

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

**TUESDAY, FEBRUARY 7, 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

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 4:09 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

The City Council recessed to Conference Room 5A for Closed session at 4:15 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa; U.S. District Court, Central District of California Case No. SACV14-01852 JVS, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding anticipated litigation, initiation of litigation, pursuant to California Government Code Section 54956.9(d)(4) for 1 potential case.

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3. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. David William Palmblade and Judith Darlene Palmblade, Orange County Superior Court Case No. 30-2016-00841782-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).
4. Conference with Thomas R. Hatch, City Manager, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Division Managers Association (CMDMA), pursuant to California Government Code Section 54957.6.
5. Conference with Thomas R. Hatch, City Manager, regarding Unrepresented Executive employees, pursuant to California Government Code Section 54957.6.

The City Council reconvened at 6:03 p.m.

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

CALL TO ORDER

The meeting was called to order by the Mayor at 6:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM

Woodwind Quartet Band from Costa Mesa High School

PLEDGE OF ALLEGIANCE - Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION

Pastor Tim McCalmont, Presbyterian Church of the Covenant, Costa Mesa

ROLL CALL

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

Absent: None

Mayor Foley announced that New Business item #1 Civic Openness in negotiations (COIN) was removed from the agenda.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

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

CONSENT CALENDAR

MOTION: Approve recommended actions for all Consent Calendar items.

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

1. READING FOLDER

Claims received by the City Clerk: Oswaldo Cruz, Ho Jeong Lim, Carlos Moreno, and Esteban Recinos.

ACTION:

City Council received and filed.

2. WARRANT RESOLUTION NO. 2570 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-27 "A" FOR \$4,103.97 AND 17-01 FOR \$2,264,869.48; AND CITY OPERATING EXPENSES FOR \$1,566,578.75; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

ACTION:

City Council approved Warrant Resolution No. 2570.

3. 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION

ACTION:

1. City Council authorized the City Manager or his designee to execute the Agreement to Transfer Funds for the 2016 Emergency Management Performance Grant (EMPG) Program; and
2. Adopted Resolution No. 17-07, which authorizes the application for and acceptance of funds under the Emergency Management Performance Grant (EMPG) Program, and authorizes the City Manager or his designee to accept the EMPG Program funds.

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4. DEL MAR AVENUE MEDIAN IMPROVEMENTS (FROM NB NEWPORT BOULEVARD TO 300 FEET EAST), CITY PROJECT NO. 15-12

ACTION:

1. City Council accepted the work performed by HYM Engineering, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond twelve (12) months after the filing date and release of the retention monies 35 days after the Notice of Completion filing date.

5. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (PLANNING APPLICATION PA-17-03 FOR MASTER PLAN OF A 23.4 ACRE PROPERTY AT 1375 SUNFLOWER AVENUE)

ACTION:

1. City Council approved Amendment 2 to the Professional Services Agreement in the amount of \$21,000 with a new contract total amount not to exceed \$62,530.00 for Psomas with a current contract; and
2. Authorized the City Manager and City Clerk to accept and execute future amendments to the agreement.

6. A RESOLUTION AUTHORIZING THE CITY TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR LICENSING PURPOSES AND FEDERAL LEVEL CRIMINAL HISTORY INFORMATION

ACTION:

City Council adopted Resolution 17-08, which authorizes the City to access both local summary criminal history information and federal level criminal history information as required to process applications for Medical Marijuana Business Permits pursuant to Measure X.

7. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2017 REGIONAL CONFERENCE & GENERAL ASSEMBLY

ACTION:

City Council designated Mayor Pro Tem Genis as the delegate for the upcoming Annual SCAG Regional Conference & General Assembly.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR: NONE

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

- 1. EXTENSION OF AN URGENCY ORDINANCE NO. 17-01 TO ADOPT CODE AMENDMENT CO-16-06: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CULTIVATION OF MARIJUANA AND/OR MEDICAL MARIJUANA**

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

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 introduced and adopted Ordinance No. 17-04, an extension of Urgency Ordinance No. 17-01 to adopt Code Amendment CO-16-06 amending Costa Mesa Municipal Code Title 13, Article 20 of Chapter IX, Special Land Use Regulations.

OLD BUSINESS:

- 1. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION, THE PLANNING COMMISSION AND THE SENIOR COMMISSION**

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: To ratify the five appointments to the Planning Commission.

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 ratified the five appointments to the Planning Commission: Jeffrey Harlan and Bryon de Arakal to a four-year term; and Isabell Mayer Kerins, Carla Navarro Woods, and Stephan Andranian to a two-year term.

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MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: To ratify the five appointments to the Parks and Recreation Commission.

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:

2. City Council ratified the five appointments to the Parks and Recreation Commission: Kim Pederson and Liz McNabb to a four-year term; and Leah Ersoylu, Arlis Reynolds, and Kristina Bogner to a two-year term.

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To nominate Olga Reynolds for the seventh seat to the Senior Commission.

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 nominated Olga Reynolds for the seventh seat to the Senior Commission.

MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: To ratify the seven appointments to the Senior Commission.

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:

3. City Council ratified the seven appointments to the Senior Commission: Gary Parkin, Charlene Ashendorf, and Alexa Merchant to a four-year term; and Darrell Neft, Barbara Steck, Lee Ramos, and Olga Reynolds to a two-year term.

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- 2. SECOND READING OF ORDINANCE NO. 17-03 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 5, CHAPTER 1, TABLE R301.2(1) OF THE COSTA MESA MUNICIPAL CODE BY ESTABLISHING THE ULTIMATE DESIGN WIND SPEED TO BE UTILIZED FOR THE DESIGN OF RESIDENTIAL STRUCTURES AS REQUIRED BY THE 2016 CALIFORNIA RESIDENTIAL CODE AND FURTHER ESTABLISHING THAT THE CITY OF COSTA MESA IS NOT WITHIN EITHER A SPECIAL WIND REGION OR A WIND BORNE DEBRIS ZONE**

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

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 gave second reading and adopted Ordinance No. 17-03, to be read by title only, and further reading waived, for the 2016 California Residential Building Code Wind Speed Revision.

NEW BUSINESS:

THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED:

- 1. INTRODUCE FOR FIRST READING AN ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS AND PROVIDE DIRECTION TO STAFF REGARDING AN ADMINISTRATIVE POLICY THAT ENSURES TRANSPARENCY IN THE LABOR NEGOTIATION PROCESS**
- 2. PRELIMINARY STATUS UPDATE ON AMBULANCE TRANSPORTATION FOR THE CITY OF COSTA MESA TO PREPARE FOR A FUTURE AND UPDATED CITY COUNCIL RECOMMENDATION IN SPRING 2017**

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

MOTION: To approve the recommended actions with the following changes: cancel the April study session and schedule the city's EMS ambulance service transportation review from May to the April City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

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ACTION:

1. Received the updated presentation on the status of Emergency Medical Services (EMS) ambulance transportation for the City of Costa Mesa; and
2. Authorized and approved a part-time Emergency Medical Services Coordinator to assist in the coordination of the Fire and Rescue department's EMS ambulance transportation program, including billing and cost recovery; and
3. Cancelled the scheduling of an April study session to discuss the reassessment of the city's EMS ambulance service transportation options; and
4. Approved scheduling at an April City Council meeting to review updated recommendations on the city's EMS ambulance service transportation.

3. COSTA MESA COMMITTEES AND BOARD

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis

MOTION: Approve recommended action number 4 and for staff to bring back the formation committee report to a future City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

4. City Council approved the formalization of the Military Affairs Committee and for staff to bring back the formation committee report to a future City Council meeting.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis

MOTION: Approve recommended action number 6 and for staff to bring the formation committee report back to a future City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

6. City Council approved the creation of the Fairview Park Steering Committee and for staff to bring back the formation committee report to a future City Council meeting.

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MOVED/SECOND: Mayor Foley/Council Member Stephens

MOTION: Approve recommended action number 7 and for staff to bring back the formation committee report to a future City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

7. City Council approved the creation of the Youth Sports Committee and for staff to bring back the formation committee report to a future City Council meeting.

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Approve recommended action number 8.

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:

8. City Council approved to dissolve both the Charter and the 60th Anniversary Committees.

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: Approve recommended action number 3 and for staff to bring the formation committee report back to a future City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

3. City Council approved merging the Pension Oversight Committee into the Finance Advisory Committee and naming the merged committee the Finance and Pension Advisory Committee and for staff to bring the formation committee report back to a future City Council meeting.

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MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis

MOTION: Approve recommended action number 1 excluding the Cultural Arts Committee.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

1. City Council changed the regular scheduled term expirations for all appointed Committee and Board Members (excluding the Cultural Arts Committee) to March 31, 2017 for every Committee and Board including those set to expire in 2018 and 2019, and those with no term expirations, and thereafter the terms will continue according to Council Policy 000-2

MOVED/SECOND: Mayor Foley/Council Member Stephens

MOTION: Approve recommended action number 2.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

2. City Council directed the City Clerk to post the vacancy notices pursuant to GC §54973 and GC §54974, and to proceed with the recruitments for the new Committee Members.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis

MOTION: Approve recommended action number 5.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

ACTION:

5. City Council approved the dissolution of the Fairview Park Citizen's Advisory Committee.

REPORT – CITY MANAGER – NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT

The Mayor adjourned the meeting at 10:07 p.m. in memory of Dennis Barton.