

**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, MAY 2, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 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

CALL TO ORDER

The meeting was called to order by the Mayor 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 Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:08 p.m. for Special 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).

2. 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 of California, Case No. 30-2014-00757962-CU-CR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

4. 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, et al., v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Gosson v. City of Costa Mesa, et al., Orange County Superior Court of California, Case No. 30-2015-00816221-CU-PO-CJC.

The City Council reconvened at 6:01 p.m.

FOR INFORMATIONAL PURPOSES ONLY

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, MAY 2, 2017**

CALL TO ORDER

The meeting was called to order by the Mayor at 6:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM Mariachi Herencia Michoacana Group

PLEDGE OF ALLEGIANCE Council Member Mansoor

MOMENT OF SOLEMN EXPRESSION

Pastor Josh Harrison, Rock Harbor Church, Costa Mesa

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – City Attorney Duarte reported on Closed Session #5 Gosson v. City of Costa Mesa, in which the City agreed to pay to plaintiff \$250,000, on a vote of 5-0, and in exchange the plaintiff agreed to dismiss the action. An executed copy of the release will be posted on the city website.

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

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 9 except for **2, 6, 8, and 9**.

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: County of Orange and Ya Math.

ACTION:

City Council received and filed.

FOR INFORMATIONAL PURPOSES ONLY

- 3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF FEBRUARY 21, 2017**

ACTION:

City Council approved the minutes of February 21, 2017.

- 4. AMENDMENT NO. 2 TO LEHR CONTRACT FOR THE EMERGENCY LIGHTING FOR POLICE MANAGEMENT VEHICLES**

ACTION:

City Council approved and authorized the City Manager and the City Clerk to execute Amendment No. 2 for the emergency vehicle lighting and equipment installation services of nine vehicles with Stommel Inc. dba LEHR, effective July 6, 2016 through July 5, 2019, in the amount of \$44,488.78 as a one-time purchase under this City contract.

- 5. RESOLUTION OF THE COSTA MESA CITY COUNCIL APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING GRANT PROGRAM**

ACTION:

1. City Council approved Resolution No. 17-33 and Resolution No. 17-34, for the submittal of grant applications with the Urban Greening Grant Program for the Fairview Park and Lions Park Projects; and
2. Authorized the Public Services Director as the City's representative.

- 7. FINAL MAP FOR TRACT NO. 17980 LOCATED AT 929 BAKER STREET, COSTA MESA, CALIFORNIA**

ACTION:

City Council adopted Resolution No. 17-23, approving the Final Map for Tract No. 17980 located at 929 Baker Street, and the abandonment of a storm drain easement pursuant to the Subdivision Map Act.

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

FOR INFORMATIONAL PURPOSES ONLY

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2576 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-07 "A" FOR \$-9.35 AND 17-08 FOR \$2,214,592.81; AND CITY OPERATING EXPENSES FOR \$1,441,322.49; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Mansoor/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 Warrant Resolution No. 2576.

6. **RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF**

MOVED/SECOND: Council Member Stephens/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 Amendment Three to exercise the third extension of four renewal options of the existing Professional Services Agreement with Mike Linares, Inc., for one year in an amount not to exceed \$87,500 for FY 2017-2018.

FOR INFORMATIONAL PURPOSES ONLY

8. TOWING SERVICES CONTRACTS WITH METROPRO ROAD SERVICES AND G&W TOWING

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

MOTION: To approve and authorize the City Manager and the City Clerk to execute a two (2) year professional service agreement with a one (1) year renewal for towing services with MetroPro Road Services, 2550 S. Garnsey Street, Santa Ana, CA 92707 and G&W Towing, 965 West 18th Street, Costa Mesa, CA 92627, effective date July 1, 2017 through June 30, 2019.

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 and authorized the City Manager and the City Clerk to execute a two (2) year professional service agreement with a one (1) year renewal for towing services with MetroPro Road Services, 2550 S. Garnsey Street, Santa Ana, CA 92707 and G&W Towing, 965 West 18th Street, Costa Mesa, CA 92627, effective date July 1, 2017 through June 30, 2019.

9. AMENDMENT NUMBER TWO TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING YOCCA CARLSON & RAUTH, PC

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 approved Amendment Number Two to professional services agreement with Stradling Yocca Carlson & Rauth, PC in the cumulative amount of \$83,500 to provide bond counsel and related services in connection to the debt financing of the Lions Park projects; and
2. Authorized the City Manager and the City Clerk to execute Amendment Number Two.

FOR INFORMATIONAL PURPOSES ONLY

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

1. PUBLIC HEARING FOR FISCAL YEAR 2017-2018 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

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 held the Public Hearing regarding the 2017-2018 Annual Action Plan; and
2. Approved the recommended allocation of \$1,000,000 for the Fiscal Year 2017-2018 estimated Community Development Block Grant; and
3. Approved the recommended allocation of \$340,000 for the Fiscal Year 2017-2018 HOME Investment Partnerships Grant; and
4. Adopted Resolution No. 17-29, to authorize the following:
 - City Manager to act as the official representative of the City in order to submit the 2017-2018 Annual Action Plan and all certifications and assurances contained therein;
 - City Manager to act in connection with the submission of the Annual Action Plan;
 - City Manager to approve changes and provide additional information as may be required.

FOR INFORMATIONAL PURPOSES ONLY

2. **PUBLIC HEARING FOR CODE AMENDMENT CO-17-03 AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEES, AND AMENDING THE UNCODIFIED PORTION OF SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATED TO THE CREATION, COMPOSITION AND NAME OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE**

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To approve recommended action #1 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 introduced for first reading Ordinance No. 17-09, to be read by title only, and further reading waived, adopting Code Amendment CO-17-03 to amend Article 4 of Chapter XII of Title 13 of the Costa Mesa Municipal Code as adopted by Section 5 of Measure Z, Ordinance No. 2016-07, relating to the open space and public park impact fees, and amending the uncodified portion of Section 5 of Measure Z, Ordinance No. 2016-07, related to the creation, composition and name of the Open Space and Recreation Advisory Committee, as presented to the Planning Commission, with certain changes and additions.

3. **PUBLIC HEARING TO ADOPT RESOLUTION TO VACATE A PORTION OF EAST 19TH STREET**

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 adopted Resolution No. 17-35, ordering the vacation of a portion of East 19th Street right-of-way at 152 East 19th Street; and
2. Authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

FOR INFORMATIONAL PURPOSES ONLY

OLD BUSINESS:

1. **SECOND READING AND ADOPTION 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:

City Council gave second reading and adopted Ordinance No. 17-08, to be read by title only, and further reading waived, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

2. **SECOND READING OF ORDINANCE 17-05 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TABLE 13-30 OF SECTION 13-30 OF CHAPTER IV (CITYWIDE LAND USE MATRIX), SECTION 13-200.62 OF ARTICLE 15 (REASONABLE ACCOMMODATION) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS) AND CHAPTER XV (GROUP HOMES), CHAPTER XVI (GROUP HOMES AND RESIDENTIAL CARE FACILITIES IN THE R2, R3, PDRLD, PDRMD, AND PRDHE ZONES) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE; AND**

SECOND READING OF ORDINANCE 17-06 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 9-374 OF ARTICLE 23 (GROUP HOMES) OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE

MOVED/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: To approve the recommended actions with certain changes and additions to Ordinance 17-05.

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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council gave second reading and adopted Ordinance No. 17-05, with certain changes and additions, to be read by title only, and further reading waived, 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; and
2. Gave second reading and adopted Ordinance No. 17-06, to be read by title only, and further reading waived, 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.

NEW BUSINESS:

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, REVIEW OF ANNUAL REPORT AND INTRODUCTION OF AN ORDINANCE

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 received and filed the Business Improvement Area (BIA) annual report for Fiscal Year 2016-17; and
2. Received and filed audited financial report for Fiscal Year 2015-16; and
3. Adopted Resolution No. 17-36, declaring the City's intention to levy an annual assessment for Fiscal Year 2017-2018 for a business improvement area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing on the proposal; and
4. Gave first reading to Ordinance No. 17-10, to be read by title only, and further reading waived, amending Ordinance No. 95-9, relating to the establishment of a business improvement area for Costa Mesa hotels and motels.

REPORT - CITY MANAGER – NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT – The Mayor adjourned the meeting at 10:29 p.m.