

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL,
HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY**

January 17, 2017

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 4:00 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 4:05 p.m.), Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS:

1. Speaker, spoke on Closed Session item #1 and requested the City to not settle with Yellowstone Women's First Step House.
2. Grant McNiff – spoke in support of Yellowstone Women's First Step House.

CLOSED SESSION

The City Council recessed to Conference Room 5A for Closed Session at 4:10 p.m. to consider the following items:

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 reconvened at 6:13 p.m.

CALL TO ORDER (00:00:05)

The meeting was called to order by the Mayor at 6:13 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:26) Council Member Stephens

MOMENT OF SOLEMN EXPRESSION (00:00:52)

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Mayor Foley stated that Public Hearing #2 regarding 440 Fair Drive has been withdrawn by the applicant. (00:02:50)

ROLL CALL (00:03:23)

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, Assistant City Manager Richard Francis, Assistant City Manager Tamara Letourneau, Development Services Department Consultant Jay Trevino, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:03:43)

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. (00:04:11)

Mayor Foley stated she had communications with the Firefighters Association on the process. (00:04:23)

ANNOUNCEMENTS (00:04:38)

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

PRESENTATIONS (00:06:36)

Australia Sister City Education Exchange Delegation presentation and recognition.

PUBLIC COMMENTS (00:16:49)

Dan Goldmann, Costa Mesa, spoke on the need for more recreation and park areas. (00:20:34)

Linda Dean, Costa Mesa, spoke on insufficient parking on Coolidge Street and permit parking restrictions. (00:20:34)

Tamar Goldmann, Costa Mesa, spoke against high density growth. (00:24:02)

Kim Hendricks, Costa Mesa, thanked staff for signage protecting habitat at Fairview Park; and homeless issues at Talbert Park and protecting designated areas. (00:26:18)

Gretchen Fry-Harvey, Costa Mesa, spoke on the new housing projects and the need for open space. (00:29:19)

Speaker, provided a video presentation on Fairview Park. (00:32:09)

Speaker, spoke on opening the restrooms at the parks and providing them for the homeless. (00:36:45)

Speaker, spoke on the Yellowstone Women's First Step House lawsuit. (00:39:10)

Lee Place, Costa Mesa, spoke on high density building. (00:41:29)

Speaker, requested Council to revisit the appeal fees and refunds. (00:44:30)

Denise Davis, Costa Mesa, spoke against the proposed project at 440 Fair Drive; and inquired on the traffic study results on Fair Drive. (00:47:05)

Speaker, Costa Mesa, spoke against the proposed project at 440 Fair Drive. (00:50:50)

Speaker, Costa Mesa, spoke against the proposed project at 440 Fair Drive. (00:54:01)

Richard Russell, spoke on the release of all commissioners. (00:55:16)

Beth Refakes, Costa Mesa, spoke on the landscape maintenance needed on the 55 freeway terminus; and requested review of the small lot ordinance. (00:58:19)

Steve Ray, Executive Director of the Banning Ranch Conservancy, provided a status report on the Coastal Commission actions and the State Supreme Court hearing regarding the Banning Ranch Development. (01:00:12)

Peter Mills, Costa Mesa, spoke on the speed limit increase on Fair Drive. (01:03:18)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:04:00)

Council Member Stephens thanked everyone who spoke out on 440 Fair Drive; welcomed the Chargers; spoke on Jeff Arthur's Memorial Service; spoke on a community meeting on fireworks on February 9; Pension Oversight committee items at a study session and acceleration of pension obligation payments; commission applications; and the potential need for a lighted crosswalk on Placentia and Shalimar. (01:04:09)

Council Member Righeimer spoke on Jeff Arthur's Memorial service; and pension problems and costs. (01:08:11)

Council Member Mansoor spoke on responding to council member comments. (01:12:19)

Mayor Foley spoke on adjourning the meeting in memory of Werner Escher; Groundbreaking of Argyos Arts Center; requested staff to look into the parking issues on Coolidge, trash on the 55 freeway terminus, and flooring at Tewinkle park playground; spoke on the video of burrowing owl; appeal fees; supports study sessions on pension issues; and spoke on the release of commissioners. (01:12:35)

Mayor Pro Tem Genis spoke on the need to review the noise ordinance; the small lot ordinance and overlays on Harbor and Newport Boulevards; appeal fees; and the Master Plan of Parks strategy. (01:16:48)

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.
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, was 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.

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:

5. APPROVE STORM DRAIN EASEMENT – CANYON PARK (01:19:30)

Raja Sethuraman, Public Services Director, provided an update on the item.
(01:20:00)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on runoff into the Talbert Nature Reserve.
(01:20:36)

Public Comments Closed.

Mr. Sethuraman spoke on expanding the existing pipes. (01:22:31)

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 19TH STREET SAFE ROUTE TO SCHOOL (SRTS) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL-5312 (089), CITY PROJECT NO. 16-17 (01:23:31)**

Public Comments:

Speaker, spoke against the project. (01:23:53)

Beth Refakes, Costa Mesa, expressed concerns on the project. (01:25:49)

Ralph Taboada, Costa Mesa, expressed concerns on the project and requested review by the Bikeway and Walkability committee. (01:28:17)

Speaker, expressed concerns on the project. (01:29:56)

Public Comments Closed.

Mayor Pro Tem Genis inquired on the landscape pallet for the project. (01:31:30)

Mr. Sethuraman presented the Staff Report. (01:35:52)

Discussion ensued on the public outreach for the project. (01:42:00)

Council Member Righeimer spoke in support of the project. (01:42:42)

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To approve the recommended actions.

Discussion ensued on the project's plans and specifications; and presenting the item to the Bikeway and Walkability committee. (01:42:42)

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 (02:04:06)

Mayor Pro Tem Genis spoke on the business access issues on Bristol Street. (02:04:12)

Discussion ensued on meeting with the business owners; and access. (02:06:33)

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 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.

City Council recessed into a break at 8:25 p.m.

City Council reconvened at 8:34 p.m.

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

1. 2016 CALIFORNIA RESIDENTIAL CODE WIND SPEED REVISION (02:20:52)

No public comments on this item.

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.

- 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 (02:22:12)**

No public comments on this item.

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 19TH STREET BICYCLE TRAIL PROJECT (02:23:05)**

Raja Sethuraman, Public Services Director, presented the Staff Report. (02:23:33)

Discussion ensued on reaching out to various Resource Agencies. (02:29:23)

Public Comments:

Eleanor Egan, Costa Mesa, spoke against the project. (02:37:04)

Rick Huffman, Costa Mesa, requested for the project to be reviewed by the Bikeway and Walkability Committee. (02:39:33)

Cindy Black, Costa Mesa, showed photographs of Talbert Park and spoke against the project. (02:42:47)

Jay Humphrey, Costa Mesa, spoke against the project. (02:46:21)

Steve Ray, representing Banning Ranch Conservancy, spoke against the project. (02:49:32)

Ralph Taboada, Costa Mesa, requested for the project to be reviewed by the Bikeway and Walkability Committee. (02:52:38)

Public Comments Closed.

Council Member Righeimer spoke in support of the bike trail. (02:55:33)

Council Member Mansoor spoke in support of the bike trail. (03:01:14)

Mayor Foley spoke in support of the bike trail and spoke on consultation with the Resource Agencies. (03:09:10)

Mayor Pro Tem Genis spoke in support of the motion. (03:11:05)

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

ACTION:

1. City Council authorized an amendment to the Professional Services Agreement for Environmental Services for the West 19th 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 (03:11:41)

Justin Martin, Recreation Manager, presented the Staff Report. (03:12:12)

Public Comments:

Eleanor Egan, Costa Mesa, supports the program and spoke on restoring the previous mobile recreation van. (03:20:33)

Public Comments Closed.

Council Member Mansoor spoke on repairs needed at City parks. (03:22:10)

Mayor Foley spoke in support of the program. (03:24:00)

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
(03:25:17) - NONE**

REPORT – CITY MANAGER (03:25:26) - NONE

REPORT – CITY ATTORNEY (03:25:28) - NONE

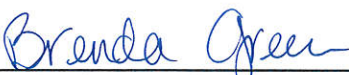
ADJOURNMENT (03:25:31) – The Mayor adjourned the meeting at 9:39 p.m. in honor and memory of Werner Escher.

Minutes adopted on this 4th day of April, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk