

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, JULY 16, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

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

City Manager
Lori Ann Farrell Harrison

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (arrived at 5:05 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

The City Council recessed to Room 5A at 4:03 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: Steve Bernede v. City of Costa Mesa, et al., Superior Court of the State of California, County of Orange, Case No. 30-2019-01041552-CU-PO-CJC.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – THREE POTENTIAL CASES**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

3. 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.

4. 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.

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (arrived at 6:06 p.m.), 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. Farrell Harrison invited all to the City Manager community reception on July 22nd; thanked Ms. Letourneau; and provided a July 4th After Action Report.

REPORT – CITY ATTORNEY – Ms. Barlow reported out that the court issued a minute order granting judgment to the City of Costa Mesa in the Yellowstone litigation.

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for 7.

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: Allstate Insurance, as subrogee for Jose Arroyo, Keith and Lois Raffe, and State Farm as subrogee for Miriam J. Pichardo.

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2623 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-13 FOR \$2,615,807.00; AND CITY OPERATING EXPENSES FOR \$1,408,192.38; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

City Council approved Warrant Resolution No. 2623.

4. PORTABLE OFFICE COMPLEX AND SITE CONSTRUCTION, CITY PROJECT NO. 16-15

ACTION:

1. City Council accepted the work performed by Williams Scotsman, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Accepted the work performed by CJ Concrete Construction, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
3. Authorized the City Manager to release the Labor and Material Bonds seven (7) months after the filing date, and release the Faithful Performance Bonds if appropriate, at the conclusion of the one-year warranty period. Retention monies have been released pursuant to Public Contract Code 7107(c).

5. SUNFLOWER AVENUE TRAFFIC SIGNAL INTERCONNECT CONDUIT INSTALLATION PROJECT, CITY PROJECT NO. 18-07

ACTION:

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

6. AUTHORIZE PURCHASE ORDERS FOR VARIOUS SMALL DOLLAR COMMODITY PURCHASES CUMULATIVELY EXCEEDING \$50,000 EACH FISCAL YEAR THROUGH EXPIRATION OF THE RESPECTIVE COOPERATIVE AGREEMENTS

ACTION:

City Council authorized the City Manager to execute Purchase Orders within City Council approved department budgets with the vendors specified below for various small dollar commodity purchases cumulatively exceeding \$50,000 each fiscal year through the expiration of the respective cooperative agreements:

1. Municipal Emergency Services, Inc.
2. Allstar Fire Equipment, Inc.
3. LN Curtis & Sons
4. CDW Government, Inc.
5. Software House International Corp.
6. PCM – G
7. Dell Computer Corp.

8. APPROVAL OF A BUDGET ADJUSTMENT IN THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS FOR PROGRAM ADMINISTRATION

ACTION:

City Council approved a budget adjustment appropriating \$18,500 and \$11,500 from the unassigned fund balance in the Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) Funds, respectively, to the Development Services Department budget for CDBG and HOME program consulting services.

ITEMS PULLED FROM THE CONSENT CALENDAR

7. SCHOOL CROSSING GUARD SERVICES

MOVED/SECOND: Council Member Marr/Council Member Reynolds

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 proposed Professional Services Agreement (PSA) with All City Management Services (ACMS) to provide school crossing guard services for the 2019-2020, 2020-2021, and 2021-2022 school years for an initial three-year period, with an option to extend for up to two (2) additional terms of one (1) year each; and
2. Authorized the City Manager and the City Clerk to execute the PSA and future amendments to the agreement, including exercise of the extension options.

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

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

1. EXTENSION OF AN URGENCY ORDINANCE NO. 18-08 AS AN INTERIM MEASURE TO PROHIBIT THE ESTABLISHMENT OF NEEDLE EXCHANGE PROGRAMS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA

MOVED/SECOND: Council Member Marr/Council Member Chavez

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 issued the Report of the City Council: Extension of Urgency Ordinance 18-08 which describes the measures taken to alleviate the conditions which led to the adoption of the moratorium; and
2. Introduced and adopted Urgency Ordinance No. 19-14 to extend Urgency Ordinance No. 18-08 prohibiting the establishment and/or operation of hypodermic needle and syringe exchanges within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858, for a period of 12 months.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ADJOURNMENT - Mayor Foley adjourned the meeting at 7:31 p.m.