

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

FEBRUARY 21, 2017

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 4:02 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 (arrived at 4:14 p.m.), Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

PUBLIC COMMENTS:

Speaker, requested the City to not settle with Yellowstone Women's First Step House.

The City Council recessed to Conference Room 5A for Closed Session 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 Thomas R. Hatch, City Manager, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Firefighters Association (CMFA), pursuant to California Government Code Section 54957.6.
3. Conference with Thomas R. Hatch, City Manager, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Division Managers Association (CMDMA), pursuant to California Government Code Section 54957.6.
4. Conference with Thomas R. Hatch, City Manager, regarding Unrepresented Executive employees, pursuant to California Government Code Section 54957.6.

The City Council reconvened at 6:00 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by the Mayor at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM (00:00:22) Sydney Corrigan, Estancia High School

PLEDGE OF ALLEGIANCE (00:02:16) Council Member Mansoor

MOMENT OF SOLEMN EXPRESSION (00:02:35)

Pastor Jon Mestas, Newport Mesa Church, Costa Mesa

ROLL CALL (00:04:43)

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

CITY ATTORNEY CLOSED SESSION REPORT (00:04:57)

City Attorney Duarte reported on Closed Session #1 Yellowstone Women's First Step House, Inc., in which the City Council gave direction to proceed with the litigation and the matter will continue in the discovery process.

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

ANNOUNCEMENTS (00:05:30)

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

PUBLIC COMMENTS (00:07:37)

Sue Lester, Costa Mesa, spoke on a Care Ambulance billing and ambulance transport. (00:08:04)

Kim Hendricks, Costa Mesa, spoke on preservations at Fairview and Talbert Parks. (00:10:50)

Speaker, spoke on Sovereign Health Care and building permits. (00:13:55)

Dana Lavin, Costa Mesa, spoke on the Planning Commission nomination forms. (00:16:30)

Cindy Black, Costa Mesa, spoke on the Planning Commission appointments. (00:18:21)

Beth Refakes, Costa Mesa, thanked Mayor Pro Tem Genis on the meeting infrastructure; spoke on the opening of Heroes Hall; and cleanup of the 55 freeway terminus. (00:20:56)

Flo Martin, Costa Mesa, requested the installation of picnic tables and shelters at Wilson Park. (00:22:47)

Speaker, spoke on the death of Whittier Police Officer Keith Boyer and requested to adjourn the meeting in his memory. (00:24:35)

Speaker, spoke on a Fresh Beginnings fundraiser on February 29; and on the death of Officer Boyer. (00:27:44)

Cindy Brenneman, Costa Mesa, spoke on the death of Officer Boyer; and praised law enforcement. (00:30:54)

Speaker, spoke on Sober Living homes; safety personnel; and completion of SR-55 freeway. (00:33:17)

Eleanor Egan, Costa Mesa, spoke on the vegetation at the Marina View Park. (00:36:41)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:39:26)

Council Member Mansoor spoke on the Orange Coast College professor who was videotaped by the student. (00:39:34)

Mayor Foley spoke on her attendance at the Heroes Hall event; requested an update on Marina View Park and the contractor services; and signage at Fairview Park. (00:41:05)

Mayor Pro Tem Genis spoke on the ambulance service; the infrastructure workshop; mosquito abatement; Heroes Hall; and requested an update on Sovereign Health Care. (00:44:25)

Council Member Stephens spoke on the Costa Mesa United Golf Tournament on Monday, February 27; Officer Boyer; and the 75th Anniversary of Executive Order 9066, Internment of the Japanese. (00:47:13)

Council Member Righeimer spoke on working together and positive issues in Costa Mesa. (00:49:53)

CONSENT CALENDAR (00:51:18)

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

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 6 except 5.

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: Daniel A. Orozco and Victor Ou.

ACTION:

City Council received and filed.

- 2. WARRANT RESOLUTION NO. 2571 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-01 "A" FOR \$-555.17, 17-02 FOR \$2,144,676.36, 17-02 "A" FOR \$1,056.91 AND 17-03 FOR \$2,196,304.46; AND CITY OPERATING EXPENSES FOR \$4,356,164.35; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -**

ACTION:

City Council approved Warrant Resolution No. 2571.

3. HARBOR BOULEVARD BIKE TRAIL PROJECT – CITY PROJECT NO. 14-14

ACTION:

1. City Council accepted the work performed by KASA Construction Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the release of the Labor and Materials 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.

4. PROFESSIONAL SERVICES CONTRACT FOR PROJECT MANAGER FOR PHASE I: LAND MANAGEMENT SYSTEM SELECTION

ACTION:

1. City Council approved the Professional Services Agreement with Soft Resources Software Consulting, not to exceed \$100,000; and
2. Authorized the City Manager to sign the Professional Services Agreement with Soft Resources Software Consulting; and
3. Authorized the City Manager to sign the renewals of the approved Professional Services Agreement.

6. YEAR FOUR OF THE SUPPORT PERIOD OF RIMINI STREET FOR ORACLE/PEOPLESOFT SUPPORT SERVICES

ACTION:

1. City Council authorized the City Manager to sign the Purchase Requisition for \$127,730 with Rimini Street, Inc. (Rimini), to continue providing support for the City's Oracle/PeopleSoft products for Year Four of the Support Period commencing on March 18, 2017; and
2. Authorized the City Manager to sign future purchase requisitions, as necessary, for the remainder of the Support Period.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

5. RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2017 ORANGE COUNTY MARATHON (00:52:03)

Public Comments:

Wendy Leece, spoke on the Orange County Marathon and its benefits to the Costa Mesa residents. (00:52:15)

Karl Ahlf, Costa Mesa, spoke on participating in the race. (00:55:17)

Gary Kutcher, representing the OC Marathon, responded to questions on cost reimbursements and charities. (00:55:50)

Public Comments Closed.

Council Member Righeimer recused himself and stepped down from the dais and left the Council Chambers stating he is friends with a sponsor of the OC marathon. (01:06:07)

MOVED/SECOND: Council Member Genis/Council Member Mansoor

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:

City Council adopted Resolution 17-09, designating event routes for the 2017 Orange County (OC) Marathon and approve the temporary street closures for May 6, 2017, and May 7, 2017, as requested for the 2017 OC Marathon.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:06:56)

1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2016-2020 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) (01:07:07)

Tammy Letourneau, Assistant City Manager, presented the staff report.
(01:07:25)

Public Hearing Opened:

Speaker, spoke on the costs of pensions and unfunded pension liability.
(01:11:03)

Gary Parkin, Costa Mesa, spoke on the costs of pensions and unfunded pension liability. (01:14:08)

Wendy Leece, Costa Mesa, spoke on retaining and recruiting the General Employees. (01:15:54)

Ralph Taboada, Costa Mesa, spoke on higher contribution rate for all employees.
(01:18:42)

Public Hearing Closed.

Council Member Mansoor spoke on the item. (01:24:40)

Discussion ensued on employee costs. (01:31:35)

Mayor Foley spoke on the item. (01:34:30)

Council Member Stephens spoke on the item. (01:40:18)

Council Member Righeimer spoke on the item. (01:42:47)

Mayor Pro Tem Genis spoke on the item. (01:50:43)

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: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council held the first Public Hearing regarding the 2016-2020 Memorandum of Understanding (MOU) between the City of Costa Mesa and the Costa Mesa City Employees Association (CMCEA) as required by Civic Openness in Negotiations (COIN); and
2. Scheduled the second and final Public Hearing as required by COIN for March 7, 2017.

City Council recessed into a break at 7:58 p.m. (01:56:56)

City Council reconvened at 8:12 p.m. (02:10:00)

2. APPEAL OF ZONING APPLICATION ZA-16-34: MINOR CONDITIONAL USE PERMIT FOR TWO RESERVED PARKING SPACES LOCATED AT 3033 BRISTOL STREET, SUITE A (02:10:11)

No ex-parte communications to report. (02:10:28)

Ryan Loomis, Associate Planner, presented the staff report. (02:10:39)

Public Hearing Opened:

Kelly Johnson, applicant representing Watch Connection, provided background information on the business. (02:21:24)

Mark Martin, owner of Watch Connection, provided history on the business. (02:35:22)

Jason Ball, representative of 3033 Bristol Street, spoke on the item. (02:39:32)

Robin Leffler, Costa Mesa, spoke in support of small businesses in Costa Mesa. (02:46:17)

Public Hearing Closed.

Mr. Johnson, spoke on the business' unique security issue. (02:49:35)

Discussion ensued on the plan for reserved parking and safety and security issues. (02:50:27)

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To reverse the Planning Commission's decision and approve Zoning Application ZA-16-34 under Resolution No. 17-10, for a Minor Conditional Use Permit (MCUP) to deviate from shared parking requirements to allow two reserved parking spaces in front of Suite A to accommodate patrons of the Watch Connection on Tuesday – Saturday from 11AM – 2PM based on safety and security concerns related to the business operations. Additionally, the MCUP will sunset if and when the Watch Connection closes.

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: None

Motion carried: 4-1

ACTION:

City Council reversed the Planning Commission's decision and approved Zoning Application ZA-16-34 under Resolution No. 17-10, for a Minor Conditional Use Permit (MCUP) to deviate from shared parking requirements to allow two reserved parking spaces in front of Suite A to accommodate patrons of the Watch Connection on Tuesday – Saturday from 11AM – 2PM based on safety and security concerns related to the business operations. Additionally, the MCUP will sunset if and when the Watch Connection closes.

OLD BUSINESS:

1. 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 (03:11:21)

Raja Sethuraman, Public Services Director, presented the staff report. (03:12:01)

Public Comments:

Speaker, spoke in opposition to the project. (03:12:57)

Cindy England, Costa Mesa, spoke in support of the project. (03:15:25)

Tracy Doshlund, Costa Mesa, spoke in support of the project. (03:17:37)

Lisa Zimmerman, Costa Mesa, spoke in support of the project. (03:19:13)

Flo Martin, Costa Mesa and Bikeway & Walkability Committee member, spoke in support of the project. (03:22:25)

Karl Ahlf, Costa Mesa, spoke in support of the project. (03:23:04)

Speaker, spoke on the project. (03:23:58)

Jay Humphrey, Costa Mesa, spoke in support of the project. (03:25:41)

Speaker, spoke in support of the project. (03:28:03)

Ralph Taboada, Costa Mesa, spoke in support of the project. (03:29:40)

Tom Egan, Costa Mesa, spoke in support of the project and supports a tunnel. (03:31:03)

Public Comments Closed.

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 the plans, specifications, and working details for hardscape and landscape improvements on 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; and
2. Approved Budget Adjustment No. 17-007 in the amount of \$510,138.00; and
3. Waived minor irregularities in the bid submitted by the apparent low bidder, EBS General Engineering, Inc., and award a construction contract to EBS General Engineering, Inc., 1320 East 6th Street, Suite 100, Corona, California 92879 in the amount of \$1,164,580.00 (base bid plus additive bid item AD-1); and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

NEW BUSINESS:

1. AGREEMENTS FOR THE COMMUNITY BASED TRANSIT CIRCULATORS PROJECT (03:32:54)

Raja Sethuraman, Public Services Director, presented the staff report. (03:33:05)

Discussion ensued regarding costs, increasing the ridership, expanding the local aspect, and developing the marketing plans. (03:40:49)

Diane Kotler, representing Anaheim Transportation Network, spoke on the vehicles, which do not accommodate bicycles. (03:47:20)

Public Comments:

Karl Ahlf, Costa Mesa, spoke in support of the project. (03:48:16)

Public Comments Closed.

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 Cooperative Agreement No. C-8-1482 between the Orange County Transportation Authority (OCTA) and the City of Costa Mesa for Project V Community-Based Transit Circulators Project; and
2. Approved Subrecipient Agreement with the Anaheim Transportation Network (ATN) as the transit service provider to administer, operate, maintain and manage the Project; and
3. Authorized the City Manager and City Clerk to execute the agreements and future amendments, as needed; and
4. Approved Budget Adjustment BA 17-009 in the amount of \$571,580 recognizing Measure M2 funds awarded for the project.

2. TERMINATION OF PLANNING COMMISSION MEMBER (03:49:08)

Brenda Green, City Clerk, presented the staff report. (03:49:50)

Mayor Pro Tem Genis spoke on her request of re-tallying the votes. (03:55:04)

Public Comments:

Sue Lester, Costa Mesa, spoke against the item. (03:58:58)

Flo Martin, Costa Mesa, spoke in support of the item. (04:01:13)

Jay Humphrey, Costa Mesa, spoke in support of the item. (04:03:31)

Wendy Leece, Costa Mesa, spoke in support of the item. (04:07:40)

Cindy Brenneman, Costa Mesa, spoke against the item and Carla Navarro Woods being appointed. (04:13:30)

Tamar Goldmann, Costa Mesa, spoke against the item and Carla Navarro Woods being appointed. (04:16:25)

Robin Leffler, representing Costa Mesans for Responsible Government, spoke in support of the item. (04:21:40)

Barrie Fisher, Costa Mesa, spoke against the item. (04:24:49)

Beth Refakes, Costa Mesa, spoke against the item. (04:27:28)

Speaker, spoke against the item. (04:30:14)

Eleanor Egan, Costa Mesa, spoke in support of the item. (04:33:17)

Speaker, spoke in support of the item. (04:36:13)

Tom Egan, spoke in support of the item. (04:37:34)

Speaker, spoke in support of the item. (04:38:04)

Speaker, spoke in support of the item. (04:39:55)

Public Comments Closed.

Mayor Foley spoke on the process. (04:40:52)

Council Member Stephens spoke on merit and balance. (04:48:33)

Council Member Mansoor spoke against the item. (04:55:42)

MOVED/SECOND: Council Member Stephens/Mayor Foley

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.

**ADDITIONAL COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS
(04:56:35)**

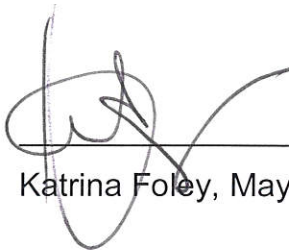
Mayor Foley requested an update on the completion of SR-55 under Newport Blvd.

REPORT – CITY MANAGER (04:57:13) - NONE

REPORT – CITY ATTORNEY (04:57:16) – NONE

ADJOURNMENT – The Mayor adjourned the meeting in memory of Whittier Police Officer Keith Boyer.

Minutes adopted on this 2nd day of May, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk