

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

DECEMBER 3, 2019

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

Absent: None

PUBLIC COMMENT - NONE

The City Council recessed to Room 5A at 4:04 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 424-211-12; Property: 1885 Anaheim Street, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Lori Ann Farrell Harrison, City Manager

Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;

Negotiation: Price and Terms of Payment

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 427-091-12; Property: 3175 Airway Avenue, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Lori Ann Farrell Harrison, City Manager

Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)

Negotiation: Price and Terms of Payment

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION

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

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

5. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy
Whitmore, Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

The City Council reconvened at 6:11 p.m.

CALL TO ORDER (00:00:12)

The meeting was called to order by Mayor Foley at 6:11 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:23)

St. John the Baptist School Chamber Singers

MOMENT OF SOLEMN EXPRESSION (00:02:59)

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]

Pastor Jordan Hansen, Newport Mesa Church, Costa Mesa

ROLL CALL (00:03:31)

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

Absent: Council Member Mansoor left the meeting after Council Member comments at 7:08 p.m.

Officials Present: City Manager Lori Ann Farrell Harrison, City Attorney Kimberly Hall Barlow, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, Finance Director Kelly Telford, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:03:43)

No reportable action was taken.

PRESENTATIONS: (00:03:49)

1. Arbor Day Proclamation (00:03:54)
2. Costa Mesa Minute (00:06:02)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:08:46)

Flo Martin, Costa Mesa, spoke in support of the City's actions banning Styrofoam at City facilities. (00:09:03)

Al Melone, Costa Mesa, spoke on dog park maintenance issues. (00:09:31)

Dr. Jody Rubanis, Costa Mesa, spoke on National-International Dine In Day on December 3. (00:12:39)

Speaker, spoke on former Police Chief Robert Sharpnack. (00:14:13)

Speaker, thanked former Police Chief Robert Sharpnack, and spoke on the claim against the City. (00:15:52)

Speaker, requested maintenance at the dog park. (00:18:46)

Speaker, spoke on a Zoning Administrator hearing and the life expectancy in America. (00:20:30)

Beth Refakes, Costa Mesa, thanked former Police Chief Robert Sharpnack, and spoke on the claim against the City. (00:23:40)

Robin Leffler, Costa Mesa, thanked former Police Chief Robert Sharpnack, and spoke on the claim against the City. (00:24:43)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr thanked the Costa Mesa Police Department for efforts at Estancia High School, reported on attending Thanksgiving Dinner held at the Bridge Shelter; and clarified small cell site regulations. (00:26:19)

Council Member Mansoor thanked everybody for prayers and support for his ill daughter. (00:28:25)

Council Member Genis thanked the Costa Mesa Police Department for efforts at Estancia High School, spoke on budgets and requested more details on Internal Service Funds, requested giving to local organizations, and encouraged donating blood. (00:30:07)

Council Member Reynolds thanked the Costa Mesa Police Department for efforts at Estancia High School, thanked staff and volunteers involved with the Bridge Shelter for their efforts, thanked Jim Erickson for bringing the Turkey Trot Cyclocross event to Costa Mesa, spoke on upcoming free events, and spoke on being kind. (00:33:41)

Council Member Chavez thanked the Costa Mesa Police Department for efforts at Estancia High School, reported on attending Thanksgiving Dinner held at the Bridge Shelter, spoke on enforcement at city parks; and congratulated his nephew on his football team's accomplishment. (00:37:53)

Mayor Pro Tem Stephens spoke on the upcoming Snoopy House event; thanked the Costa Mesa Police Department for efforts at Estancia High School, reported on attending Thanksgiving Dinner held at the Bridge Shelter, spoke on new restaurants opening in Costa Mesa, and provided a recap on the police budget. (00:40:41)

Mayor Foley spoke on attending the Shop Small Saturday event, spoke on the December 14th vigil for the Anniversary of Sandy Hook; spoke on attendance at the Police Explorers banquet; and spoke in support of the Police Department. (00:44:40)

Captain Glass spoke on the incident and response at Estancia High School.

REPORT – CITY MANAGER

Ms. Farrell Harrison thanked the Police Department, residents, and the community for their efforts at Estancia High School and spoke on "See Something, Say Something", announced Susan Price as the new Assistant City Manager, spoke on successful efforts at the Bridge Shelter, commended Bart Mejia, City Engineer for his service to the City; and provided an update on the parking study. (00:53:21)

REPORT – CITY ATTORNEY

Ms. Hall Barlow, spoke on allowing publications in the City Hall lobby, and spoke on a recently adopted law regarding Accessory Dwelling Units. (01:00:22)

CONSENT CALENDAR: (01:02:19)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for 3.

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

- 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:

- Charmaine Carlson, Maria G. Zuniga Corrales, Juan Carlos Haro Romero, Debra Von Trapp

ACTION:

City Council received and filed.

4. COSTA MESA CITY HALL AUDIO VISUAL (A/V) IMPROVEMENT AND BROADCAST PRODUCTION UPGRADE PROJECT–CITY PROJECT NO. 18-05

ACTION:

1. City Council accepted the work performed by Key Code Media, 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 Material Bond seven (7) months after the filing date, release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period, and release the retention monies immediately after the Notice of Completion filing date.

5. COSTA MESA COUNCIL CHAMBERS / FIRST FLOOR IMPROVEMENT PROJECT – CITY PROJECT NO. 18-06

ACTION:

1. City Council accepted the work performed by Optima RPM, 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 Material Bond seven (7) months after the filing date, release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period, and release the retention monies immediately after the Notice of Completion filing date.

6. AUTHORIZE A PURCHASE ORDER WITH BOUND TREE MEDICAL, LLC FOR SMALL DOLLAR EMERGENCY MEDICAL SUPPLIES THAT COLLECTIVELY EXCEEDS \$50,000 IN FY 2019-20 THROUGH THE EXTENDED TERM OF COOPERATIVE AGREEMENT, SET FORTH TO EXPIRE ON 12/31/19

ACTION:

City Council authorized the City Manager to execute a Purchase Order with Bound Tree Medical, LLC for various small dollar commodity purchases which collectively exceeds \$50,000 in FY 2019-20 through the term of the extended cooperative agreement, set forth to expire December 31, 2019. City Council also authorized the City Manager to execute a Purchase Order with Bound Tree Medical effective January 1, 2020 under the new cooperative agreement, should Bound Tree Medical be awarded the contract.

7. ACCEPTANCE OF FIRE STATION NO. 1 RECONSTRUCTION, CITY PROJECT NO. 16-16

ACTION:

1. City council accepted the work performed by Horizons Construction Company, Int'l. 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 Material Bonds, and release the Faithful Performance Bonds, as the one-year warranty period is complete. Retention monies have been released pursuant to Public Contract Code 7107(c).

8. MEASURE M2 EXPENDITURE REPORT

ACTION:

City Council adopted the proposed resolution approving the Measure M2 Expenditure Report.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. WARRANT RESOLUTION NO. 2631 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-22 "A" FOR -\$1,956.95; 19-23 FOR \$2,897,716.26 AND CITY OPERATING EXPENSES FOR \$2,077,626.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:03:22)

Mayor Foley abstained due to contributions received from West Coast Arborist Inc. over \$250.00 to her senate campaign.

Public Comments:

Speaker, spoke on costs associated with the sober living industry. (01:03:44)

Speaker, spoke on Jones & Mayer invoices and the homeless shelter costs. (01:06:55)

Public Comments closed.

MOVED/SECOND: Council Member Chavez/Council Member Genis

MOTION: Approve Warrant Resolution No. 2631.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

Nays: None

Absent: Council Member Mansoor

Abstain: Mayor Foley
Motion carried: 5-0-1-1

ACTION:

City Council approved Warrant Resolution No. 2631.

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

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

1. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM (01:11:51)

Staff presentation by Ms. Rosales, Transportation Services Manager

Public Comments:

Flo Martin, Costa Mesa, spoke on the Resolution and active transportation projects. (01:34:05)

Robin Leffler, Costa Mesa, spoke on active transportation projects and daily trips. (01:36:15)

John Merrill, Costa Mesa, spoke on issues with the item. (01:39:10)

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Approve the annual accounting of the Citywide Traffic Impact Fee Program and continue the balance of the recommended actions to a future meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

Nays: None

Absent: Council Member Mansoor,

Motion carried: 6-0-1

ACTION:

City Council approved the annual accounting of the Citywide Traffic Impact Fee Program and continued the balance of the recommended actions to a future meeting.

OLD BUSINESS: NONE

NEW BUSINESS:

- 1. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEE ASSOCIATION (CMCEA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY 300-8 (02:14:00)**

Presentation by Ms. Carvajal, Principal Human Resources Analyst.

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 Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

Nays: None

Absent: Council Member Mansoor,

Motion carried: 6-0-1

ACTION:

1. City Council designated Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager and Lance Nakamoto, Human Resources Manager as the City's representatives in negotiations with the CMCEA; and
2. Authorized staff to have the independent fiscal analysis of the current CMCEA 2016-2020 Memorandum of Understanding (MOU) completed per the requirements of the Transparency In Labor Negotiations Council Policy 300-8 (hereinafter policy) and any future analysis that may arise from the meet and confer process.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (02:16:24)

Council Member Genis spoke on Priceless Pets donations.

Mayor Foley spoke on childrens coat drive.

ADJOURNMENT

Mayor Foley adjourned the meeting at 8:29 p.m.

Minutes adopted on this 1st day of September, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk