

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

AUGUST 1, 2017

CALL TO ORDER

The Special Closed Session was called to order by the Mayor at 4:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Ms. Green stated that Council Member Righeimer will participate remotely from the Hyatt Regency Denver, Colorado Convention Center, Room 3217, in Denver, Colorado.

Present: Council Member Mansoor, Council Member Righeimer via teleconference, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley (arrived at 4:13 p.m.).

Absent: None

Council Member Righeimer made a statement as to compliance with the Brown Act and reported that no members of the public were in attendance.

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION ITEMS – NONE

The City Council recessed to Conference Room 5A at 4:06 p.m. for Special 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 LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organizations: Costa Mesa Division Managers Association and Unrepresented Executive Employees.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: CMC, a group of patients collectively operating pursuant to Ca. Health & Safety Code § 11362.775, v. City of Costa Mesa, et al.,
United States District Court, Central District of California, Case No. 8:16-cv-01690 JLS (JCGx).

4. 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.

5. 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.

The City Council reconvened at 6:24 p.m.

CALL TO ORDER (00:00:16)

The meeting was called to order by the Mayor at 6:24 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:35) Council Member Mansoor

MOMENT OF SOLEMN EXPRESSION (00:01:01)

Pastor Phil Wood, Redemption Church, Costa Mesa

ROLL CALL (00:01:59)

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

Absent: Council Member Righeimer

Officials Present: City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Council Member Stephens spoke with firefighter Mark Martinez and Mayor Foley spoke with Captain Rob Gagne regarding the timing of negotiations. (00:02:25)

ANNOUNCEMENTS (00:02:58)

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

PRESENTATIONS:

1. Julie Colgan, Administrative Secretary, was recognized by the City Council for receiving the City Manager's Leadership Award. (00:04:56)
2. Kelly Shelton, Executive Assistant to the City Manager, was recognized by the City Council for her 13 years of service to the City and her upcoming retirement. (00:08:09)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:15:00)

Lea Lowe, Costa Mesa Foundation, thanked City staff for their support at the Concerts in the Park. (00:15:20)

Reggie Mundekis, spoke on the Master Site Plan at the Orange County Fairgrounds. (00:16:35)

Thomas Treen, Costa Mesa, spoke on Animal Control procedures and the hours of operation. (00:19:09)

Kim Hendricks, Costa Mesa, requested the vernal pools delineation at Fairview Park. (00:22:11)

Martha O'Meare, Costa Mesa, spoke on commercial flights over homes from John Wayne airport. (00:24:16)

Speaker, Costa Mesa, spoke on needed sidewalk repairs by the Avalon apartments; and supports the new library. (00:26:00)

Barrie Fisher, Costa Mesa, spoke on the wall closures bids along Victoria and Fairview; and helping an individual who was curbed from a sober living home. (00:27:49)

Beth Refakes, Costa Mesa, spoke on completing the East 19th project; and the landscaping at 19th and Newport; and spoke on increased airport noise. (00:29:29)

Speaker, spoke on good governance, transparency, and the Small Lot Ordinance. 00:32:28

Speaker, spoke on Dick Church's restaurant closing; and the passing of Sam Shepherd. (00:35:32)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Mansoor spoke on responding to public comments. (00:38:57)

Mayor Foley requested a meeting with the OC Fairgrounds liaison; an update on airport issues; reported on attendance at Travel Costa Mesa meeting; chargers training camp; library groundbreaking; the summer band program; and spoke on street sweeping problems. (00:39:20)

Mayor Pro Tem Genis spoke on airport issues and more flights from Long Beach airport; OC Fairgrounds Master Plan and meeting with the liaison. (00:44:20)

Council Member Stephens spoke on the passing of Santa Bob and Sam Shepherd; reported on the 4th of July event and thanked the sponsors; and spoke on the Small Lot Ordinance Study Session on September 12. (00:47:24)

CONSENT CALENDAR (00:51:28)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for **1, 4, and 5.**

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

2. MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICER PROGRAM – ACADEMIC YEAR 2017-2018

ACTION:

City Council approved the Memorandum of Understanding (MOU) between the City of Costa Mesa and the Newport-Mesa Unified School District pertaining to the School Resource Officer program for academic year 2017-2018.

3. AWARD THE PURCHASE OF A NEW 2017 CHEVROLET TAHOE FOR USE AS THE FIRE CHIEF FRONTLINE VEHICLE

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for a 2017 Chevrolet Tahoe 4-WD 4-Dr 1500 LT through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, in conjunction with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, in the amount of \$57,500.49.

6. SCHOOL CROSSING GUARD SERVICES WITH ALL CITY MANAGEMENT SERVICES – CONTRACT AMENDMENT

ACTION:

1. City Council approved Amendment No. 2 to the Professional Services Agreement with All City Management Services (ACMS), 10440 Pioneer Blvd., Ste. No. 5, Santa Fe Springs, CA 90670, to provide school crossing guard services for one (1) year and increase the compensation by an amount of \$177,200; and
2. Authorized the City Manager to execute the Amendment.

7. INSURANCE BROKER SERVICES

ACTION:

City Council authorized the City Manager to execute the professional services agreement and two 1-year extensions with Alliant Insurance Services in the amount not to exceed \$46,750 annually.

8. RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE EXECUTION AND DELIVERY OF A JOINT EXERCISE OF POWERS AGREEMENT (JPA) BETWEEN CITY AND HOUSING AUTHORITY

ACTION:

City Council adopted the City Council Resolution No. 17-54 authorizing the City's execution and delivery of a Joint Exercise of Powers Agreement by and between the City and Housing Authority.

9. AGREEMENT NUMBER THREE TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING YOCCA CARLSON & RAUTH, PC

ACTION:

1. City Council approved Amendment Number Three to Professional Services Agreement with Stradling Yocca Carlson & Rauth, PC in the cumulative amount of \$41,750.00 to provide public finance legal services for "2017 Refunding COPS" (Refunding of the \$29,960,000 City of Costa Mesa, 2007 Certificates of Participation - Police Facility Expansion Project) in connection to the debt financing of the Lions Park Projects; and
2. Authorized the City Manager and the City Clerk to execute Amendment Number Three.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

- 1. WARRANT RESOLUTION NO. 2581 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-13 "A" FOR \$-118.99 AND 17-14 FOR \$2,239,918.12; AND CITY OPERATING EXPENSES FOR \$3,969,281.79; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:52:10)**

Public Comments:

Speaker, spoke on various payables. (00:52:14)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved Warrant Resolution No. 2581.

- 4. APPROVE RESOLUTIONS FOR THE APPLICATION OF GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK VERNAL POOL RESTORATION PROJECT AND FOR THE APPLICATION OF GRANT FUNDS FROM THE OUTDOOR ENVIRONMENTAL EDUCATION FACILITIES GRANT FUND PROGRAM FOR THE FAIRVIEW PARK NATIVE HABITAT NURSERY PROJECT (00:56:04)**

Bart Mejia, City Engineer, presented the staff report. (00:56:19)

Public Comments:

Kim Hendricks, Costa Mesa, spoke in support of the item. (00:57:43)

Jay Humphrey, Costa Mesa, spoke in support of the item. (01:00:39)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

1. City Council adopted Resolution No. 17-52 for the submittal of a grant application to the California Department of Parks and Recreation, Habitat Conservation Fund Program for the Fairview Park Vernal Pool Restoration Project; and
2. Adopted Resolution No. 17-53 for the submittal of a grant application to the California Department of Parks and Recreation, Outdoor Environmental Education Facilities Grant Program for the Fairview Park Native Habitat Nursery Project; and
3. Authorized the Public Services Director as the City's authorized representative.

5. CITYWIDE PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT - CITY PROJECT NO. 14-12 (01:07:41)

Bart Mejia, City Engineer, presented the staff report. (01:08:24)

Public Comments:

Teresa Drain, Costa Mesa, showed photographs of needed sidewalk repairs. (01:11:09)

Robin Leffler, Costa Mesa, spoke on trip and fall lawsuits. (01:20:01)

Speaker, spoke on the item and handicapped ramps on 19th Street. (01:21:37)

Discussion ensued on the designation of work, Parkway Repair Program and inspection of the final work. (01:22:60)

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

MOTION: To continue the item to the September 5, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved to continue the item to the September 5, 2017 City Council meeting.

The City Council recessed into a break at 7:54 p.m. (01:30:42)

The City Council reconvened at 8:02 p.m. (01:39:20)

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

1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING AND ADOPTION OF THE 2017-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIRE MANAGEMENT ASSOCIATION (CMFMA). THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION (01:39:27)

Tamara Letourneau, Assistant City Manager, presented the staff report. (01:39:52)

Public Hearing Opened:

Richard Russell, Costa Mesa, spoke on campaign contributions. (01:43:00)

Ralph Taboada, Costa Mesa, spoke on increasing pension benefits and salaries. (01:47:52)

Tim Lewis, Costa Mesa, spoke in support of the item. (01:50:52)

Speaker, spoke in support of the item. (01:53:18)

Public Hearing Closed.

Mayor Pro Tem Genis spoke in support of the motion. (01:55:00)

Council Member Mansoor spoke against the motion. (01:56:00)

Council Member Stephens spoke in support of the motion. (01:57:18)

Mayor Foley spoke in support of the motion. (01:59:26)

MOVED/SECOND: Mayor Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor

Absent: Council Member Righeimer

Motion carried: 3-1-1

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
 2. Approved and adopted the 2017-2022 Memorandum of Understanding between the City of Costa Mesa and the CMFMA; and
 3. Adopted Resolution No. 17-49, which provides for a 4.5%, 4.5%, 4%, 3%, 2% salary increases for CMFMA represented employees effective June 25, 2017, June 24, 2018, June 23, 2019, June 21, 2020 and June 20, 2021; and
 4. Adopted Resolution No. 17-50, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Fire Management Association. The effective date of this Resolution is August 6, 2017; and
 5. Adopted Resolution No. 17-51, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Fire Management Association. The effective date of this Resolution is June 24, 2018.
2. **CODE AMENDMENT CO-17-04 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING & DEVELOPMENT) RELATING TO APPLICATION SUBMITTAL REQUIREMENTS AND NOTICING FOR PUBLIC HEARINGS (02:01:35)**

Sheri Vander Dussen, Interim Assistant Director Community Improvement, presented the staff report. (02:02:17)

Public Hearing Opened:

Tim Lewis, Costa Mesa, spoke on the disclosure of the corporation. (02:05:08)

Adam Wood, Building Industry Association representative, spoke on the application submittal requirements and the full permit history of the applicant. (02:06:35)

Speaker, spoke in support of the item. (02:08:13)

Speaker, inquired on the issue. (02:11:44)

Speaker, requested clarification on the radius of noticing. (02:13:09)

Public Hearing Closed.

Discussion ensued on the noticing boundary, time restriction for the list of applicants, geographical limitation, operational permits, and application submittal requirements. (02:14:12)

MOTION/SECOND: Council Member Stephens/Council Member Mansoor

MOTION: To continue the item to the September 5, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved to continue the meeting to the September 5, 2017 City Council meeting.

OLD BUSINESS:

1. HARBOR BLVD. MEDIAN ENHANCEMENT PROJECT (02:27:15)

Raja Sethuraman, Public Services Director, presented the staff report. (02:27:25)

Public Comments:

Tim Lewis, Costa Mesa, spoke on the project and to study further. (02:44:31)

Beth Refakes, Costa Mesa, expressed concerns on the plan. (02:47:35)

Barrie Fisher, Costa Mesa, spoke on safety. (02:50:30)

Speaker, spoke in support of more bicycle lanes. (02:53:34)

Robin Leffler, Costa Mesa, expressed concerns regarding small business; and requested more study on the left turns and stacking. (02:54:37)

Speaker, requested to reconsider the entire project and study further. (02:57:18)

Dave Ruffle, Costa Mesa, spoke against the project due to decreasing access on 19th and Harbor. (02:59:49)

Teresa Drain, Costa Mesa, expressed concerns on access for fire and requested more outreach and research. (03:01:06)

Kirk Herberts, Costa Mesa, spoke in support of the project. (03:02:03)

Speaker, spoke against the project. (03:05:03)

Speaker, spoke against the project. (03:06:46)

Discussion ensued on noticing, consultation with the Fire and Police departments and access to small businesses. (03:09:57)

MOTION/SECOND: Council Member Mansoor/Mayor Foley

MOTION: To approve the recommended action but staff meets with the community one more time and incorporates any changes, goes to the Parks and Recreation Commission and that the final project comes back to the Council for final vote.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, and Mayor Foley.

Nays: Mayor Pro Tem Genis

Absent: Council Member Righeimer

Motion carried: 3-1-1

ACTION:

City Council approved the recommended action but staff meets with the community one more time and incorporates any changes, goes to the Parks and Recreation Commission and that the final project comes back to the Council for final vote.

NEW BUSINESS:

1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2017 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (03:34:37)

Kelly Shelton, Executive Assistant to the City Manager, presented the staff report. (03:34:55)

No public comments on this item.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council designated Mayor Foley as Costa Mesa's voting delegate and Mayor Pro Tem Genis as a voting delegate alternate for the 2017 League of California Cities Annual Conference.

**2. FINANCE AND PENSION ADVISORY COMMITTEE ANNUAL REPORT
(03:37:13)**

Discussion ensued on study sessions for committee reports. (03:37:24)

Chair Jim Fidler and Vice-Chair Ralph Taboada of the Finance and Pension Advisory Committee, provided a power point presentation. (03:42:25)

Public Comments:

Beth Refakes, Costa Mesa, spoke in support of the presentation. (03:59:05)

Robin Leffler, Costa Mesa, spoke in support of the presentation; and spoke on adding to the reserves. (04:00:31)

ACTION:

City Council received and filed.

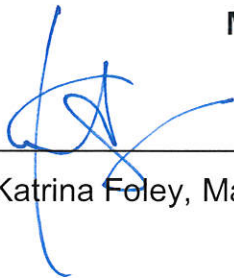
ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (04:02:00) – Mayor Pro Tem Genis spoke on a citywide plain air competitions involving Art, History, and the Fairview Park committee.

REPORT – CITY MANAGER (04:02:31) – City Manager Hatch recognized and congratulated Ms. Shelton on her retirement.

REPORT – CITY ATTORNEY (04:03:11) – City Attorney Duarte reported on the Motor Inn case, in which the City is still in litigation and more details are posted on the City website under the litigation log.

ADJOURNMENT (04:03:45) – The Mayor adjourned the meeting at 10:27 p.m. in memory of Santa Bob.

Minutes adopted on this 5th day of September, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk