

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

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

**TUESDAY, JANUARY 17, 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 – 4:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

Present: Council Member Mansoor, Council Member Righeimer (arrived at 4:05 p.m.), Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

## FOR INFORMATIONAL PURPOSES ONLY

### PUBLIC COMMENTS

Members of the public are welcome to address the City Council only on those items on the Special Closed Session agenda. Each member of the public will be given three minutes to speak.

1. Conference with legal counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa; U.S. District Court, Central District of California Case No. SACV14-01852 JVS, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(2) for 1 potential case.
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a Municipal Corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).

**The City Council, Housing Authority, and Successor Agency to the Redevelopment Agency recessed to Conference Room 5A for Special Closed Session at the conclusion of public comments.**

### **REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY TUESDAY, JANUARY 17, 2017 – 6:00 P.M.**

#### CALL TO ORDER

**PLEDGE OF ALLEGIANCE** Council Member Stephens

#### MOMENT OF SOLEMN EXPRESSION

Father Michael Hanifin, Saint Joachim Catholic Church, Costa Mesa

Mayor Foley stated that Public Hearing #2 regarding 440 Fair Drive has been withdrawn by the applicant.

#### ROLL CALL

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

Absent: None

## FOR INFORMATIONAL PURPOSES ONLY

**CITY ATTORNEY CLOSED SESSION REPORT** – City Attorney Duarte reported on Closed Session item# 3 Civic Center Barrio Housing, on which the City Council authorized staff to dismiss the action against the defendant and the defendant agreed to a waiver of costs, on a vote of 4-0-1 with Mayor Pro Tem Genis abstaining.

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

Council Member Stephens stated he was asked about the firefighters' contract.

Mayor Foley stated she had communications with the Firefighters Association on the process.

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

**PRESENTATIONS:** Australia Sister City Education Exchange Delegation presentation and recognition.

### **PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of City Council. Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the City Manager during the City Manager's Report.

### **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

*(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)*

1. Council Member Stephens
2. Council Member Righeimer
3. Council Member Mansoor
4. Mayor Foley
5. Mayor Pro Tem Genis

## FOR INFORMATIONAL PURPOSES ONLY

### CONSENT CALENDAR:

**MOTION:** Approve recommended actions for Consent Calendar item nos. 1 through 13 except for 5, 6, and 7.

**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

1. **READING FOLDER** - Claims received by the City Clerk: Gayle Hickey, Peggy Ann Honeywell, Catherine Tracy, and Frank Anthony Ventrella, Jr.

**ACTION:**

City Council received and filed.

2. **WARRANT RESOLUTION NO. 2569 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-26 "A" FOR \$-7,125.98 AND 16-27 FOR \$2,234,922.78; AND CITY OPERATING EXPENSES FOR \$1,855,197.84; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

City Council approved Warrant Resolution No. 2569.

3. **PROPOSED UPDATES TO POLICE DEPARTMENT TOW POLICY GUIDELINES AND REQUIREMENTS**

**ACTION:**

City Council adopted Resolution 17-04, approving updates to the Costa Mesa Police Department Tow Policy Guidelines and Requirements for contract rotational tow service operators.

4. **2014-2015 WESTSIDE NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT - CITY PROJECT NO. 15-01**

**ACTION:**

1. City Council accepted the work performed by Global Power Group, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the 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.

## FOR INFORMATIONAL PURPOSES ONLY

**8. FISCAL YEAR 2015-2016 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND UNDER SECTION 34176.1 OF THE DISSOLUTION LAW AND SECTION 34328 OF THE CALIFORNIA HOUSING AUTHORITIES LAW**

**ACTION:**

The City Council and Housing Authority received and filed the Fiscal Year 2015-2016 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2015-2016 Housing Successor Annual Report prepared under the California Health and Safety Code (HSC), Section 34176.1 as the housing successor and Section 34328 as a housing authority.

**9. RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 17-18 A-B FISCAL PERIOD OF JULY 1, 2017 TO JUNE 30, 2018**

**ACTION:**

Successor Agency adopted Successor Agency Resolution No. 17-05, approving Recognized Obligation Payment Schedule for the 17-18 A-B Annual Fiscal Period of July 1, 2017 to June 30, 2018 (“ROPS 17-18 A-B”), subject to submittal to and review by the Oversight Board and then DOF. Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

**10. APPROVE MUNICIPAL ADVISORY SERVICES AGREEMENT WITH FIELDMAN ROLAPP & ASSOCIATES**

**ACTION:**

1. City Council approved the Municipal Advisory Services Agreement with Fieldman Rolapp & Associates in the amount of up to \$90,000 per year in connection with the funding plan for the Lions Park projects; and
2. Authorized the City Manager to execute a three (3) year agreement; and
3. Authorized the City Manager to approve and execute amendments to the agreement.

**FOR INFORMATIONAL PURPOSES ONLY**

**11. APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT**

**ACTION:**

The City Council approved the Mayor's appointments to the respective boards:

1. Transportation Corridor Agency (TCA):  
Appointee - Mayor Foley  
Alternate - Council Member Mansoor
2. Orange County Vector Control District (OCVCD):  
Appointee – Mayor Pro Tem Genis  
No Alternate Required

**12. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER**

**ACTION:**

1. City Council authorized additional funding in the amount \$ 75,000 to allow Best Best & Krieger (BB&K) to provide legal assistance with group home issues and a multi-agency lawsuit against Americare Medservices Inc.; and
2. Satisfied the City's final financial obligation with Best Best & Krieger (BB&K) for environmental and election services in the amount of \$4,525.75.

**13. CITY COUNCIL RESOLUTION AFFIRMING THE MAYOR'S TWO APPOINTMENTS TO THE OVERSIGHT BOARD UNDER THE DISSOLUTION LAW, CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, SECTION 34179**

**ACTION:**

The City Council adopted Resolution No. 17-06, affirming Mayor Foley's selection of Mayor Pro Tem Genis and Daniel Baker to the Oversight Board under the Dissolution Law, California Health and Safety Code, Division 24, Part 1.85, Section 34179.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

**FOR INFORMATIONAL PURPOSES ONLY**

**5. APPROVE STORM DRAIN EASEMENT – CANYON PARK**

**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 the Drainage Easement and Agreement within Canyon Park and authorized the Public Services Director to execute the agreement.

**6. EAST 19<sup>TH</sup> STREET SAFE ROUTE TO SCHOOL (SRTS) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL-5312 (089), CITY PROJECT NO. 16-17**

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

**MOTION:** To approve the recommended actions.

**SUBSTITUTE MOTION/SECOND:** Council Member Stephens/Mayor Foley

**SUBSTITUTE MOTION:** For staff to present the project to the Bikeway and Walkability Committee meeting in February and bring it back for Council consideration at the February 21, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer

Absent: None

Motion carried: 3-2

**ACTION:**

City Council directed staff to present the project to the Bikeway and Walkability Committee meeting in February and bring it back for Council consideration at the February 21, 2017 City Council meeting.

**7. BRISTOL STREET PROJECTS, FEDERAL PROJECT NOS. HSIPL-5312(093) AND STPL-5312(100), CITY PROJECT NO. 16-20**

**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

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

1. City Council adopted the plans, specifications, and working details for the Bristol Street Projects, City Project No. 16-20, consisting of:  
Project A: Bristol Street Median Improvement Project, Federal Project No. HSIPL-5312(093);  
Project B: Rehabilitation of Bristol Street and Bear Street, Federal Project No. STPL-5312(100);  
Project C: Santa Ana Delhi Channel Diversion Project;  
Project D: Traffic Signal Installation on Bristol Street;  
Project E: Storm Drain Improvements at Randolph Avenue; and
2. Approved Budget Adjustment No. 17-008 in the amount of \$940,912.00; and
3. Rejected the bid submitted by Excel Paving, and awarded a contract for all five projects to the apparent low bidder, Sully-Miller Contracting Corporation, in the amount of \$4,979,439.05; and
4. Authorized the Mayor and City Clerk to execute the Public Works Agreement.

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

#### **1. 2016 CALIFORNIA RESIDENTIAL CODE WIND SPEED REVISION**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Mansoor

Motion carried: 4-0-1

### **ACTION:**

City Council introduced for first reading, Ordinance 17-03, to be read by title only, and further reading waived, to update the Costa Mesa Municipal Code Section 5-1.3c to reflect climatic and geographic design criteria applicable for the design of residential structures within the City.



## FOR INFORMATIONAL PURPOSES ONLY

- 2. GENERAL PLAN AMENDMENT GP-16-01 CHANGING THE LAND USE DESIGNATION OF A 1.66 ACRE SITE FROM NEIGHBORHOOD COMMERCIAL (NC) TO HIGH DENSITY RESIDENTIAL (HDR); AND CONSIDERATION OF FIRST READING OF ORDINANCE 17-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA FOR REZONE R-16-01 TO REZONE (OR CHANGE) A 1.66-ACRE SITE LOCATED AT 440 FAIR DRIVE FROM C1 (LOCAL BUSINESS DISTRICT) TO PDR-HD (PLANNED DEVELOPMENT RESIDENTIAL-HIGH DENSITY) AND MASTER PLAN PA-16-46 AND TENTATIVE TRACT MAP TT-18064 FOR CONDOMINIUM PURPOSES FOR A 28-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT LOCATED AT 440 FAIR DRIVE – THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.**

### OLD BUSINESS:

- 1. AMENDMENT OF COSTA MESA MUNICIPAL CODE SECTIONS 2-97 and 2-101 CHANGING THE TITLE OF CHIEF EXECUTIVE OFFICER TO CITY MANAGER AND ASSISTANT CHIEF EXECUTIVE OFFICER TO ASSISTANT CITY MANAGER**

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

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor

Absent: None

Motion carried: 4-1

#### **ACTION:**

City Council gave second reading to and adopted Ordinance 17-02, to be read by title only, and further reading waived, amending sections 2-97 and 2-101 of the Costa Mesa Municipal Code to remove references to the Chief Executive Officer and Assistant Chief Executive Officer and change the titles to City Manager and Assistant City Manager respectively.

- 2. WEST 19<sup>TH</sup> STREET BICYCLE TRAIL PROJECT**

**MOVED/SECOND:** Council Member Righeimer/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

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

1. City Council authorized an amendment to the Professional Services Agreement for Environmental Services for the West 19<sup>th</sup> Street Bicycle Trail Project with Dudek, 605 Third Street, Encinitas, CA 92024, in the amount of \$155,977; and
2. Authorized the City Manager and City Clerk to execute the Amendment.

### **NEW BUSINESS:**

#### **1. MOBILE RECREATION PROGRAM**

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

Absent: None

Motion carried: 4-1

### **ACTION:**

City Council directed staff to move forward with the return of the Mobile Recreation Program.

### **ADDITIONAL COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS - NONE**

#### **REPORT – CITY MANAGER - NONE**

#### **REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor adjourned the meeting at 9:39 p.m. in honor and memory of Werner Escher.