

**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, DECEMBER 3, 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, 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:

FOR INFORMATIONAL PURPOSES ONLY

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)

Closed Session ended at 6:11 p.m.

CALL TO ORDER

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.

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

Council Member Mansoor left the meeting after his Council Member comments.

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

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 (AV) 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.

FOR INFORMATIONAL PURPOSES ONLY

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 DECEMBER 31, 2019

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.

FOR INFORMATIONAL PURPOSES ONLY

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**

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**

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 the next 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 the next meeting.

OLD BUSINESS: NONE

FOR INFORMATIONAL PURPOSES ONLY

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**

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.

ADJOURNMENT

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