

ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

TUESDAY, AUGUST 1, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
Thomas R. Hatch

SPECIAL CLOSED SESSION

CALL TO ORDER

The Special Closed Session was called to order by the Mayor at 4:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California

ROLL CALL

Present: Council Member Mansoor, Council Member Righeimer via teleconference
Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley
(arrived at 4:13 p.m.).

Absent: None

The City Council recessed to Conference Room 5A at 4:06 p.m. for Special Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

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2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organizations: Costa Mesa Division Managers Association and Unrepresented Executive Employees.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: CMC, a group of patients collectively operating pursuant to Ca. Health & Safety Code § 11362.775, v. City of Costa Mesa, et al., United States District Court, Central District of California, Case No. 8:16-cv-01690 JLS (JCGx).

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: The Kennedy Commission, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

The City Council reconvened at 6:15 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:15 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Absent: Council Member Righeimer

CITY ATTORNEY CLOSED SESSION REPORT - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Council Member Stephens spoke with firefighter Mark Martinez and Mayor Foley spoke with Captain Gagne regarding the timing of negotiations.

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for **1, 4, and 5.**

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

CONSENT CALENDAR:

2. **MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER PROGRAM – ACADEMIC YEAR 2017-2018**

ACTION:

City Council approved the Memorandum of Understanding (MOU) between the City of Costa Mesa and the Newport-Mesa Unified School District pertaining to the School Resource Officer program for academic year 2017-2018.

3. **AWARD THE PURCHASE OF A NEW 2017 CHEVROLET TAHOE FOR USE AS THE FIRE CHIEF FRONTLINE VEHICLE**

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for a 2017 Chevrolet Tahoe 4-WD 4-Dr 1500 LT through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, in conjunction with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, in the amount of \$57,500.49.

6. **SCHOOL CROSSING GUARD SERVICES WITH ALL CITY MANAGEMENT SERVICES – CONTRACT AMENDMENT**

ACTION:

1. City Council approved Amendment No. 2 to the Professional Services Agreement with All City Management Services (ACMS), 10440 Pioneer Blvd., Ste. No. 5, Santa Fe Springs, CA 90670, to provide school crossing guard services for one (1) year and increase the compensation by an amount of \$177,200; and
2. Authorized the City Manager to execute the Amendment.

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7. **INSURANCE BROKER SERVICES**

ACTION:

City Council authorized the City Manager to execute the professional services agreement and two 1-year extensions with Alliant Insurance Services in the amount not to exceed \$46,750 annually.

8. **RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT (JPA) BETWEEN CITY AND HOUSING AUTHORITY**

ACTION:

City Council adopted the City Council Resolution No. 17-54 authorizing the City's execution and delivery of a Joint Exercise of Powers Agreement by and between the City and Housing Authority.

9. **AGREEMENT NUMBER THREE TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING YOCCA CARLSON & RAUTH, PC**

ACTION:

1. City Council approved Amendment Number Three to Professional Services Agreement with Stradling Yocca Carlson & Rauth, PC in the cumulative amount of \$41,750.00 to provide public finance legal services for "2017 Refunding COPS" (Refunding of the \$29,960,000 City of Costa Mesa, 2007 Certificates of Participation - Police Facility Expansion Project) in connection to the debt financing of the Lions Park Projects; and
2. Authorized the City Manager and the City Clerk to execute Amendment Number Three.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

1. **WARRANT RESOLUTION NO. 2581 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-13 "A" FOR \$-118.99 AND 17-14 FOR \$2,239,918.12; AND CITY OPERATING EXPENSES FOR \$3,969,281.79; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

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ACTION:

City Council approved Warrant Resolution No. 2581.

4. **APPROVE RESOLUTIONS FOR THE APPLICATION OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK VERNAL POOL RESTORATION PROJECT AND FOR THE APPLICATION OF GRANT FUNDS FROM THE OUTDOOR ENVIRONMENTAL EDUCATION FACILITIES GRANT FUND PROGRAM FOR THE FAIRVIEW PARK NATIVE HABITAT NURSERY PROJECT**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

1. City Council adopted Resolution No. 17-52 for the submittal of a grant application to the California Department of Parks and Recreation, Habitat Conservation Fund Program for the Fairview Park Vernal Pool Restoration Project; and
 2. Adopted Resolution No. 17-53 for the submittal of a grant application to the California Department of Parks and Recreation, Outdoor Environmental Education Facilities Grant Program for the Fairview Park Native Habitat Nursery Project; and
 3. Authorized the Public Services Director as the City's authorized representative.
5. **CITYWIDE PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT - CITY PROJECT NO. 14-12**

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

MOTION: To continue the item to the September 5, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

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ACTION:

City Council approved to continue the meeting to the September 5, 2017 City Council meeting.

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

- 1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING AND ADOPTION OF THE 2017-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIRE MANAGEMENT ASSOCIATION (CMFMA). THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION**

MOVED/SECOND: Mayor Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor

Absent: Council Member Righeimer

Motion carried: 3-1-1

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
2. Approved and adopted the 2017-2022 Memorandum of Understanding between the City of Costa Mesa and the CMFMA; and
3. Adopted Resolution No. 17-49, which provides for a 4.5%, 4.5%, 4%, 3%, 2% salary increases for CMFMA represented employees effective June 25, 2017, June 24, 2018, June 23, 2019, June 21, 2020 and June 20, 2021; and
4. Adopted Resolution No. 17-50, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Fire Management Association. The effective date of this Resolution is August 6, 2017; and
5. Adopted Resolution No. 17-51, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Fire Management Association. The effective date of this Resolution is June 24, 2018.

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2. **CODE AMENDMENT CO-17-04 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING & DEVELOPMENT) RELATING TO APPLICATION SUBMITTAL REQUIREMENTS AND NOTICING FOR PUBLIC HEARINGS**

MOTION/SECOND: Council Member Stephens/Council Member Mansoor

MOTION: To continue the item to the September 5, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved to continue the meeting to the September 5, 2017 City Council meeting.

OLD BUSINESS:

1. **HARBOR BLVD. MEDIAN ENHANCEMENT PROJECT**

MOTION/SECOND: Council Member Mansoor/Mayor Foley

MOTION: To approve the recommended action but staff meets with the community one more time and incorporates any changes, goes to the Parks and Recreation Commission and that the final project comes back to the Council for final vote.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, and Mayor Foley.

Nays: Mayor Pro Tem Genis

Absent: Council Member Righeimer

Motion carried: 3-1-1

ACTION:

City Council approved the recommended action but staff meets with the community one more time and incorporates any changes, goes to the Parks and Recreation Commission and that the final project comes back to the Council for final vote.

NEW BUSINESS:

1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2017 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council designated Mayor Foley as Costa Mesa's voting delegate and Mayor Pro Tem Genis as a voting delegate alternate for the 2017 League of California Cities Annual Conference.

2. FINANCE AND PENSION ADVISORY COMMITTEE ANNUAL REPORT (NO STAFF REPORT ON THIS ITEM)

ACTION:

City Council received and filed.

REPORT – CITY ATTORNEY – City Attorney Duarte reported on the Motor Inn case, in which the City is still in litigation and more details are posted on the City website under the litigation log.

ADJOURNMENT – The Mayor adjourned the meeting at 10:27 p.m. in memory of Santa Bob.