

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

**MAY 16, 2017**

**CALL TO ORDER**

The Closed Session meeting was called to order by the Mayor at 4:04 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 (arrived at 4:15 p.m.), and Mayor Foley.

Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE**

The City Council recessed to Conference Room 5A at 4:06 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: Stephanie De La Cruz v. City of Costa Mesa, et al, Orange County  
Superior Court of California, Case No. 30-2016-00830354-CU-PO-CJC.

The City Council reconvened at 6:19 p.m.

**CALL TO ORDER (00:00:28)**

The meeting was called to order by the Mayor at 6:19 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**PLEDGE OF ALLEGIANCE (00:00:33) Mayor Foley**

**MOMENT OF SOLEMN EXPRESSION (00:01:08)**

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

**ROLL CALL (00:03:42)**

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

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Development Services Department Consultant Jay Trevino, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

The Mayor announced that Public Hearing #1 Code Amendment CO-16-04 and Old Business #1 Code Amendment CO-17-03 were withdrawn from the agenda and will be rescheduled for a future City Council meeting date. (00:04:00)

**CITY ATTORNEY CLOSED SESSION REPORT (00:04:07)** – City Attorney Duarte reported on Closed Session #4 De La Cruz v. City of Costa Mesa, in which the City Council approved the payment to plaintiff of \$117,500.00 on a vote of 5-0, in exchange plaintiff agreed to dismiss the lawsuit and an executed copy of the settlement agreement will be posted on the City's website.

**COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)** – Mayor Foley stated she had communications with various firefighters to assess priorities and clarify language on Fair Labor Standards Act requirements. (00:04:36)

**ANNOUNCEMENTS (00:05:21)**

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:09:11)**

Tim Lewis, Costa Mesa, spoke on vandalism on his property; homeless issues; the Maple Street project; removal of the Newport and Harbor Boulevard overlays; and adjusting the Small Lot Ordinance. (00:09:34)

Kim Hendricks, Costa Mesa, spoke on a party at Fairview Park on May 20<sup>th</sup> celebrating the adoption of Measure AA; requested the Fish Fry be moved from Fairview Park; and monies for Fairview Park. (00:12:04)

Kathy Esfahani, representing the Costa Mesa Affordable Coalition, spoke on the Costa Mesa Motor Inn lawsuit ruling; and provided suggestions regarding affordable housing. (00:15:12)

Beth Refakes, Costa Mesa, spoke on reconsidering the Small Lot Ordinance; including budget for signal pre-emption; and suggested the City acquire a portion of the Whittier Law School property. (00:18:30)

Tamar Goldmann, Costa Mesa, spoke on the Costa Mesa Motor Inn lawsuit ruling; and providing affordable housing. (00:21:15)

Reggie Mundekis, spoke on moving the Fish Fry from Fairview Park to the Orange County Fairgrounds. (00:23:42)

Speaker, spoke on reconsidering the Small Lot Ordinance; and removal of the Newport and Harbor Boulevard overlays. (00:25:55)

Andrea Bass, Costa Mesa, spoke in support of the Western Transit providing Senior Transportation bus services. (00:28:56)

Wendy Leece, Costa Mesa, spoke on the proposed Capital Improvement Projects funding in the proposed budget and supports funding for Fairview Park; and expressed concerns on the Lions Park Library Project; and spoke on the unfunded pension liability. (00:32:03)

Speaker, requested an update on the lights at Harbor and Merrimac; spoke on the Fairview Developmental Center for the disabled; and praised the police and fire departments. (00:35:00)

Ralph Taboada, thanked Council Members Mansoor and Stephens for the homeless forum; and requested that the current year forecast for expenses be included in the budget. (00:38:09)

Speaker, spoke on the Costa Mesa Motor Inn lawsuit ruling; reconsidering the Small Lot Ordinance; and sober living issues. (00:41:41)

Council Member Righeimer responded to comments by a citizen. (00:44:26)

Speaker, spoke on spot zoning and overlay problems; and Dick Church's restaurant. (00:45:54)

### **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:48:26)**

Mayor Foley spoke on the budget for Fairview Park; requested review of the Small Lot Ordinance and overlays at a Joint Study Session with the Planning Commission; spoke on the Fish Fry relocating to the Orange County Fairgrounds; Senior transportation bus services; and supports an affordable housing Study Session. (00:48:32)

Mayor Pro Tem Genis spoke on attending the Orange County Board of Education meeting and the Jack Hammett essay; recognition of Ms. Ross of Davis Magnet School; the Fish Fry event; Senior transportation bus services; and attending the Southern California Association of Governments (SCAG) conference. (00:51:35)

Council Member Stephens spoke on Mayor Pro Tem Genis' Award from the Orange County League Conservation of Voters; the 4<sup>th</sup> of July celebration at the Orange County Fairgrounds; his proclamation to Tom Johnson; and praised Geoff West. (00:54:33)

Council Member Righeimer spoke on the sale of the Whittier Law School property; not moving the Lions Fish Fry from Fairview Park; motel, budget and housing issues; spoke in support of the library project; and spoke on ex-parte communications. (00:57:41)

Council Member Mansoor spoke on the Tour de OC Bike ride at Vanguard on Saturday, May 20; and requested Mr. Hatch to follow-up with Mr. Taboada regarding clarification on budget issues. (01:04:07)

### **CONSENT CALENDAR (01:05:08)**

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

**MOTION:** Approve recommended actions for Consent Calendar item nos. 1 through 10 except for **2, 4, 7, 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: Will B. King, Julie Macfarlane, and Bryan Mejia.

**ACTION:**

City Council received and filed.

**3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 7, 2017 AND STUDY SESSION OF FEBRUARY 14, 2017**

**ACTION:**

City Council approved the minutes of March 7, 2017 and February 14, 2017.

**5. AWARD THE PURCHASE OF ONE NEW 2017 F-250 PICKUP TRUCK FOR ANIMAL CONTROL**

**ACTION:**

City Council approved and authorized the City Manager to execute a purchase order for the purchase of one 2017 Ford F-250 with animal containment compartments through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076, in the amount of \$64,485.62.

**6. ACCEPT COMPLETION OF RFP NO. 1172, REMOVAL OF A 10,000-GALLON UNDERGROUND STORAGE TANK LOCATED IN THE COSTA MESA POLICE DEPARTMENT**

**ACTION:**

1. City Council accepted the work performed by MJK Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond and the Faithful Performance Bond after the Notice of Completion filing date.

**8. ACCEPT COMPLETION OF PROJECT NO. 16-23, DOWNTOWN RECREATION CENTER POOL DECK REHABILITATION PROJECT**

**ACTION:**

1. City Council accepted the work performed by CJ Concrete Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**10. PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH JEANELLE HEASTON DBA PERMIT MANAGEMENT SOLUTIONS**

**ACTION:**

1. City Council approved Amendment One to the existing Professional Services Agreement with Jeanelle Heaston DBA Permit Management Solutions to increase total compensation by an amount not to exceed \$36,000; and
2. Authorized the City Manager and City Clerk to execute the agreement; and
3. Authorized the City Manager and City Clerk to accept and execute future amendments to the agreement.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:06:10)**

2. **WARRANT RESOLUTION NO. 2577 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 (01:06:11)**

Public Comments:

Speaker, spoke on legal costs. (01:06:13)

City Attorney Duarte stated that the quarterly litigation status reports are posted on the City's website. (01:08:29)

**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 approved Warrant Resolution No. 2577.

**4. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: TEWINKLE PARK ADA AND PARKING LOT IMPROVEMENTS, CITY PROJECT NO. 17-01 (01:09:18)**

Public Comments:

Speaker, spoke on quality service. (01:09:37)

**MOVED/SECOND:** Council Member Mansoor/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:**

1. City Council adopted the plans, specifications, and working details for the TeWinkle Park ADA and Parking Lot Improvements Project, 970 Arlington Drive, Costa Mesa, CA, 92626, City Project No. 17-01; and
2. Awarded a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$220,272.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**7. PARKING LOT REHABILITATION PROJECT AT VARIOUS LOCATIONS, TANGER BIKE TRAIL AND BALEARIC COMMUNITY CENTER IMPROVEMENTS, CITY PROJECT NO. 17-02 (01:10:36)**

Council Member Righeimer and Council Member Stephens recused themselves and stepped down from the dais and left the Council Chambers due to living within a 500' radius. (01:10:39)

Public Comments:

Speaker, inquired about All American Asphalt. (01:11:12)

Discussion ensued on the bidding process. (01:11:51)

Ralph Taboada, Costa Mesa, spoke in support of the project. (01:13:50)

**MOVED/SECOND:** Council Member Mansoor/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

Abstain: Council Member Righeimer and Council Member Stephens

Motion carried: 3-0-0-2

**ACTION:**

1. City Council adopted the plans, specifications, and working details for the Parking Lot Rehabilitation Project at Various Locations, Tanager Bike Trail and Balearic Community Center Improvements, City Project No. 17-02:

Project "A" – Americans with Disabilities Act (ADA) Parking Stall and Sidewalk Improvements at Fairview Park (2501 Placentia Avenue, Costa Mesa);

Project "B" – Pavement Improvements for City Hall Parking Lot (77 Fair Drive, Costa Mesa);

Project "C" – Pavement Improvements for Fire Station No. 2 (800 Baker Street, Costa Mesa);

Project "D" – Pavement Improvements for Fire Station No. 4 (2300 Placentia Avenue, Costa Mesa)

Project "E" – Tanager Drive, Bike Trail Improvements (South of Tanager Drive from Golf Drive Easterly to Harbor Boulevard); and

Project "F" – Balearic Community Center Playground Pavement Overlay (1975 Balearic Drive, Costa Mesa); and

2. Awarded a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$880,411.00 (Base Bid plus all Additive Bid Items); and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

Council Member Righeimer and Council Member Stephens returned to the meeting.

**9. ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT, CITY PROJECT NO. 17-04 (01:14:31)**

Public Comments:

Ralph Taboada, Costa Mesa, requested information on the project. (01:14:45)



**MOVED/SECOND:** Council Member Stephens/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:**

1. City Council rejected all bids; and
2. Authorized staff to re-advertise the project.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE**

**THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.**

1. **PUBLIC HEARING FOR CODE AMENDMENT CO-16-04 – AMENDMENTS TO ARTICLE 1 (ACCESSORY STRUCTURES INCLUDING SHEDS IN RESIDENTIAL DISTRICTS) OF CHAPTER 5 (DEVELOPMENT STANDARDS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND ARTICLE 2 (GENERAL PROVISIONS) AND ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE**

**OLD BUSINESS: NONE**

**THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.**

1. **SECOND READING OF ORDINANCE 17-09 CODE AMENDMENT CO-17-03 AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEES, AND AMENDING THE UNCODIFIED PORTION OF SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATED TO THE CREATION, COMPOSITION AND NAME OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE**

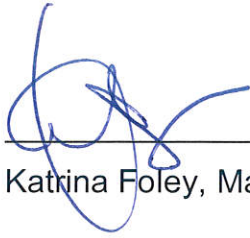
**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:17:08) – Mayor Pro Tem Genis inquired on the Development Services Director recruitment.**

**REPORT – CITY MANAGER (01:17:30) - NONE**

**REPORT – CITY ATTORNEY (01:17:34) - NONE**

**ADJOURNMENT (01:17:36) – The Mayor adjourned the meeting at 7:37 p.m.**

Minutes adopted on this 6<sup>th</sup> day of June, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk