

**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."

**\*NEW BUSINESS #1 HAS BEEN ADDED.**

**TUESDAY, AUGUST 7, 2018  
CITY COUNCIL CHAMBERS  
77 FAIR DRIVE, COSTA MESA, CALIFORNIA  
CLOSED SESSION – 4:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

**SANDRA L. GENIS**  
Mayor

**ALLAN R. MANSOOR**  
Mayor Pro Tem

**KATRINA FOLEY**  
Council Member

**JOHN B. STEPHENS**  
Council Member

**JAMES M. RIGHEIMER**  
Council Member

City Attorney  
**Thomas Duarte**

City Manager  
**Thomas R. Hatch**

**CALL TO ORDER**

The Closed Session was called to order by Mayor Genis 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 Foley, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Absent: Council Member Righeimer

The City Council recessed to Conference Room 5A at 4:07 p.m. for Closed Session to consider the following items:

**1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

## FOR INFORMATIONAL PURPOSES ONLY

### **2. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Association (CMPA)

### **3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

### **4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

### **5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

### **6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – TWO POTENTIAL CASES**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

The City Council reconvened at 6:18 p.m.

### **CALL TO ORDER**

The meeting was called to order by Mayor Genis at 6:18 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

### **ROLL CALL**

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

Absent: Council Member Righeimer

**CITY ATTORNEY CLOSED SESSION REPORT** – City Attorney Duarte reported on Closed Session Item No. 6, in which the City Council, on a vote of 4-0, (with Council Member Righeimer absent) directed staff to initiate litigation against the defendant, which will be identified once the complaint is filed.

## FOR INFORMATIONAL PURPOSES ONLY

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

### CONSENT CALENDAR:

**MOVED/SECOND:** Council Member Foley/Mayor Genis

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 3, 5, 6, 8 and 9.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

**ACTION:**

City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

2. **READING FOLDER** - Claims received by the City Clerk: Bruce Pulgencio

**ACTION:**

City Council received and filed.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JULY 3, 2018**

**ACTION:**

City Council approved the minutes of July 3, 2018.

7. **AMENDMENT TO THE WESTNET FIRE STATION ALERTING SYSTEM PSA TO INCLUDE NEW FIRE STATION ONE**

**ACTION:**

City Council approved and authorized the City Manager to execute Amendment Number One to the Professional Service Agreement with Westnet, INC. First-In Alerting Systems, 15542 Chemical Lane, Huntington Beach CA, 92649. Amendment Number One will expand the scope of work to include installation and operation of the Westnet Station Alerting System into New Fire Station 1. The total net cost of the amendment, including taxes shall be \$93,537.19, for a new total compensation of \$463,034.97.

## FOR INFORMATIONAL PURPOSES ONLY

### ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2603 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-13 "A" FOR \$-2,091.89 AND 18-14 FOR \$2,439,964.03; AND CITY OPERATING EXPENSES FOR \$2,833,339.39; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**MOVED/SECOND:** Mayor Pro Tem Mansoor/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council approved Warrant Resolution No. 2603.

5. **SCHOOL CROSSING GUARD SERVICES WITH ALL CITY MANAGEMENT SERVICES CONTRACT AMENDMENT**

**MOVED/SECOND:** Council Member Foley/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council approved Amendment No. 3 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 approximately \$10,300 to \$187,533.36; and
2. Authorized the City Manager and the City Clerk to execute the Amendment.

**6. PROFESSIONAL SERVICES AGREEMENT WITH WITTMAN ENTERPRISES, LLC FOR AMBULANCE BILLING AND COST RECOVERY SERVICES RFP 18-03**

**MOVED/SECOND:** Council Member Foley/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council approved the Professional Services Agreement for Ambulance Billing and Cost Recovery Services between Wittman Enterprises, LLC and the City of Costa Mesa. The annual cost of services shall not exceed \$240,000.00; and
2. Authorized the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.

**8. REDHILL AVENUE MEDIAN IMPROVEMENTS FROM BRISTOL STREET TO MCCORMICK AVENUE, FEDERAL PROJECT NO. HSIPL-5312 (094) - CITY PROJECT NO. 18-08**

**MOVED/SECOND:** Council Member Foley/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council adopted the plans, specifications, and working details for the Redhill Avenue Median Improvements from Bristol Street to McCormick Avenue, Federal Project No. HSIPL-5312 (094), City Project No. 18-08; and
2. Rejected the bid submitted by Marina Landscape, Inc. as non-responsive; and
3. Awarded a construction contract to KASA Construction, Inc., 15148 Sierra Bonita Lane, Chino, CA 91710, in the amount of \$1,186,492.50; and
4. Authorized the City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager to execute future contract amendments within Council-authorized limits; and

## FOR INFORMATIONAL PURPOSES ONLY

5. Appropriated \$1,186,492.50 into the City's approved Fiscal Year 2018-2019 Capital Improvement Program budget using \$923,477.00 in the Capital Improvement Funds and Highway Safety Improvement Program (HSIP) grant previously budgeted and \$263,015.50 from the Measure M Fund.

### 9. **COSTA MESA COUNCIL CHAMBERS / FIRST FLOOR IMPROVEMENT PROJECT – CITY PROJECT NO. 18-06**

**MOVED/SECOND:** Mayor Genis/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

#### **ACTION:**

1. City Council adopted the plans, specifications, and working details for the Costa Mesa Council Chambers/First Floor Improvement Project– City Project No. 18-06; and
2. Awarded a construction contract to Optima RPM, Inc. (17945 Sky Park Circle, Suite D, Irvine, CA 92614) in the amount of \$565,000.00; and
3. Authorized the City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager to execute future contract amendments within Council-authorized limits; and
4. Appropriated \$565,000.00 into the City's approved Fiscal Year 2018-2019 Capital Improvement Program budget from the previously approved funds for the project.

City Council recessed into a break at 7:57 p.m.

City Council reconvened at 8:11 p.m.

## FOR INFORMATIONAL PURPOSES ONLY

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

- 1. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT PA-16-25 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 21 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 2417 ORANGE AVENUE**

Pursuant to Government Code 54954.2 (3)(b)(2), the City Council determined a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

**MOVED/SECOND:** Council Member Stephens/Mayor Pro Tem Mansoor

**MOTION:** For City Council to recess into Closed Session.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council recessed into Closed Session at 8:38 p.m.

City Council reconvened at 8:53 p.m.

City Attorney Duarte stated there is no reportable action.

**MOVED/SECOND:** Mayor Genis/Council Member Foley

**MOTION:** City Council adopt Resolution No. 18-55, upholding the decision of the Director of Economic and Development Services to deny a request for reasonable accommodation, and deny the appeal of the Planning Commission's decision and deny Conditional Use Permit PA-16-25.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council adopted Resolution No. 18-55, upholding the decision of the Director of Economic and Development Services to deny a request for reasonable accommodation, and denied the appeal of the Planning Commission's decision and denied Conditional Use Permit PA-16-25.

**2. CODE AMENDMENT CO-17-04 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT) RELATING TO NOTICING FOR PUBLIC HEARINGS**

**MOVED/SECOND:** Council Member Foley/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council introduced for first reading Ordinance No. 18-06, adopting Code Amendment CO-17-04 to expand the Public Notice provided for zoning matters per Section 13-29(d) of the Costa Mesa Municipal Code to include both owners and occupants of properties within 500 feet of a project site.

City Council recessed into a break at 10:17 p.m.

City Council reconvened at 10:25 p.m.

**OLD BUSINESS:**

**1. AMBULANCE TRANSPORTATION SERVICE CONTRACT, RFP 18-08**

**MOVED/SECOND:** Council Member Stephens/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council approved the Professional Services Agreement for Ambulance Operator Services between Care Ambulance Service, Inc. and the City of Costa Mesa; and
2. Authorized the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.



**2. LEGAL SERVICES AGREEMENT WITH KELLER/ANDERLE LLP**

**MOVED/SECOND:** Mayor Pro Tem Mansoor/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council authorized the City Manager to execute the legal services agreement with Keller/Anderle LLP; and future amendments to the agreement; and
2. Authorized a budget adjustment of \$1.4 million in the Self Insurance Fund and authorized a transfer of \$1.4 million from the Self Insurance Reserve in the General Fund to the Self Insurance Fund to provide legal services to defend the City in the *Yellowstone Women's First Step House, Inc., et al. v. City of Costa Mesa* matter; and
3. Authorized the City Manager to appropriate additional amounts, as necessary, to pay legal costs above \$1.4 million allowing Keller/Anderle LLP to see the case through to completion.

**NEW BUSINESS:**

1. **INTRODUCTION AND ADOPTION AS AN URGENCY MEASURE AN INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT AND/OR OPERATION OF HYPODERMIC NEEDLE AND SYRINGE EXCHANGES WITHIN THE CITY OF COSTA MESA FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE PURSUANT TO GOVERNMENT CODE SECTION 65858.**

**MOVED/SECOND:** Council Member Foley/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council introduced and adopted as an Urgency Measure the Interim Ordinance No. 18-07 (revised version).

**REPORT – CITY MANAGER - NONE**

**REPORT – CITY ATTORNEY – NONE**

**ADJOURNMENT** – Mayor Genis adjourned back to Closed Session at 11 p.m. to discuss Closed Session Item No. 1.