

**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 16, 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 – 4:00 P.M.

CALL TO ORDER

The meeting was called to order by the Mayor at 4:04 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 (arrived at 4:15 p.m.), and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:06 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 Firefighters Association (CMFA).

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: The Kennedy Commission, et al v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Stephanie De La Cruz v. City of Costa Mesa, et al, Orange County Superior Court of California, Case No. 30-2016-00830354-CU-PO-CJC.

The City Council reconvened at 6:19 p.m.

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

TUESDAY, MAY 16, 2017

CALL TO ORDER

The meeting was called to order by the Mayor at 6:19 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE Mayor Foley

MOMENT OF SOLEMN EXPRESSION

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

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

CITY ATTORNEY CLOSED SESSION REPORT – City Attorney Duarte reported on Closed Session #4 De La Cruz v. City of Costa Mesa, in which the City Council approved the payment to plaintiff of \$117,500.00 on a vote of 5-0, in exchange plaintiff agreed to dismiss the lawsuit and an executed copy of the settlement agreement will be posted on the city website.

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Mayor Foley stated she had communications with various firefighters to assess priorities and clarify language on Fair Labor Standards Act requirements.

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, 4, 7, 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: Will B. King, Julie Macfarlane, and Bryan Mejia.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 7, 2017 AND STUDY SESSION OF FEBRUARY 14, 2017

ACTION:

City Council approved the minutes of March 7, 2017 and February 14, 2017.

5. AWARD THE PURCHASE OF ONE NEW 2017 F-250 PICKUP TRUCK FOR ANIMAL CONTROL

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for the purchase of one 2017 Ford F-250 with animal containment compartments through the National Joint Powers Alliance (NJPA) Contract #120716-NAF, with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076, in the amount of \$64,485.62.

FOR INFORMATIONAL PURPOSES ONLY

6. ACCEPT COMPLETION OF RFP NO. 1172, REMOVAL OF A 10,000-GALLON UNDERGROUND STORAGE TANK LOCATED IN THE COSTA MESA POLICE DEPARTMENT

ACTION:

1. City Council accepted the work performed by MJK Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond and the Faithful Performance Bond after the Notice of Completion filing date.

8. ACCEPT COMPLETION OF PROJECT NO. 16-23, DOWNTOWN RECREATION CENTER POOL DECK REHABILITATION PROJECT

ACTION:

1. City Council accepted the work performed by CJ Concrete Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorized 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.

10. PROFESSIONAL SERVICES CONTRACT AMENDMENT WITH JEANELLE HEASTON DBA PERMIT MANAGEMENT SOLUTIONS

ACTION:

1. City Council approved Amendment One to the existing Professional Services Agreement with Jeanelle Heaston DBA Permit Management Solutions to increase total compensation by an amount not to exceed \$36,000; and
2. Authorized the City Manager and City Clerk to execute the agreement; and
3. Authorized the City Manager and City Clerk to accept and execute future amendments to the agreement.

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

FOR INFORMATIONAL PURPOSES ONLY

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2577 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-08 "A" FOR \$4,799.23 AND 17-09 FOR \$2,253,507.29; AND CITY OPERATING EXPENSES FOR \$2,306,104.28; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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 Warrant Resolution No. 2577.

4. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: TEWINKLE PARK ADA AND PARKING LOT IMPROVEMENTS, CITY PROJECT NO. 17-01**

MOVED/SECOND: Council Member Mansoor/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:

1. City Council adopted the plans, specifications, and working details for the TeWinkle Park ADA and Parking Lot Improvements Project, 970 Arlington Drive, Costa Mesa, CA, 92626, City Project No. 17-01; and
2. Awarded a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$220,272.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

FOR INFORMATIONAL PURPOSES ONLY

7. **PARKING LOT REHABILITATION PROJECT AT VARIOUS LOCATIONS, TANAGER BIKE TRAIL AND BALEARIC COMMUNITY CENTER IMPROVEMENTS, CITY PROJECT NO. 17-02**

Council Member Righeimer and Council Member Stephens recused themselves and stepped down from the dais and left the Council Chambers due to living within a 500' radius.

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

Abstain: Council Member Righeimer and Council Member Stephens

Motion carried: 3-0-0-2

ACTION:

1. City Council adopted the plans, specifications, and working details for the Parking Lot Rehabilitation Project at Various Locations, Tanager Bike Trail and Balearic Community Center Improvements, City Project No. 17-02:

Project "A" – Americans with Disabilities Act (ADA) Parking Stall and Sidewalk Improvements at Fairview Park (2501 Placentia Avenue, Costa Mesa);

Project "B" – Pavement Improvements for City Hall Parking Lot (77 Fair Drive, Costa Mesa);

Project "C" – Pavement Improvements for Fire Station No. 2 (800 Baker Street, Costa Mesa);

Project "D" – Pavement Improvements for Fire Station No. 4 (2300 Placentia Avenue, Costa Mesa)

Project "E" – Tanager Drive, Bike Trail Improvements (South of Tanager Drive from Golf Drive Easterly to Harbor Boulevard); and

Project "F" – Balearic Community Center Playground Pavement Overlay (1975 Balearic Drive, Costa Mesa); and

2. Awarded a construction contract to All American Asphalt, 400 E. Sixth Street, Corona, CA 92879, in the amount of \$880,411.00 (Base Bid plus all Additive Bid Items); and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

FOR INFORMATIONAL PURPOSES ONLY

9. ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT, CITY PROJECT NO. 17-04

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:

1. City Council rejected all bids; and
2. Authorized staff to re-advertise the project.

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

THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.

1. **PUBLIC HEARING FOR CODE AMENDMENT CO-16-04 – AMENDMENTS TO ARTICLE 1 (ACCESSORY STRUCTURES INCLUDING SHEDS IN RESIDENTIAL DISTRICTS) OF CHAPTER 5 (DEVELOPMENT STANDARDS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND ARTICLE 2 (GENERAL PROVISIONS) AND ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE**

OLD BUSINESS:

THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.

1. **SECOND READING OF ORDINANCE 17-09 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**

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor adjourned the meeting at 7:37 p.m.