



**CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY AND HOUSING AUTHORITY**

MINUTES – APRIL 19, 2022

CLOSED SESSION 4:00 P.M.

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 4:01 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Reynolds (arrived 4:05 p.m.), Council Member Harlan, Council Member Harper, Mayor Pro Tem Marr (arrived 4:30 p.m.) and Mayor Stephens.

Absent: Council Member Gameros.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **PUBLIC EMPLOYMENT WORKERS' COMPENSATION CLAIM**
Pursuant to California Government Code Section 54956.9(d)(1)
WCAB NO. ADJ12260822
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, United States District Court, Central District of California, Case No. 8:19-cv-01710 DOC (KESx).
3. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Katherine Sherouse individually and doing business as Camp Lila v. City of Costa Mesa, et al., United States District Court, Central District of California, Civil Action No. 8:22-cv-00756-JVS-ADSx 4.
4. **CONFERENCE WITH LEGAL COUNSEL-INITIATION OF LITIGATION-ONE CASE**
Pursuant to California Government Code Section 54956.9(d)(2), Potential Litigation

City Council recessed at 4:04 p.m. for Closed Session.

Closed Session adjourned at 5:20 p.m.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY
APRIL 5, 2022 – 6:00 P.M.**

CALL TO ORDER - The Regular City Council and Successor Agency to the Redevelopment Agency and Housing Authority meeting was called to order by Mayor Stephens at 6:00 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

A video was played of the National Anthem and Council Member Harlan led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Mr. John Begin.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros (via Zoom), Council Member Harlan, Council Member Harper, Council Member Reynolds (via Zoom), Mayor Pro Tem Marr and Mayor Stephens.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT - No reportable action.

PRESENTATIONS

Mayor Stephens presented a proclamation in Remembrance of the Armenian Genocide.

Mayor Stephens presented a proclamation for Let's Be Kind Month.

Mayor Stephens presented a proclamation for National Public Safety Telecommunications Week.

Mayor Stephens presented a proclamation for Arbor Day and Earth Day.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Speaker, spoke on the rapid rise of rents and on affordable housing.

Wendy Leece, commended Chair McDonald on the presentation, thanked the City Council for the Sexual Assault Awareness Month Proclamation, requested additional police focus on massage parlors, spoke on speeding problems, and spoke on Camp Lila.

Matt Garcia, President of the Harbor Soaring Society, spoke on his application to the Fairview Park Steering Committee, and preserving open space.

Chris Collum, spoke on problems associated with a fire at his home.

Speaker, spoke on noise issues around his home at 2:00 a.m. from a local bar and food truck.

Speaker, spoke on a complaint of a potential animal abuse, and thanked the police department for checking into the matter.

Hank Castignetti, Orange County Model Engineers, spoke on the number of guests who visited over the week-end, and thanked the Goat Hill Lions Club for donating Easter baskets.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harper spoke on Let's Be Kind Month.

Council Member Reynolds thanked staff for the meaningful proclamations, spoke on the rapid rise of rents, housing affordability and providing information on available resources, spoke on Earth Day events, community walks and bike rides.

Council Member Chavez spoke on responding to public commenters, thanked first responders and spoke on a recent ride-along with the police department, encouraged the reporting of graffiti and bulky items pick up on the Costa Mesa App, expressed concerns on speeding on Meyer's Place., and thanked the Parks and Recreation department for SpringFest.

Council Member Harlan spoke on presenting a proclamation to Dr. Henry Louria in honor of his 96th birthday, and thanked Ivis Torres, Management Aide for preparing the proclamation.

Mayor Pro Tem Marr spoke on attending a meeting with Supervisor Bartlett, attending the South Orange County multi-model stakeholders meeting, spoke in support of active transportation projects, and spoke on replacing turf with California native plants.

Mayor Stephens thanked all parties involved in the Ohio House Case and spoke on the decision in favor of the City, thanked Jennifer Le, Director of Economic and Development Services, and thanked Sy Everett and Everett Dorey law firm, recognized Brenda Green, City Clerk, for receiving the City Clerk Award of Distinction 2022 for Technology and Innovation, spoke on responding to public speaker comments, spoke on tenant and landlord rights and asked staff to prepare educational pieces on rights and issues related to rents.

REPORT – CITY MANAGER – Ms. Farrell Harrison thanked everybody for their kind comments on staff, thanked the speaker for sharing the story on potential animal abuse and the police department's favorable response, spoke on releasing educational information on rental assistance, bulky items pick-up, and fair housing, and legal aid, congratulated the legal team on the Ohio House decision, congratulated Brenda Green, City Clerk, thanked Council Member Reynolds for nominating Ms. Green, spoke on the Earth Day Festival on April 22nd, and congratulated the Public Services staff for recent awards from the American Society of Civil Engineers (ASCE) for:

- Outstanding Architectural Engineering Project – Norma Hertzog Community Center
- Outstanding Transportation Project – Merrimac Way Bicycle Facility.

REPORT – CITY ATTORNEY – Ms. Hall Barlow indicated that she had responded to Mr. Collum, and thanked the Everett Dorey law firm for their work on the Ohio House case.

CONSENT CALENDAR

MOVED/SECOND: Council Member Chavez/Mayor Pro Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for item #5 which was pulled from the Consent Calendar.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

CONSENT CALENDAR ITEMS

1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

ACTION: City Council, Agency Board, and Housing Authority approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

ACTION:

City Council received and filed Claims received by the City Clerk: Camp Lila; Sohelia Nasiri.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2678

4. ADOPTION OF A RESOLUTION TO ALLOW MEMBERS OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES TO PARTICIPATE IN THE MEETINGS REMOTELY, AS NEEDED, DUE TO HEALTH AND SAFETY CONCERNS FOR THE MEMBERS AND THE PUBLIC

ACTION:

City Council adopted Resolution 2022-20 allowing members of the City Council, Commissions, and Committees to participate in the meetings, as needed, via Zoom due to:

- The current State of Emergency and global pandemic, which continues to impact the ability of the members of the City's legislative bodies to meet safely in person.

- Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

6. MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND OBJECTIVES

ACTION:

City council approved the April 2022 update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

AT THIS TIME THE CITY COUNCIL WILL ADDRESS ANY ITEMS WITHDRAWN FROM THE CONSENT CALENDAR.

5. SERVICE AGREEMENT AMENDMENTS WITH TYLER TECHNOLOGIES AND PARK CONSULTING PERTAINING TO IMPLEMENTATION OF THE CITY'S LAND MANAGEMENT SYSTEM (LMS) UPDATE

Council Member Harlan inquired on the increase in the budget and the hiring of consultants in lieu of staff working on the project.

Ms. Le responded the launch date is mid-2023, staff has budgeted for ongoing maintenance costs, and that both staff and the consultants with special expertise are working on the project.

MOVED/SECOND: Council Member Harlan/Mayor Pro Tem Marr

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council authorized the City Manager and City Clerk to execute Amendment No. 2 with Tyler Technologies, increasing the total compensation to a not-to-exceed amount of \$1,060,856, in substantially the form as attached and in such final form as approved by the City Attorney.
2. Authorized the City Manager and City Clerk to execute Amendment No. 3 with Park Consulting Group, increasing the total compensation to a not-to-exceed amount of \$393,250.
3. Authorized the City Manager to approve future amendments to the agreement with Park Consulting Group in an amount not-to-exceed \$100,000.

PUBLIC HEARINGS – NONE.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. PROFESSIONAL SERVICES AGREEMENT FOR COMMERCIAL KITCHEN OPERATION AND MEAL SERVICES FOR THE COSTA MESA BRIDGE SHELTER

Presentation by Nate Robbins, Neighborhood Improvement Manager.

MOVED/SECOND: Council Member Chavez/Mayor Pro Tem Marr

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council awarded a Professional Services Agreement (PSA) to Bracken's Kitchen, for a term of 1 year with 3 one-year renewal options, in an amount not to exceed \$327,600 annually for commercial kitchen operation and meal services for the Costa Mesa Bridge Shelter.
2. Authorized the City Manager and the City Clerk to execute the agreement and any future amendments to the agreement.

3. AWARD OF CONTRACT FOR CITYWIDE LANDSCAPE MAINTENANCE SERVICES

Presentation by Robert Ryan, Maintenance Services Manager

Discussion ensued on additional trash receptacles in the parks, the criteria on the bids and ratings, open space vegetation management, adding language in the scope of services that mowing services will be coordinated with a contracted biologist to ensure there is no conflict with restoration efforts and bird nesting season, removal of invasive weeds, additional trash pick-up on 19th street, the times parks open and close and incorporating sustainability green policy measures into the contract.

MOVED/SECOND: Mayor Pro Tem Marr/Council Member Chavez

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council approved the proposed Maintenance Services Agreement (MSA) with Brightview Landscape Services, Inc. for citywide parks and landscape maintenance services, in an amount not to exceed \$2,364,061 annually, for an initial term of three (3) years with two (2) optional one-year extensions for a total of five years.
2. Approved a 10% contingency annually for irrigation and landscape repairs and other unforeseen costs and approval for Consumer Price Index (CPI) escalation and de-escalation.
3. Authorized the City Manager and City Clerk to execute the MSA and future amendments to the agreement within Council authorized limits with Brightview Landscape Services, Inc.
4. Added language in the scope of services that mowing services will be coordinated with a contracted biologist to ensure there is no conflict with restoration efforts and bird nesting season and to utilize sustainability green policy measures when feasible.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS – None.

ADJOURNMENT – The Mayor adjourned the meeting at 7:57 p.m.

Minutes adopted on this 17th day of May, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT