

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

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

**TUESDAY, JUNE 6, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
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

CLOSED SESSION

CALL TO ORDER

The meeting was called to order by the Mayor at 4:05 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, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:10 p.m. for 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).

2. 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.

3. 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.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa, et al, v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for 1 potential case.

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

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

TUESDAY, JUNE 6, 2017

CALL TO ORDER

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

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Mayor Pro Tem Genis

MOMENT OF SOLEMN EXPRESSION

Rev. Moushegh Tashjian, St. Mary Armenian Church

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - NONE

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 14 except for **2, 7, 8, and 9.**

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER - Claims received by the City Clerk: Marilia Carvalho Rosa.

ACTION:

City Council received and filed.

FOR INFORMATIONAL PURPOSES ONLY

3. MINUTES OF THE SPECIAL CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 14, 2017 AND REGULAR MEETING OF MAY 16, 2017

ACTION:

City Council approved the minutes of March 14, 2017 and May 16, 2017.

4. ACCEPT \$25,000 GRANT FUNDING FROM THE NATIONAL RECREATION AND PARK ASSOCIATION FOR THE HEALTHY OUT-OF-SCHOOL TIME PROGRAM

ACTION:

City Council accepted the \$25,000 grant funding offer from the National Recreation and Park Association (NRPA) for the Healthy Out-of-School Time program.

5. ADOPTION OF THE FY 2016-2017 STATEMENT OF INVESTMENT POLICY

ACTION:

City Council adopted Resolution No. 17-38, approving the Statement of Investment Policy for Fiscal Year 2016-2017 and delegating investment activities to the City Treasurer.

6. HOUSING AUTHORITY ANNUAL BUDGET FOR FY17-18

ACTION:

1. City Council approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY17-18 by adoption of joint Resolution No. 17-39; and
2. Housing Authority approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY17-18 by adoption of joint Resolution No. 17-39.

10. SENIOR TRANSPORTATION PROGRAM AMENDMENT NUMBER SIX TO PROFESSIONAL SERVICES AGREEMENT WITH KEOLIS TRANSIT SERVICES, LLC (F.K.A WESTERN TRANSIT, INC.)

ACTION:

City Council approved the Professional Services Agreement (PSA) Amendment Number Six between the City of Costa Mesa and Keolis Transit Services, LLC (F.K.A. Western Transit, Inc.) to increase total funding in the amount of \$50,000 to continue to provide senior transportation services through to the end of the current agreement term, June 30, 2017 and authorized the City Manager to sign on behalf of the City.

FOR INFORMATIONAL PURPOSES ONLY

- 11. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00226 FOR TRACT 17639 LOCATED AT 635 W. 17th STREET, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized release of the Performance and Labor and Material Bonds (Certificate No. 24056764) in the amounts of \$245,179.00 each for street improvements and (Certificate No. 24056763) for setting corner survey monuments in the amount of \$3,648.00 to Taylor Morrison of California, LLC (Developer), 100 Spectrum Center Drive, Suite 1450, Irvine, CA 92618.

- 12. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00087 FOR TRACT 17708 LOCATED AT 2075 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized release of the Performance and Labor and Material Bonds (Certificate No. 802520S) in the amounts of \$37,512.00 each for street improvements, and (Certificate No. 802521S) for setting corner survey monuments in the amount of \$1,500.00 to Richmond American Homes of Maryland, Inc. (Developer), 5171 California Avenue, Suite 120, Irvine, CA 92617.

- 13. A RESOLUTION OF THE COSTA MESA CITY COUNCIL AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF ANAHEIM TO RECEIVE A GRANT UNDER THE FY 2016 URBAN AREAS SECURITY INITIATIVE (UASI)**

ACTION:

1. City Council adopted Resolution No. 17-40, which authorizes the City Manager or his designee to execute the attached Sub-Recipient Agreement with the City of Anaheim to receive a grant under the FY 2016 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorized the Police Department to accept FY 2016 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$2,811. This amount will reimburse the Fire Department and approved City personnel who assist with the instruction and delivery of approved UASI courses; and
3. Approved Budget Adjustment No. 17-013 in the amount of \$2,811 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

FOR INFORMATIONAL PURPOSES ONLY

14. JUSTIFICATION FOR SOLE SOURCE REQUEST AND AWARD OF PROFESSIONAL SERVICES AGREEMENT TO A.P. TRITON, LLC FOR SPECIALIZED CONSULTING SERVICES

ACTION:

1. City Council approved and authorized the City Manager to execute and sign the Justification for Sole Source Request for A.P. Triton, LLC for the comprehensive administration and facilitation of the Request for Proposals (RFP) processes for both ambulance and billing services; and
2. Awarded a Professional Services Agreement for the comprehensive administration and facilitation of the Request for Proposals (RFP) processes for both ambulance and billing services to consultant A.P. Triton, LLC in an amount not to exceed \$100,000 for fiscal year 2017-2018.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2578 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-08 "A" FOR \$4,799.23 AND 17-09 FOR \$2,253,507.29; AND CITY OPERATING EXPENSES FOR \$2,306,104.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2578.

7. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR THE 2017 ORANGE COUNTY FAIR**

MOVED/SECOND: Council Member Stephens/ Council Member Righeimer

MOTION: To approve the recommended actions with the provision that the contract will be re-examined in the next fiscal year.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the 2017 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair with the provision that it will be re-examined in the next fiscal year and authorized the City Manager, or his designee, to sign the contract. The term of the agreement is June 1, 2017 through September 30, 2017 and the maximum amount shall not exceed \$375,000.

8. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR ALL INTERIM EVENTS AT THE ORANGE COUNTY FAIR AND EVENT CENTER**

MOVED/SECOND: Council Member Stephens/ Council Member Righeimer

MOTION: To approve the recommended actions with the provision that the contract will be re-examined in the next fiscal year.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the 2017 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for all designated interim events at the Orange County Fair and Exposition Center with the provision that it will be re-examined in the next fiscal year and authorized the City Manager, or his designee, to sign the contract. The term of the agreement is April 1, 2017, through March 31, 2018, and the maximum amount shall not exceed \$70,000.

FOR INFORMATIONAL PURPOSES ONLY

9. EARLY PREPAYMENT IN FULL OF THE CITY OF COSTA MESA REFUNDING CERTIFICATES OF PARTICIPATION (PUBLIC FACILITIES PROJECT) SERIES 2003

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council directed and authorized the City Manager, Interim Finance Director, legal counsel and financial advisor to cause the prepayment in full of the *City of Costa Mesa Refunding Certificates of Participation (Public Facilities Project) Series 2003* and take all steps necessary to complete the prepayment including issuance of warrants

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

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To approve the recommended actions and request the staff to put together a proposal for an increase to \$200,000.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council conducted the public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for the 2017-2018 fiscal year; and
2. Adopted Resolution No. 17-37, levying an annual assessment for Fiscal Year 2017-2018 for a business improvement area covering certain Costa Mesa hotels and motels; and
3. Gave second reading and adopted Ordinance No. 17-10, to be read by title only, and further reading waived, amending Ordinance No. 95-9, relating to the establishment of a business improvement area for Costa Mesa hotels and motels; and

FOR INFORMATIONAL PURPOSES ONLY

4. Adopted the Fiscal Year 2017-2018 Community-Wide Marketing and Support Budget; and
 5. Requested the staff to put together a proposal for an increase to \$200,000.
2. **REVIEW OF PLANNING APPLICATION PA-16-67 AND TENTATIVE PARCEL MAP 2017-106 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 1933 CHURCH STREET**

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council upheld the Planning Commission's decision to approve Design Review PA-16-67 and Tentative Parcel Map 2017-106 by adoption of Resolution No. 17-41.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting in recognition of D-Day and in honor of Bob Dugan at 8:52 p.m.