

**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 18, 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

CALL TO ORDER

The meeting was called to order by the Mayor at 4:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Absent: None

The City Council recessed to Conference Room 5A at 4:05 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 Fire Management Association (CMFMA).

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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).

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: David William Palmblade and Judith Darlene Palmblade v. City of
Costa Mesa, Orange County Superior Court Case No. 30-2016-00841782-CU-
BC-CJC.

4. 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, Case No. 30-2014-00757962-CU-CR-CJC.

The City Council reconvened at 6:04 p.m.

REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY TUESDAY, APRIL 18, 2017 – 6:00 P.M.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:04 p.m. in the Council Chambers at
Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION

Pastor Jim Turrell, The Center for Spiritual Living Newport Mesa

ROLL CALL

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

Absent: None

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 10 except for 2, 5, 7, and 10.

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: Tim Macy, Kirk Owens, and Rae Payne.

ACTION:

City Council received and filed.

3. MINUTES OF THE SPECIAL AND REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS

ACTION:

City Council approved the minutes of January 24, 2017, January 31, 2017 and February 7, 2017.

4. APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT

ACTION:

1. City Council approved Resolution No. 17-31 for the submittal of a grant application to the Orange County Transportation Authority (OCTA) for the City's Tier 1 Water Quality BMP Installation Project; and
2. Authorized the Public Services Director as the City's representative.

FOR INFORMATIONAL PURPOSES ONLY

6. PURCHASE EMERGENCY GENERATOR UNITS FOR THE FOLLOWING FACILITIES: POLICE DEPARTMENT, FIRE STATION NO. 4 AND CORPORATION YARD

ACTION:

City Council approved the purchase request in the amount of \$501,868.09 for the purchase of three (3) emergency generators to be installed at the Police Department facility, Fire Station No. 4 and the Corporation Yard from Quinn Powers Systems, 801 Del Norte Boulevard, Oxnard, CA, 93030.

8. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JULY 4, 2017

ACTION:

City Council approved the cancellation of the regularly scheduled meeting to be held on July 4, 2017.

9. FIRE STATION ALERTING SYSTEM REPLACEMENT

ACTION:

City Council approved and authorized the City Manager to execute the Purchase Request for the replacement of the current, non-functioning, Fire Department Alerting System with WESTNET First-In Alerting Systems, 15542 Chemical Lane, Huntington Beach CA, 92649. The total net purchase cost, including taxes shall be \$369,497.78.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. WARRANT RESOLUTION NO. 2575 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-06 "A" FOR \$0.00 AND 17-07 FOR \$2,263,423.58; AND CITY OPERATING EXPENSES FOR \$1,374,215.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

MOVED/SECOND: Council Member Mansoor/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. 2575.

5. REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER, WINE AND LIQUOR BEVERAGES AT SENIOR CENTER, 695 W. 19th STREET, COSTA MESA

MOVED/SECOND: Mayor Pro Tem Genis/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 the request for the sale, service, and consumption of beer, wine and liquor beverages at the Costa Mesa Senior Center for the duration of time in which the Neighborhood Community Center (NCC) is closed during the Lions Park Projects.

7. RECORDS RETENTION POLICY AND SCHEDULE

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 adopted Resolution No. 17-32, approving the updated records retention schedule.

10. FIRST AMENDMENT TO LEASE AGREEMENT WITH STC ONE LLC

MOVED/SECOND: Mayor Pro Tem Genis/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

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ACTION:

City Council approved the First Amendment to the Lease Agreement with STC ONE LLC, a Delaware limited liability company, registered in California as TOWER COMPANY ONE LLC, for the cell tower located at the Costa Mesa Golf Course.

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

- 1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND 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 RESOLUTION FOR UNREPRESENTED EXECUTIVES, AND SALARY & BENEFIT RESOLUTION FOR CONFIDENTIAL EXECUTIVE EMPLOYEES AND ADOPT THE EMPLOYER PAID MEMBER CONTRIBUTION (EPMC) SAFETY EXECUTIVE RESOLUTION**

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

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:

1. City Council held the second public hearing as required by COIN; and
2. Adopted Resolution No. 17-25, which implements salary range increases for Unrepresented Executive employees; and
3. Adopted Resolution No. 17-26, which implements salary range increases for CMDMA represented Executive employees; and
4. Adopted Resolution No. 17-27, which implements salary range increases for Confidential Executive employees; and
5. Adopted Resolution No. 17-28, for reporting the value (0%) of Employer Paid Member Contribution (EPMC) relating to Safety Executive employees.

FOR INFORMATIONAL PURPOSES ONLY

2. **CODE AMENDMENT CO-17-02 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), RELATING TO GROUP HOMES, RESIDENTIAL CARE FACILITIES, AND REASONABLE ACCOMMODATION; AND**

CODE AMENDMENT CO-17-02 TO AMEND VARIOUS SECTION OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING OPERATOR'S PERMITS FOR GROUP HOMES OF SEVEN OR MORE LOCATED IN THE CITY'S MULTI-FAMILY ZONES

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

SUBSTITUTE MOTION: To approve recommended action number 1 and 3 with certain changes and additions.

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:

1. City Council conducted the public hearings for the two code amendments; and
- 3 Introduced for first reading Ordinance No. 17-05, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as recommended by the Planning Commission with certain changes and additions.

MOVED/SECOND: Mayor Foley/Council Member Stephens

MOTION: To approve recommended action number 4 with certain changes and additions.

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:

4. Introduced for first reading Ordinance No. 17-06, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator's permits for group homes of seven or more located in the MFR Zones with certain changes and additions.

FOR INFORMATIONAL PURPOSES ONLY

3. FEES TO PROCESS APPLICATIONS FOR MEDICAL MARIJUANA BUSINESSES ALLOWED PURSUANT TO MEASURE X – City Manager’s Office

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 adopted Resolution No. 17-30, setting fees for the following applications required to allow medical marijuana businesses pursuant to Measure X:

- a. Medical Marijuana Business Permit
- b. Conditional Use Permit
- c. Appeal regarding Conditional Use Permit
- d. Medical Marijuana Business Background Check

OLD BUSINESS: NONE

NEW BUSINESS:

1. ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY

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:

1. City Council waived full reading and adopted, by four-fifths vote, Urgency Ordinance No. 17-07, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City; and
2. Gave first reading to Ordinance No. 17-08, to be read by title only, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

2. **AMBULANCE TRANSPORTATION FOR THE CITY OF COSTA MESA**

MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: To approve the recommended actions with the following additions:

a. To ensure that the City is meeting or exceeding cost recovery expectations, an initial six-month evaluation to review the cost recovery projections will be initiated, followed by another six-month evaluation and then subsequent regular quarterly evaluations.

b. After the first year evaluation, if the cost recovery revenue is not within 10% of the consultant's projections, the Fire Chief will bring the findings to the City Council for review, discussion, and evaluation.

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 reviewed and approved the recommended and updated option of the public/private partnership ambulance transportation model (e.g., 2017 consultant report supplement - option #3); and
2. Approved and authorized the City Manager to allocate an amount not to exceed \$100,000 for the comprehensive administration and facilitation of the Request For Proposals (RFP) processes for both ambulance and billing services, respectively; and
3. Approved and authorized the City to annually utilize the billing rate structure that is consistent with and replicates the most current maximum emergency ground ambulance rates that are identified through Orange County Health Care Agency (OCHCA) EMS Policy and Procedures (e.g., #700.00 Section; 714.00 - #715.00) and approved through formal resolution by the Orange County Board of Supervisors; and
4.
 - a. To ensure that the City is meeting or exceeding cost recovery expectations, an initial six-month evaluation to review the cost recovery projections will be initiated, followed by another six-month evaluation and then subsequent regular quarterly evaluations.
 - b. After the first year evaluation, if the cost recovery revenue is not within 10% of the consultant's projections, the Fire Chief will bring the findings to the City Council for review, discussion, and evaluation.

FOR INFORMATIONAL PURPOSES ONLY

3. **CONSIDERATION FOR CREATING A COMMUNITY FOURTH OF JULY EVENT TO PROMOTE PUBLIC SAFETY AND PROMOTION OF AN INCREASE FOR ILLEGAL FIREWORK DISCHARGE FINE**

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To approve recommended action numbers 1, 2, and 3 on the conditions that all of the \$50,000 sponsorship monies will be raised by May 15, 2017 and the City will commit on moving forward once the \$50,000 is raised.

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 approved moving forward with the coordination of a centrally located City-sponsored Fourth of July celebration to promote public safety in partnership with the HERO's Hall foundation and Spectra Entertainment Inc. on location at the Orange County Fair and Event Center; and
2. Allocated \$50,000 in new revenue and expenditures for FY2016-2017 to cover event costs on the conditions that all of the \$50,000 sponsorship monies will be raised by May 15, 2017 and the City will commit on moving forward once the \$50,000 is raised; and
3. Approved a proactive campaign to inform citizens that the City will be vigorously enforcing its prohibition against the discharge of illegal fireworks and seeking the maximum penalty for such violations.

4. **REMANDING DECISIONS ON CERTAIN APPLICATIONS AFFECTED BY CODE AMENDMENT CO-17-02 BACK TO THE PLANNING COMMISSION AND DIRECTOR OF DEVELOPMENT SERVICES**

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To receive and file.

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 received and filed.

5. REQUEST FOR A LETTER OF OPPOSITION TO SENATE BILL SB 54 (DE LEON) LAW ENFORCEMENT: SHARING DATA

MOTION/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: To receive and file.

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 received and filed.

ADJOURNMENT – The Mayor adjourned the meeting at 12:54 a.m.