

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."

TUESDAY, MAY 21, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
SPECIAL CLOSED SESSION – 5:15 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 Special Closed Session was called to order by Mayor Foley at 5:15 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 5:17 p.m.), Council Member Mansoor (arrived at 5:17 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens (arrived at 5:20 p.m.), and Mayor Foley.

Absent: None

The City Council recessed to Room 102 at 5:16 p.m. for Closed Session to consider the following items:

**1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

2. 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.

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:00 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, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT - NONE

REPORT – CITY MANAGER - Ms. Letourneau provided updates on the grand opening of the library; the Lions Park Playground; removal of trees at Lions Park; and reported that the City Council will resume their meetings at the Council Chambers beginning June 18th.

REPORT – CITY ATTORNEY - Ms. Barlow spoke on enforcement against illegal marijuana dispensaries.

CONSENT CALENDAR:

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3, 5, 7 and 11.

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: Luis Arroyo and Jance Hurlbut.**

ACTION:

City Council received and filed.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF MARCH 19, 2019**

ACTION:

City Council approved the minutes of March 19, 2019.

6. **REDHILL AVENUE MEDIAN IMPROVEMENTS FROM BRISTOL STREET TO MCCORMICK AVENUE, FEDERAL PROJECT NO. HSIPL-5312 (094) - CITY PROJECT NO. 18-08**

ACTION:

1. City Council accepted the work performed by KASA Construction Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the City Manager to release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the six month warranty period; and release the retention monies thirty-five (35) days after the Notice of Completion is filed.

8. **ACCEPTANCE OF NORTHBOUND NEWPORT BOULEVARD NORTH OF DEL MAR STORM DRAIN REPAIR, CITY PROJECT NO. 18-17**

ACTION:

1. City Council accepted the work performed by All Cities Engineering, Inc. for the Northbound Newport Boulevard North of Del Mar Storm Drain Repair, City Project No. 18-17, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the City Manager to release the Labor and Materials Bond and the Faithful Performance Bond twelve (12) months after the Notice of Completion filing date; and authorized staff to release the retention monies thirty-five (35) days after the Notice of Completion filing date.

9. ACCEPTANCE AND APPROVAL OF MONETARY DONATION FOR ORGANICS FIRST INTEGRATED PEST MANAGEMENT PROGRAM FROM STONYFIELD ORGANIC

ACTION:

1. City Council accepted a monetary donation recognizing the implementation of the City's Organics First Policy and organic field pilot program at Luke Davis Field; and
2. Authorized a budget adjustment recognizing the \$5,000.00 donation from Stonyfield Organics and appropriating \$5,000.00 to the Public Services Department, Maintenance Services Division for the specified purposes.

10. FOURTH AMENDMENT TO THE AGREEMENT WITH CLEANSTREET FOR SIDEWALK PRESSURE WASHING

ACTION:

1. City Council approved the Fourth Amendment to the Maintenance Services Agreement (MSA) with CleanStreet for biweekly pressure washing services on Plumer Street, Anaheim Avenue, 18th Street and Park Avenue, increasing the annual compensation by \$15,960.00 for a total MSA annual compensation of \$89,191.00; and
2. Authorized the Acting City Manager to execute the Fourth Amendment and future amendments to the agreement.

12. PROFESSIONAL SERVICES AGREEMENT TO PROVIDE ENVIRONMENTAL CONSULTING SERVICES FOR THE PROPOSED EDUCATION FIRST INTERNATIONAL LANGUAGE CAMPUS PROJECT AT 3150 BEAR STREET

ACTION:

1. City Council approved the Professional Services Agreement (PSA) with Environmental Science Associates (ESA) for a not-to-exceed amount of \$97,537; and
2. Authorized the Acting City Manager and City Clerk to execute the agreement and future amendments to the agreement and allow up to an additional contingency amounting to \$50,000, as needed for potential preparation of technical studies; and
3. Accepted \$97,537 from Education First for the specified purpose.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2619 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-08 "A" FOR \$5,449.52 AND 19-09 FOR \$2,647,032.40; CITY OPERATING EXPENSES FOR \$5,738,063.05; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve Warrant Resolution No. 2619.

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. 2619.

5. **PROFESSIONAL ENGINEERING SERVICES FOR ADAMS AVENUE IMPROVEMENTS PROJECT FROM HARBOR BOULEVARD TO SANTA ANA RIVER**

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

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 (PSA) to KOA Corporation, 2141 W. Orangewood Avenue, Orange, California 92868, for a total not-to-exceed amount of \$320,000 for professional engineering and design services for the Adams Avenue Improvements Project; and
2. Authorized the Acting City Manager and the City Clerk to execute the proposed PSA and future authorized amendments to the Agreement.

7. CANCELLATION OF FAIRVIEW PARK MULTIPURPOSE BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP) GRANT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA)

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

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:

City Council authorized staff to request that the Orange County Transportation Authority (OCTA) cancel the Bicycle Corridor Improvement Program (BCIP) Fairview Park Multipurpose Trail project grant, and authorized staff to take all necessary steps to close out the BCIP project grant.

11. FUEL STORAGE TANK TESTING, MAINTENANCE AND REPAIR SERVICES

MOVED/SECOND: Mayor Foley/Council Member Genis

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 Maintenance Service Agreement (MSA) with Southwestern Clean Fuels Environmental Compliance Corp. dba Clean Fuels Inc., 120 East Duarte Road Monrovia, CA 91016, for fuel storage tank testing, maintenance and repair services, in an annual amount not to exceed \$100,000 utilizing a Cooperative Agreement with the County of Orange, Contract MA-080-17011745, for an initial term of three (3) years with optional one (1) year extension; and
2. Authorized the Acting City Manager and the City Clerk to execute the Maintenance Services Agreement and future amendments with Southwestern Clean Fuels Environmental Compliance, Corp.

City Council recessed into a break at 8:05 p.m.

City Council reconvened at 8:20 p.m.

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

1. PUBLIC HEARING FOR FISCAL YEAR 2019-2020 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) AND SUBSTANTIAL AMENDMENTS TO THE ANNUAL ACTION PLANS FOR FISCAL YEARS 2016-2017 AND 2018-2019

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

MOTION #1: Hold a Public Hearing regarding the 2019-2020 Annual Action Plan and amendments to the 2016-2017 and 2018-2019 Annual Action Plans with changes to the allocations of CDBG grants.

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Marr

Absent: None

Abstain: Council Member Chavez, Council Member Reynolds

Motion carried: 4-1-0-2

ACTION:

City Council held a Public Hearing regarding the 2019-2020 Annual Action Plan and amendments to the 2016-2017 and 2018-2019 Annual Action Plans; and made changes to the following allocations of CDBG grants:

FY 19-20 Grant Based on Actual:

1. Fair Housing Foundation - \$15,000
2. City of Costa Mesa Senior Social Services - \$20,000
3. Youth Employment Services - \$15,180
4. Council on Aging - \$15,270
5. Mercy House – Prevention - \$13,000
6. Mercy House – Rapid Rehousing - \$13,000
7. Community Senior Service - Congregate and Home Delivered Meals - \$20,775
8. Colette's Children's Home - \$15,180
9. Families Forward - \$14,385
10. Second Chance OC - \$14,385

MOVED/SECOND: Council Member Marr/Council Member Genis

MOTION #2: Approve the recommended amendment to the 2016-2017 Annual Action Plan reallocating \$275,000 in Community Development Block Grant funds. The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor, Council Member Marr, Mayor Pro Tem Stephens.

Nays: None

Absent: None

Abstain: Council Member Chavez, Council Member Reynolds, Mayor Foley.

Motion carried: 4-0-0-3

ACTION:

City Council approved the recommended amendment to the 2016-2017 Annual Action Plan reallocating \$275,000 in Community Development Block Grant funds.

MOVED/SECOND: Council Member Genis/Mayor Foley

MOTION #3: City Council approve the following:

- (a) The recommended allocation of \$1,041,150 for the Fiscal Year 2019-2020 Community Development Block Grant; and
- (b) The recommended allocation of \$454,223 for the Fiscal Year 2019-2020 HOME Investment Partnerships Grant; and
- (c) The recommended amendment to the 2018-2019 Annual Action Plan reallocating \$700,000 in Community Development Block grant funds.

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor, Council Member Marr, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Abstain: Council Member Chavez, Council Member Reynolds.

Motion carried: 5-0-0-2

ACTION:

City Council approved the following:

- (a) The recommended allocation of \$1,041,150 for the Fiscal Year 2019-2020 Community Development Block Grant; and
- (b) The recommended allocation of \$454,223 for the Fiscal Year 2019-2020 HOME Investment Partnerships Grant; and
- (c) The recommended amendment to the 2018-2019 Annual Action Plan reallocating \$700,000 in Community Development Block grant funds.

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

MOTION #4: Approve Resolution No. 19-23 in order to:

- Approve the 2019-2020 Annual Action Plan and the substantially amended 2016-2017 and 2018-2019 Annual Action Plans.
- Authorize the City Manager, or the City Manager's designee, to submit the 2019-2020 Annual Action Plan and substantial amendments to the 2016-2017 and 2018-2019 Annual Action Plans, to the U.S. Department of Housing and Urban Development.
- Designate the City Manager, or the City Manager's designee, as the official representative of the City to sign all certifications and assurances, and sub-agent agreements for the use of funds approved in the 2019-2020 Annual Action Plan, and substantial amendments to the 2016-2017 and 2018-2019 Annual Action Plans.

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor, Council Member Marr, Mayor Pro Tem Stephens.

Nays: None

Absent: None

Abstain: Council Member Chavez, Council Member Reynolds, Mayor Foley.

Motion carried: 4-0-0-3

ACTION:

City Council approved Resolution No. 19-23.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **APPOINTMENTS TO THE PLANNING COMMISSION, THE PARKS, ARTS, AND COMMUNITY SERVICES COMMISSION, THE HISTORICAL COMMITTEE AND THE MOBILE HOME ADVISORY COMMITTEE**

PLANNING COMMISSION

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Appoint Jenna Tourje to fill one seat from District 4 on the Planning Commission with a term expiring January, 2023.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

City Council appointed Jenna Tourje to fill one seat from District 4 on the Planning Commission with a term expiring January, 2023.

MOVED/SECOND: Council Member Reynolds/Council Genis

MOTION: Appoint Dianne Russell to fill one seat from District 5 on the Planning Commission with a term expiring January, 2023.

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: None

Absent: Council Member Mansoor.

Motion carried: 6-0-1

ACTION:

City Council appointed Dianne Russell to fill one seat from District 5 on the Planning Commission with a term expiring January, 2023.

PARKS, ARTS AND COMMUNITY SERVICES COMMISSION

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Appoint Charlene Ashendorf as the Senior Center Liaison and Kelli Frager as the Arts Liaison on the Parks, Arts and Community Services Commission.

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.

Absent: Council Member Mansoor.

Motion carried: 5-1-1

ACTION:

City Council appointed Charlene Ashendorf as the Senior Center Liaison and Kelli Frager as the Arts Liaison on the Parks, Arts and Community Services Commission.

MOVED/SECOND: Council Member Marr/Mayor Foley

MOTION: To stagger the term of Kelli Frager to expire January, 2021 and for Charlene Ashendorf's term to expire January, 2023.

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: None

Absent: Council Member Mansoor.

Motion carried: 6-0-1

ACTION:

City Council staggered the term of Kelli Frager to expire January, 2021 and for Charlene Ashendorf's term to expire January, 2023.

HISTORICAL PRESERVATION COMMITTEE

MOVED/SECOND: Council Member Marr/Mayor Foley

MOTION: Appoint Barbara Steck as an Alternate member on the Historical Preservation Committee with a term expiring April, 2020.

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:None

Absent: Council Member Mansoor.

Motion carried: 6-0-1

ACTION:

City Council appointed Barbara Steck as an Alternate member on the Historical Preservation Committee with a term expiring April, 2020.

MOBILE HOME PARK ADVISORY COMMITTEE

MOVED/SECOND: Council Member Reynolds/Mayor Foley

MOTION: Appoint Eileen Cirillo as a park owner and Michael Dougher as a mobile home resident owner on the Mobile Home Park Advisory Committee, both terms expiring April, 2020.

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: None

Absent: Council Member Mansoor.

Motion carried: 6-0-1

ACTION:

City Council appointed Eileen Cirillo as a park owner and Michael Dougher as a mobile home resident owner on the Mobile Home Park Advisory Committee, both terms expiring April, 2020.

ADJOURNMENT – The Mayor adjourned the meeting at 9:25 p.m.