

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

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

**TUESDAY, SEPTEMBER 5, 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 Closed Session 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 (arrived at 4:20 p.m.), 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 4:06 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.

The City Council reconvened at 6:05 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:05 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

CITY ATTORNEY CLOSED SESSION REPORT - NONE

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Council Member Stephens and Mayor Foley spoke with Captain Rob Gagne regarding questions on overtime in the fire department.

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13 except for **2, 5, and 6.**

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: Joey Celi, John Downing, Brian James, Loneka Lewis, and Jon E. Reynolds.

ACTION:

City Council received and filed.

3. **MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JUNE 20, 2017, JULY 18, 2017, AND AUGUST 1, 2017, STUDY SESSION MEETING OF MAY 9, 2017, AND SPECIAL JOINT MEETING OF MARCH 28, 2017**

ACTION:

City Council approved the minutes of March 28, 2017, May 9, 2017, June 20, 2017, July 18, 2017, and August 1, 2017.

4. **AWARD THE PURCHASE OF A NEW 2017 FORD SUPER DUTY F450 XL TRUCK WITH UTILITY BODY FOR USE AS THE CONCRETE REPAIR AND CONSTRUCTION VEHICLE**

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for a 2017 Ford Super Duty F450 XL Truck 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 \$76,289.05.

FOR INFORMATIONAL PURPOSES ONLY

7. **MPS CONSULTING, INC. PROFESSIONAL SERVICES AGREEMENT RENEWAL**

ACTION:

1. City Council approved Amendment Two to renew the existing Professional Services Agreement with MPS Consulting, Inc. to perform development-related project management consulting services in an amount not to exceed \$99,000; 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.

8. **REIMBURSEMENT OF ACCRUED EXPENSES FOR REPAIR AND MAINTENANCE OF HOME RANCH HISTORIC SITE AS ALLOWED BY HOME RANCH DEVELOPMENT AGREEMENT**

ACTION:

City Council approved and authorized the City Manager to execute reimbursement of maintenance and improvement costs in the amount of \$276,599.39 plus accrued interest to Segerstrom and Sons (“applicant”) consistent with Third Amendment of Home Ranch Development Agreement related to improvements to the Home Ranch Historic Site located at 3315 Fairview Drive, Costa Mesa.

9. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00453 AND PS15-00967 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17658 LOCATED AT 2023, 2025 AND 2027 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized release of the Performance and Labor and Material Bonds (Certificate No. 0671230) in the amounts of \$61,850.00 each for street improvements and (Certificate No. 0671229) for setting corner monuments in the amount of \$1,600.00 to City Ventures Homebuilding, LLC (Developer), 3121 Michelson Drive, Suite 150, Irvine, CA 92612.

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- 10. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00518 FOR STREET IMPROVEMENTS & CORNER MONUMENTATION FOR TRACT 17848 LOCATED AT 650 HAMILTON STREET, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized release of the Performance and Labor and Material Bonds (Certificate No. 0193322) in the amounts of \$178,080.00 each for street improvements and (Certificate No. 0193323) for setting corner monuments in the amount of \$2,500.00 to Shea Homes, LP (Developer), 1250 Corona Pointe Court Suite 600, Corona, CA 92879.

- 11. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00056 FOR STREET IMPROVEMENTS & CORNER MONUMENTATION FOR TRACT 17771 LOCATED AT 789 AND 795 PAULARINO AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized release of the Performance and Labor and Material Bonds (Certificate No. CMS280455) in the amounts of \$107,956.00 each for street improvements and (Certificate No. CMS280456) for setting corner monuments in the amount of \$7,500.00 to Shea Homes, LP (Developer), 2 Ada Suite 200, Irvine, CA 92618.

- 12. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS17-00285 FOR PARKWAY IMPROVEMENTS AT 2136 THURIN STREET, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized the refund of cash deposit in connection with Encroachment Permit No. PS17-00285 in the amount of \$18,278.92 to James John Cefalia, 1224 W Oceanfront, Newport Beach, CA 92661.

- 13. BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES**

ACTION:

1. City Council approved and authorized the Mayor and the City Clerk to execute one-year professional service agreements for as-needed contract building plan check and contract building counter permit technicians with the companies of Scott Fazekas & Associates Inc., Bureau Veritas North America, Inc., Melad & Associates, Interwest Consulting Group, Inc., The Code Group dba VCA Code, HR Green California, Jeanelle Heaston dba Permit Management Solutions, and Jason Addison Smith Consulting Services dba JAS Pacific in the aggregate maximum amount of \$107,938, as budgeted for FY 2017-2018; and

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2. Approved the same consultants for building plan check and contract building contract counter permit technicians to provide contract fire plan checking for a total aggregate amount up to \$142,000 as budgeted for FY 2017-2018; and
3. Approved and authorized the Mayor and the City Clerk to execute one-year professional service agreements for as-needed contract building inspection services with the companies of Jason Addison Smith Consulting Services dba JAS Pacific, Interwest Consulting Group, Bureau Veritas North America, The Code Group dba VCA Code and Safebuilt, LLC in the aggregate maximum amount of \$107,938, as budgeted for FY 2017-2018; and
4. Authorized the City Manager and the City Clerk to extend the agreement for four (4) additional one-year periods upon mutual written agreement of both parties.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2582 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-14 "A" FOR \$5,955.03, 17-15 FOR \$2,420,688.73, 17-15 "A" FOR \$72.03, AND 17-16 FOR \$2,350,021.91; AND CITY OPERATING EXPENSES FOR \$4,655,653.01; 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. 2582.

FOR INFORMATIONAL PURPOSES ONLY

5. CITY COUNCIL RESOLUTION ADOPTING A DEBT MANAGEMENT POLICY IN COMPLIANCE WITH GOVERNMENT CODE SECTION 8855(i), AS AMENDED AND EFFECTIVE JANUARY 1, 2017

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

MOTION: To approve the recommended action and add additional language to the Debt Management Policy to read, "If the City staff has determined that a waiver of one or more provisions of this Debt Policy should be considered by the City Council based on a **strong and compelling reason**, it will prepare an analysis for the City Council describing the rationale for the waiver and the impact of the waiver on the proposed debt issuance and on taxpayers, if applicable. Upon a **super** majority vote of the City Council, one or more provisions of this Debt Policy may be waived for a debt financing."

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 adopted Resolution No. 17-55, adopting a Debt Management Policy as required by and in compliance with Government Code Section 8855(i) as amended and effective January 1, 2017, and added additional language to the Policy to read, "If the City staff has determined that a waiver of one or more provisions of this Debt Policy should be considered by the City Council based on a **strong and compelling reason**, it will prepare an analysis for the City Council describing the rationale for the waiver and the impact of the waiver on the proposed debt issuance and on taxpayers, if applicable. Upon a **super** majority vote of the City Council, one or more provisions of this Debt Policy may be waived for a debt financing."

6. ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW

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 approved the 2016 Annual Report of the 2015-2035 adopted Costa Mesa General Plan.

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City Council recessed into a break at 8:18 p.m.

City Council reconvened at 8:27 p.m.

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

- 1. 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**

MOTION/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: To continue the item to a future City Council meeting.

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 to continue the item to a future City Council meeting.

- 2. CODE AMENDMENT CO-17-05 TO AMEND TITLE 13 OF COSTA MESA MUNICIPAL CODE RELATED TO PLANNING AND SUBDIVISION APPLICATION REVIEW PROCESS TIME LIMITS**

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:

City Council gave first reading to Ordinance No. 17-12, read by title only, and further reading waived, to adopt Code Amendment CO-17-05 amending Costa Mesa Municipal Code Title 13 Chapters III and XI modifying the parameter and process for time extensions.

3. ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236

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 gave first reading to Ordinance No. 17-13, read by title only, and further reading waived, to establish an expedited, streamlined permitting process for electric vehicle charging stations, per the requirements of Assembly Bill 1236 (2015).

4. REVIEW OF CONDITIONAL USE PERMIT PA-17-12 FOR RETAIL SALES OF MOTOR VEHICLES WITH FIVE OUTDOOR VEHICLE DISPLAY SPACES AT THE SOUTHWEST CORNER OF RED HILL AVENUE AND CLINTON STREET AT 2920 RED HILL AVENUE

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 upheld with revisions, the Planning Commission's decision to approve Conditional Use Permit PA-17-12 for motor vehicle retail sales by adoption of Resolution No. 17-57

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5. **APPEAL OF PLANNING APPLICATION PA-17-25 AND TENTATIVE PARCEL MAP 2015-109 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 162 EAST 18TH 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 with one change: Removal of the Condition of Approval requiring the rolling gate for the rear unit's open parking spaces and approved the project by adoption of Resolution No. 17-56.

OLD BUSINESS:

1. **CITYWIDE PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT – CITY PROJECT NO. 14-12**

MOVED/SECOND: Council Member Stephens/Mayor Foley

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 accepted the work performed by C.J. Concrete Construction Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material 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.

NEW BUSINESS:

1. CONSTRUCTION AND UPGRADE OF SPORTS FACILITIES AT VARIOUS LOCATIONS

MOTION/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To approve the recommended actions and include restroom upgrades to the scope of work for the Jack Hammett Sports Complex Project.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Mayor Foley (recused due to living within 500 feet of the Jack Hammett Sports Complex)

Motion carried: 4-0-0-1

ACTION:

1. City Council modified the scope of work for the Jack Hammett Sports Complex Project to include only the construction of ADA walkways, parking lot expansion permanent storage facilities, and **restroom upgrades** and eliminated the construction of two artificial turf fields; and
2. Authorized the City Manager to negotiate draft agreements with the Newport-Mesa Unified School District (NMUSD), youth sports user groups and non-profit organizations, pertaining to funding, public engagement process, design, construction, maintenance and joint use for the athletic fields at Davis Magnet School and Kaiser Elementary School. Once drafted, these agreements would be reviewed by the Parks and Recreation Commission, City Council and Board of Trustees.

2. REVIEW OF ORDINANCE NO. 14-11 FOR TITLE 13, CHAPTER IX, ARTICLE 8, GOVERNING MOTELS

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

MOTION: To continue the meeting past midnight.

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 to continue the meeting past midnight.

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MOVED/SECOND: Council Member Stephens/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 directed staff to agendize consideration of Ordinance No. 14-11, as it pertains to Title 13, Chapter IX, Article 8, Governing Motels, at the next possible regular meeting of the Planning Commission and directed the Planning Commission to consider the ordinance and make a recommendation to the City Council regarding whether the ordinance should be repealed or amended.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 12:04 a.m.