39)

Speaker, spoke in support of the Bridge Shelter Project. (05:40:00)

Speaker, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:41:53)

Wendy Leece, Costa Mesa, spoke in support of the Bridge Shelter Project. (05:44:00)

MOVED/SECOND: Council Member Stephens/Council Member Reynolds

MOTION: Continue the meeting past midnight

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 continued the meeting past midnight.

Linda Miles, Lighthouse Church Outreach Director, spoke in support of the Bridge Shelter Project. (05:45:05)

Speaker, spoke in support of the Bridge Shelter Project. (05:46:09)

Mike Decker, Costa Mesa, spoke on oversight; and consideration of children. (05:47:49)

Dave Salcedo, Costa Mesa, spoke on the issue. (05:49:40)

Speaker, Costa Mesa, spoke on the issue. (05:50:15)

Public Comments closed.

MOVED/SECOND: Council Member Stephens/Council Member Chavez
MOTION #1: Authorize staff to negotiate a facility-use/lease agreement with the Church of the Nazarene/Lighthouse Church, located at 1885 Anaheim Avenue to utilize a portion of the existing property to provide an interim bridge shelter location to be operated by a professional shelter operator and include onsite security, facility upgrades and perimeter fencing, while the long-term shelter property is being improved by mid-April 2019.

Mayor Foley requested Mayor Pro Tem Stephens, maker of the motion, to amend the motion to make the shelter term a maximum of one year. Mayor Pro Tem Stephens and Council Member Chavez, the second, concurred. (05:55:43)

MOVED/SECOND: Council Member Stephens/Council Member Reynolds
MOTION #2: Authorize a budget adjustment for all existing expenses incurred during Fiscal Year 2018-19 totaling \$141,816 related to identifying a bridge shelter location to be funded from unassigned fund balance in the General Fund.

MOVED/SECOND: Council Member Stephens/Council Member Genis
MOTION #3: Authorize staff to explore operator options and provide a recommendation to the City Council on Tuesday, February 5, 2019.

Council Member Genis requested Mayor Pro Tem Stephens, maker of the motion, to amend the motion to “no later than” instead of “on” Tuesday, February 5, 2019. Mayor Pro Tem Stephens concurred. (05:54:15)

MOVED/SECOND: Council Member Stephens/Council Member Reynolds
MOTION #4: Direct staff to negotiate with the County regarding the property located at 3115 Redhill Avenue regarding a long-term lease for a permanent shelter facility and to pursue other possible locations for lease and purchase.

MOVED/SECOND: Council Member Stephens/Council Member Chavez
MOTION #5: Solicit feedback from the community including by an inquiry on the City website regarding options for a permanent shelter.

Mayor Pro Tem Stephens spoke on the motions. (05:56:36)

Council Member Chavez spoke in support of the motions. (05:59:07)

Council Member Reynolds requested Mayor Pro Tem Stephens, the maker of the motion, to include in the motion a contingency budget with the operator’s contract for unforeseen circumstances. (06:00:55)

Kimberly Hall Barlow, City Attorney, suggested on not amending the motion and including a contingency budget when the item comes back to Council for final approval. (06:05:54)

Council Member Reynolds spoke on informing the residents within a 500-foot radius of the Lighthouse Church regarding the decision made at the January 15, 2019 Council meeting and soliciting input regarding the process. (06:06:40)

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION #6: Direct staff to inform the residents within a 500-foot radius of the Lighthouse Church as to the decision made at the January 15, 2019 Council meeting and solicit input on necessary improvements or feedback regarding the process.

Council Member Genis spoke in support of the motions; spoke on land use and zoning issues; parking analysis; and setting precedent. (06:08:44)

Council Member Marr spoke in support of the motions. (06:13:30)

Council Member Mansoor spoke in support of the motions; and reaching out to the neighbors at 3115 Redhill. (06:14:20)

Mayor Foley spoke in support of the motions. (06:15:27)

MOVED/SECOND: Council Member Stephens/Council Member Chavez

Motion #1 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 authorized staff to negotiate a facility-use/lease agreement for a maximum of one year with the Church of the Nazarene/Lighthouse Church, located at 1885 Anaheim Avenue to utilize a portion of existing property to provide an interim bridge shelter location to be operated by a professional shelter operator and include onsite security, facility upgrades and perimeter fencing, while the long-term shelter property is being improved by mid-April 2019.

MOVED/SECOND: Council Member Stephens/Council Member Reynolds

Motion #2 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:

2. City Council authorized a budget adjustment for all existing expenses incurred during Fiscal Year 2018-19 totaling \$141,816 related to identifying a bridge shelter location to be funded from unassigned fund balance in the General Fund.

MOVED/SECOND: Council Member Stephens/Council Member Genis

Motion #3 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:

3. City Council authorized staff to explore operator options and provide a recommendation to the City Council no later than Tuesday, February 5, 2019.

MOVED/SECOND: Council Member Stephens/Council Member Reynolds

Motion #4 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:

4. City Council directed staff to negotiate with the County regarding the property located at 3115 Redhill Avenue regarding a long-term lease for a permanent shelter facility and pursue other possible locations for lease and purchase.

MOVED/SECOND: Council Member Stephens/Council Member Chavez

Motion #5 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:

5. City Council agreed to solicit feedback from the community including by an inquiry on the City website regarding options for a permanent shelter.

MOVED/SECOND: Mayor Foley/Council Member Reynolds

Motion #6 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:

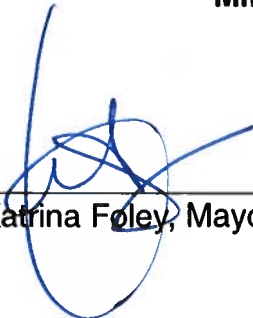
6. Directed staff to inform the residents within a 500-foot radius of the Lighthouse Church as to the decision made at the January 15, 2019 Council meeting and solicit input on necessary improvements or feedback regarding the process.

ANNOUNCEMENTS - NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS - NONE

ADJOURNMENT (06:20:58) – Mayor Foley adjourned the meeting at 12:36 a.m. in honor of Davis Police Officer Natalie Corona.

Minutes adopted on this 19th day of February, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk