

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

JULY 16, 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 (arrived at 5:05 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION - 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 (00:00:14)

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.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:32)

Mariachi Juvenil Herencia Michoacana

MOMENT OF SOLEMN EXPRESSION (00:02:33)

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

ROLL CALL (00:04:47)

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

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 (00:05:01)

Ms. Hall Barlow reported that there was no reportable action.

PRESENTATIONS (00:05:18)

1. Historical Preservation Committee Annual Report – William Lund, Recreation Supervisor and Gary Parkin, Chair of the Committee, provided information and program updates for the Committee.

Mayor Pro Tem Stephens spoke on obtaining sponsorships for signs such as “Costa Mesa Historic Neighborhood” and placing them into each neighborhood. (00:05:18)

Chair Parkin spoke on the status of the History of Costa Mesa book. (00:14:32)

Council Member Reynolds thanked the Committee for their work; spoke on the scarecrow contest; and bringing back the Fish Fry parade. (00:15:11)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Ned McCune, Costa Mesa resident, spoke on aggressive urban coyote behavior. (00:15:11)

Roberta Buchanan, Newport Beach resident, spoke on urban coyotes. (00:19:27)

Al Melone, Costa Mesa, spoke on growing grass at the dog park. (00:22:03)

Jess Kelly, Costa Mesa, spoke on urban coyotes. (00:24:59)

Speaker spoke on urban coyotes. (00:27:41)

Cindy Black, Costa Mesa, spoke on Lions Park. (00:29:03)

Speaker spoke on issues before the Planning Commission and a sober living home on the Eastside. (00:31:59)

Mike Stern, representing Assemblywoman Cottie Petrie-Norris, invited all to a free Senior Scam Stopper seminar at the Costa Mesa Senior Center on Friday, July 26th at 10 a.m.; and announced that Assembly Bill 608 was signed by the Governor. (00:34:35)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:36:03)

Council Member Genis reported on her attendance at the League of Cities event on housing and homeless issues; spoke on an arts program in Santa Ana for youth in the homeless shelters called HeART program; AB 101 penalties for cities that are out of compliance with housing element; a 2.5 billion in grants for homeless and housing infrastructure and making sure the City is eligible for grant funding; and encouraged City staff to attend a meeting hosted by the Director of the State Department of the Housing and Community Development on August 5th at 10 a.m. at the Fullerton library. (00:36:27)

Council Member Reynolds thanked police and outreach teams on homeless intervention and responsiveness; reported on her attendance at an Orange County Business Council meeting on workforce housing; requested a Study Session addressing housing in the City; spoke on the Bikeway and Walkability Committee's strategies, the Costa Mesa Alliance for Better Streets; and invited all to a Community Bike Ride on Sunday, July 21st at 2 p.m. at Balearic Park. (00:38:51)

Council Member Chavez encouraged attendance at the Concerts in the Park; spoke on the Costa Mesa Independence Day Community Celebration on July 3rd; and shared a quote on the Statue of Liberty. (00:42:58)

Council Member Marr announced that the Cultural Arts Committee is still accepting applications for artists for Art Venture; spoke on AB 101 and eligibility for grant funding; spoke on urban coyote issues; and spoke on an Art and Homeless program brought up at the Cultural Arts Committee. (00:45:03)

Mayor Pro Tem Stephens reported on his attendance with Mayor Foley and Council Member Chavez at a rally event to support the Ralphs workers and the United Food and Commercial Workers union (UFCW) 324; spoke on the Costa Mesa Independence Day Community Celebration on July 3rd and presented a video of the celebration; spoke on July 4th After Action Report by police and fire departments; and addressed the urban coyote issues. (00:48:13)

Mayor Foley thanked City staff Jennifer Christ and Connor Lock and Matt Ficke photography for their work on the Costa Mesa Independence Day Community Celebration on July 3rd; acknowledged the Chamber of Commerce for hosting the Costa Mesa employee picnic; spoke on Assemblywoman Cottie Petrie-Norris securing 2.9 million for the Welcome Home program for Orange County Veterans; spoke on Costa Mesa Day at Orange County Fair on July 19th at 2:30 p.m.; invited all to a community reception for the new City Manager Lori Ann Farrell Harrison on July 22nd at the Library; requested a report from Mr. Curtis regarding the Regional Housing Needs Allocation (RHNA) numbers and planning for housing requirements; and wished Ms. Letourneau well in her new position as the City Manager for the City of Laguna Niguel. (00:52:40)

REPORT – CITY MANAGER (00:56:38)

Ms. Farrell Harrison invited all to the City Manager community reception on July 22nd; and thanked Ms. Letourneau for her service. Ms. Farrell Harrison, Chief Sharpnack and Chief Pyle spoke on the Fourth of July After Action Report.

REPORT – CITY ATTORNEY (01:08:50)

Ms. Hall Barlow reported out that the court issued a minute order granting judgment to the City of Costa Mesa in the Yellowstone Women's First Step House litigation.

CONSENT CALENDAR: (01:09:37)

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 Raffé, 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: (01:09:54)

7. SCHOOL CROSSING GUARD SERVICES (01:10:34)

Jennifer Rosales, Transportation Services Manager, provided the staff presentation. (01:10:51)

City Council discussion included: school crossing guard services as a City function and not a School District function; request for a report regarding the evaluation of contractor's performance; request for crossing guard services for College Park Elementary; cost of crossing guard services for Mariners and Newport Heights Elementary schools; and adding this item to the City/Districts Liaison Committee meeting agenda. (01:13:10)

Public Comments:

Speaker requested a crossing guard at the intersection of 20th Street and Tustin Avenue. (01:19:17)

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): (01:20:54)

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 (1:20:50)

Mr. Curtis, Economic and Community Services Director, provided the staff presentation. (01:21:31)

No public comments on this item.

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

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:25:09)

Council Member Reynolds spoke on a free Senior Scam Stopper seminar at the Costa Mesa Senior Center on Friday, July 26th at 10 a.m. (01:25:11)

Council Member Marr spoke on the Cultural Arts Committee submitting for the scare crow contest. (01:25:55)


Council Member Chavez thanked Mr. Sethuraman and his team for the pavements on Meyer Place and Orange Avenue. (01:26:05)

Mayor Pro Tem Stephens thanked Ms. Letourneau for her service. (01:26:15)

Mayor Foley spoke on MyCosta Mesa app for reporting issues and accessing City events; and acknowledged the Constituent Services team. (01:27:00)

ADJOURNMENT (01:28:43) - Mayor Foley adjourned the meeting at 7:31 p.m.

Minutes adopted on this 17th day of March, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk