

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

SEPTEMBER 5, 2017

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

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.

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

CALL TO ORDER (00:00:03)

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.

PLEDGE OF ALLEGIANCE (00:00:31) Mayor Foley

MOMENT OF SOLEMN EXPRESSION (00:00:49)

Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL (00:02:14)

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, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:31) – 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. (00:02:39)

ANNOUNCEMENTS (00:03:00)

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

PRESENTATIONS (00:05:17)

1. Lloyd Swanson, Network Administrator, was recognized by the City Council for receiving the City Manager's Leadership Award for the month of August. (00:05:23)
2. Police Chief Robert Sharpnack presented a power point presentation on Crime Mapping on the City website. (00:09:28)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:22:30)

Them Treen, Costa Mesa, spoke on enforcing barking dog laws; and parking issues on Hamilton Street. (00:22:54)

Flo Martin, Costa Mesa, spoke on fireworks causing fires. (00:26:01)

Dara Hendricks, representing Save Fairview Park Pacific Avenue Residence Alliance, spoke on the petition submitted to the City in support of a turnaround at Pacific Avenue. (00:28:00)

Speaker, spoke on the need for a turnaround at Pacific Avenue. (00:31:37)

Speaker, spoke on the need for a turnaround at Pacific Avenue. (00:35:01)

Jay Humphrey, Costa Mesa, spoke on Margaret Mooney's article on supportive housing for homeless individuals. (00:37:16)

Speaker, spoke on the need for a turnaround at Pacific Avenue. (00:40:23)

Wendy Leece, Costa Mesa, spoke on enforcement of the sober living home ordinance. (00:43:33)

Julie Champlain, Costa Mesa, spoke on Senate Bill 2 related to housing for homeless. (00:46:47)

Margaret Mooney, Costa Mesa, spoke on Senate Bill 2 related to housing for homeless. (00:49:06)

Teresa Drain, Costa Mesa, spoke on Tchaikovsky Spectacular at the Pacific Amphitheater and compliance of noise levels. (00:51:12)

Kim Hendricks, Costa Mesa, spoke against a turnaround at Pacific Avenue. (00:53:28)

Reggie Mundekis, Orange, spoke on July 4th fireworks at the Pacific Symphony. (00:56:23)

Robin Leffler, Costa Mesa, spoke on the 2016 election statistics. (00:59:34)

Barrie Fisher, Costa Mesa, thanked the City Council for the wall closures project. (01:02:21)

Beth Refakes, Costa Mesa, spoke on the landscaping at the end of 55 freeway; homeless issues at Lions Park; and status of the Council Chamber upgrades. (01:04:21)

Speaker, spoke on various issues. (01:07:25)

Brian West, Costa Mesa, spoke on the noise levels and problems at the Orange County Fairgrounds. (01:09:43)

Ralph Taboada, Costa Mesa, spoke on starting the City Council meeting on time. (01:11:07)

Speaker, provided an update on an individual that was curbed from a sober living home. (01:12:38)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:15:44)

Mayor Foley spoke on SB 2 zones; red zones; Pacific Avenue issues; the new Fairview Park Administrator; thanked the staff for summer activities; invited the public to the State of the City event on September 28; spoke on becoming the Vice Chair ACC-OC recovery home task force; and the Art on the 5th reception. (01:15:55)

Mayor Pro Tem Genis, spoke on the new Fairview Park Administrator; new mobile recreational van; West Nile virus mosquitoes; enforcement of barking dog laws; and parking rules. (01:20:05)

Council Member Stephens spoke on Pacific Avenue issues; Hamilton parking issues; Fairview Developmental Center; and his hole in one on the 11th hole at the Costa Mesa Golf Course on September 4.

Council Member Righeimer spoke on drug problems; affordable housing; and pension costs statistics. (01:26:12)

Council Member Mansoor spoke on barking dog problems; Pacific Avenue issues; legal opinion on Measure AA; landscaping at the end of 55 freeway; sober living ordinance questions by Ms. Leece; follow-up list of people curbed from recovery homes; and a District Attorney presentation on human trafficking at a City Council meeting. (01:31:18)

CONSENT CALENDAR (01:35:23)

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.

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.

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

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 (01:36:12)**

Public Comments:

Speaker, spoke on potential lawsuits pertaining to streets. (01:36:20)

Council Member Mansoor confirmed the items on the streets have been repaired. (01:37:58)

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.

5. **CITY COUNCIL RESOLUTION ADOPTING A DEBT MANAGEMENT POLICY IN COMPLIANCE WITH GOVERNMENT CODE SECTION 8855(i), AS AMENDED AND EFFECTIVE JANUARY 1, 2017 (01:38:29)**

Stephen Dunivent, Interim Finance Director, presented the staff report. (01:38:59)

Mayor Pro Tem Genis spoke on super majority vote. (01:41:10)

Public Comments:

Ralph Taboada, Costa Mesa, spoke on the debt policy and a super majority vote. (01:43:06)

Wendy Leece, Costa Mesa, expressed concern on increasing debt and a super majority vote. (01:45:40)

Discussion ensued on a super majority vote. (01:47:30)

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 (01:53:42)**

Public Comments:

Robin Leffler, Costa Mesa, spoke on inconsistencies in the report and requested the item to not be approved. (01:54:13)

Kim Hendricks, Costa Mesa, spoke on revisions to the Small Lot Ordinance and requested the item to not be approved. (01:58:30)

Linda Tang, representing the Kennedy Commission, spoke on the city's Regional Housing Needs Allocation programs for affordable housing. (02:00:28)

Speaker, spoke on the Small Lot Ordinance and postponing approval of the item. (02:02:47)

Speaker, spoke on easements and the Small Lot Ordinance. (02:05:49)

Brian West, Costa Mesa, requested a more detailed report next year. (02:07:50)

Minoo Ashabi, Principal Planner, presented the staff report. (02:09:10)

Council Member Righeimer spoke on the Kennedy Commission. (02:10:32)

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.

City Council recessed into a break at 8:18 p.m. (02:13:01)

City Council reconvened at 8:27 p.m. (02:22:24)

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 (02:22:26)

Sheri Vander Dussen, Interim Assistant Director Community Improvement, and Tarquin Preziosi, Deputy City Attorney, presented the staff report. (02:22:27)

Discussion ensued on controlling interest and geographic limitation. (02:25:51)

Public Hearing Opened:

Teresa Drain, Costa Mesa, spoke on adding “visibly posted” in the public notice requirement. (02:42:03)

Public Hearing Closed.

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 (02:48:04)

Minoo Ashabi, Principal Planner, presented the staff report. (02:48:33)

No public comments on this item.

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 (02:51:15)

Issam Shahrouri, Building Official, presented the staff report. (02:51:49)

No public comments on this item.

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 (02:53:08)

Roger Rath, Assistant Planner and Minoo Ashabi, Principal Planner, presented the staff report. (02:53:32)

Council Member Righeimer spoke on the issue. (02:58:54)

Representative of Eurocar, spoke on the request to display 5-10 vehicles in the parking lot and no setback. (02:58:54)

No public comments on this item.

Council Member Righeimer spoke on removing Condition of Approval Numbers 1, 9, and 14. (03:07:40)

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

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 (03:12:00)

Justin Arios, Assistant Planner and Minoo Ashabi, Principal Planner, presented the staff report. (03:12:38)

Ann Parker, appellant, provided a power point presentation. (03:21:27)

Bill Baker, owner of South Point Construction, provided a power point presentation. (03:44:47)

Council Member Mansoor spoke on the Small Lot Ordinance. (03:57:50)

Discussion ensued on privacy and site line. (04:02:50)

Public Hearing Opened:

Speaker, Costa Mesa, spoke on topography, character of the neighborhood, and privacy concerns. (04:06:40)

Discussion ensued on open space, rear, flex, and tandem parking. (04:09:00)

Speaker, spoke against the project. (04:22:04)

Public Hearing Closed.

Council Member Righeimer spoke to supporting the motion. (04:30:06)

Discussion ensued on the removal of the rolling gate for the rear unit's open parking spaces. (04:32:06)

Mayor Foley spoke to supporting the motion. (04:36:45)

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 (04:39:27)

Bart Mejia, City Engineer, presented the staff report. (04:39:54)

Public Comments:

Teresa Drain, Costa Mesa, spoke on the map. (04:53:28)

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 (04:59:39)

Mayor Foley recused herself and stepped down from the dais and left the Council Chambers due to living within 500 feet of the Jack Hammett Sports Complex. (05:00:00)

Bart Mejia, City Engineer, presented the staff report for the Jack Hammett Sports Complex Project. (05:00:26)

Discussion ensued on approving the recommended actions with one vote. (05:05:00)

Mr. Mejia presented the staff report for the draft agreements with the Newport-Mesa Unified School District. (05:10:54)

Public Comments:

Brett Eckles, Costa Mesa, spoke in support of the project. (05:18:53)

Brett Woods, representing AYSO Region 97, spoke in support of the project. (05:21:59)

Lance Yurada, representing AYSO Region 120, spoke in support of the project. (05:24:22)

Mark Todd, Head Coach for the Newport Harbor School Boys' Lacrosse, spoke in support of the project. (05:28:56)

Mike Sinacori, Assistant City Engineer for the City of Newport Beach, spoke in support of the project. (05:31:00)

Mark Arblaster, President of the Newport-Mesa Soccer Club, spoke in support of the project. (05:33:25)

Council Member Righeimer spoke to supporting the motion. (05:36:40)

Council Member Mansoor spoke on including restroom upgrades. (05:37:22)

MOVED/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 (05:42:26)

Council Member Stephens spoke on the litigations pertaining to Dadey and Kennedy Commission. (05:42:38)

Public Comments:

Kathy Esfahani, representing the Affordable Housing Coalition, spoke in support of the item. (05:46:49)

Linda Tang, representing Kennedy Commission, spoke in support of the item. (05:50:10)

Tamar Goldmann, Costa Mesa, spoke in support of the item. (05:52:59)

Council Member Stephens spoke on ensuring the units are safe. (05:55:49)

Mayor Pro Tem Genis supports re-examination of the ordinance; and spoke to ensure the standard for housing is decent and sanitary; and spoke on single room occupancy. (05:56:48)

MOVED/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.

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 agendaize 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.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Foley announced that there will be a Study Session on September 12 regarding the Small Lot Ordinance; and spoke on externship opportunities for college students.

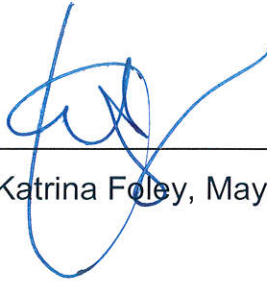
Mayor Pro Tem Genis spoke on local churches collecting donations for hurricane victims.

REPORT – CITY MANAGER (05:59:00) - NONE

REPORT – CITY ATTORNEY (05:59:04) - NONE


ADJOURNMENT (05:59:08) - The Mayor adjourned the meeting at 12:04 a.m.

Minutes adopted on this 3rd day of October, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk