

**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, APRIL 4, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 5:00 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

SPECIAL CLOSED SESSION – 5:00 P.M.

CALL TO ORDER

ROLL CALL

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

Absent: Mayor Foley

1. 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, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC.

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 Organization: Costa Mesa Firefighters Association (CMFA).

FOR INFORMATIONAL PURPOSES ONLY

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, APRIL 4, 2017 – 6:00 P.M.**

CALL TO ORDER

The meeting was called to order by the Mayor Pro Tem at 6:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE Council Member Stephens

MOMENT OF SOLEMN EXPRESSION

Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

Present: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley (arrived at 7:10 p.m.)

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – NONE

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

CONSENT CALENDAR ITEM NO. 6 FINAL MAP FOR TRACT NO. 17980 HAS BEEN REMOVED FROM THE AGENDA AND WILL NOT BE HEARD.

CONSENT CALENDAR:

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 7 except for 2, 4, 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: Garry R. Jones, Will B. King, Robert Anthony Toscano, and Joe Winkelmann.

ACTION:

City Council received and filed.

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- 3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 17, 2017**

ACTION:

City Council approved the minutes of January 17, 2017.

- 5. EXTEND FINANCIAL REPORTING AND AUDITING SERVICES FOR ONE (1) YEAR**

ACTION:

1. City Council amended the Professional Services Agreement (PSA) with White Nelson Diehl Evans LLP for financial reporting and auditing services to extend the PSA for the term July 1, 2017 through June 30, 2018, and provided a four percent (4%) increase in Consultant's compensation for a total annual amount of \$70,300; and
2. Authorized the City Manager to execute the Third Amendment to the Professional Services Agreement with White Nelson Diehl Evans LLP.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

- 2. WARRANT RESOLUTION NO. 2574 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-06 FOR \$2,152,946.35; AND CITY OPERATING EXPENSES FOR \$1,914,679.82; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Stephens/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 approved Warrant Resolution No. 2574.

4. NOTICE OF INTENT TO VACATE A PORTION OF EAST 19TH STREET AT 152 EAST 19TH STREET

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:

1. City Council scheduled the public hearing on May 2, 2017, to vacate a portion of East 19th Street right-of-way; and
2. Adopted Resolution 17-22, intent to vacate a portion of East 19th Street right-of- way.

6. FINAL MAP FOR TRACT NO. 17980 LOCATED AT 929 BAKER STREET, COSTA MESA, CALIFORNIA – REMOVED FROM THE AGENDA

7. AWARD THE PURCHASE OF ONE NEW 2017 FORD TRANSIT VAN WITH PRISONER TRANSPORT UPFITTING

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 approved and authorized the City Manager to execute a purchase order for the purchase of one new 2017 Ford T350 Transit Van with prisoner transport upfitting equipment through the National Joint Powers Alliance (NJPA) contract # 120716-NAF in conjunction with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076 in the amount of \$61,591.61.

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

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE SALARY & BENEFIT RESOLUTION BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA), SALARY & BENEFIT ADJUSTMENTS FOR UNREPRESENTED EXECUTIVES, AND CONFIDENTIAL MANAGEMENT CLASSIFICATIONS**

MOVED/SECOND: Mayor Pro Tem Genis/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:

1. City Council held the first Public Hearing regarding the salary and benefit adjustments agreed upon between the City of Costa Mesa and the classifications represented by the CMDMA as required by the COIN Ordinance; and
2. Scheduled the second and final Public Hearing as required by COIN for April 18th, 2017.

2. **RETROACTIVE EXTENSION OF TIME FOR PLANNING APPLICATION PA-11-03 – CONDITIONAL USE PERMIT FOR A PRIVATE HELISTOP FOR 3132 AIRWAY AVENUE**

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:

City Council approved a retroactive time extension by adoption of City Council Resolution 17-24, subject to conditions of approval, for the use as described below:

- Conditional Use Permit PA-11-03 is a request to install a 40-foot (long) x 40-foot (wide) helistop on the roof of an existing industrial building. The helistop will be located on a 6-foot high platform on the roof of an existing 19-foot high building.

NEW BUSINESS:

1. PROFESSIONAL SERVICES AGREEMENT FOR FAIRVIEW PARK MAINTENANCE, MANAGEMENT, AND BIOLOGICAL SERVICES

MOVED/SECOND: Council Member Mansoor/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: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

ACTION:

1. City Council awarded a contract to Endemic Environmental Services, Inc., P.O. Box 2363, Huntington Beach, CA 92647, in an amount not to exceed \$397,640.00 for professional services for biological, maintenance, and management of Fairview Park; and
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement.

2. PLACENTIA AVENUE MEDIAN IMPROVEMENT PROJECT

SUBSTITUTE MOTION: Approve the recommended action and include the following changes: reduce the number of trees by approximately 50 percent to allow views across Placentia Avenue within Fairview Park limits, and use local native plants, where feasible.

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Genis/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 proposed Placentia Avenue Median Improvement Project, authorized staff to advertise the project for construction and included the following changes: reduce the number of trees by approximately 50 percent to allow views across Placentia Avenue within Fairview Park limits, and use local native plants, where feasible.

3. **APPOINTMENTS TO VARIOUS COMMITTEES AND THE SENIOR COMMISSION**

1. **BIKEWAY & WALKABILITY COMMITTEE**

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Appoint Jim Erickson, Richard Huffman, James Kane, Florence Martin, Cynthia McDonald, John Merrill, and Ralph Taboada to a one year term; and Alan Engard, Michelle Fay, Robert Graham, Michael Habitz, Dan Leibson, Andrew Levins, Scott Porterfield, and Kari Nieblas Vozenilek to a two-year term.

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 appointed and filled fifteen regular member vacancies on the Bikeway and Walkability Committee: Jim Erickson, Richard Huffman, James Kane, Florence Martin, Cynthia McDonald, John Merrill, and Ralph Taboada to a one year term; and Alan Engard, Michelle Fay, Robert Graham, Michael Habitz, Dan Leibson, Andrew Levins, Scott Porterfield, and Kari Nieblas Vozenilek to a two-year term.

2. **CULTURAL ARTS COMMITTEE**

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Appoint Kathleen Eric, Rocky Evans, Monica Morita-Hayden, Andrea Marr, Irma Ramirez, Tracy Taber as regular members and Frank Gutierrez as an alternate, all to a two-year term.

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 appointed and filled six regular member and one alternate member vacancies on the Cultural Arts Committee: Kathleen Eric, Rocky Evans, Monica Morita-Hayden, Andrea Marr, Irma Ramirez, Tracy Taber as regular members and Frank Gutierrez as an alternate, all to a two-year term.

3. **HISTORICAL PRESERVATION COMMITTEE**

MOVED/SECOND: Council Member Mansoor/Council Member Stephens

MOTION: Appoint Christopher Ganiere, David J. Gardner, Mary Ellen Goddard, Dave Goodman, and Karen McKenna-Juergens to a two-year term; Kristyn E. Kohut, John McQueen, Gary Parkin, and Kari Nieblas Vozenilek to a one-year term; and re-advertise for the 2 alternate member vacancies, both to a one-year term.

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 appointed and filled 9 regular member vacancies on the Historical Preservation Committee: Christopher Ganiere, David J. Gardner, Mary Ellen Goddard, Dave Goodman, and Karen McKenna-Juergens to a two-year term; Kristyn E. Kohut, John McQueen, Gary Parkin, and Kari Nieblas Vozenilek to a one-year term; and re-advertise for the 2 alternate member vacancies, both to a one-year term.

4. **FINANCE AND PENSION ADVISORY COMMITTEE**

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

SUBSTITUTE SUBSTITUTE MOTION: Appoint Robert Juneman, Wendy Leece, Richard Riva, Ralph Taboada, and Anna Vrska to a two-year term; and Jim Fisler, Lee "John" Hinson, Al Melone, Nick Peterson, Tom Pollitt, and Rebecca Trahan to a one-year term.

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: Mayor Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council appointed and filled eleven regular member vacancies on the Finance and Pension Advisory Committee: Robert Juneman, Wendy Leece, Richard Riva, Ralph Taboada, and Anna Vrska to a two-year term; and Jim Fisler, Lee "John" Hinson, Al Melone, Nick Peterson, Tom Pollitt, and Rebecca Trahan to a one-year term.

5. **HOUSING AND PUBLIC SERVICE GRANTS COMMITTEE**

MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: Appoint Eric Vu, Kari Nieblas Vozenilek, Rebecca Trahan, Tim Takeshita, and Yvonne Rowden to a two-year term; Dave Goodman and Todd Eckert to a one-year term; and re-advertise for the remaining two regular member and one alternate member vacancies, all to a one-year term.

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 appointed and filled seven regular member vacancies on the Housing and Public Service Grants Committee: Eric Vu, Kari Nieblas Vozenilek, Rebecca Trahan, Tim Takeshita, and Yvonne Rowden to a two-year term; Dave Goodman and Todd Eckert to a one-year term; and re-advertise for the remaining two regular member and one alternate member vacancies, all to a one-year term.

6. **SENIOR COMMISSION**

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Appoint Stephanie Love to a two-year term for the vacancy on the Senior Commission.

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 appointed Stephanie Love to a two-year term for the vacancy on the Senior Commission.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY – City Attorney Duarte reported in the case of Americare v. the City, the court granted the city's motion to dismiss the action.

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ADJOURNMENT – The Mayor adjourned the meeting at 9:17 p.m. in honor of Sherry Sheldon, a Costa Mesa High School teacher.