

**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, FEBRUARY 21, 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**

**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

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).

## **FOR INFORMATIONAL PURPOSES ONLY**

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.

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

#### **CALL TO ORDER**

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** - Sydney Corrigan, Estancia High School

**PLEDGE OF ALLEGIANCE** Council Member Mansoor

#### **MOMENT OF SOLEMN EXPRESSION**

Pastor Jon Mestas, Newport Mesa 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 #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**

## FOR INFORMATIONAL PURPOSES ONLY

### CONSENT CALENDAR

**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.

**FOR INFORMATIONAL PURPOSES ONLY**

**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)**

**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.

## FOR INFORMATIONAL PURPOSES ONLY

**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)**

**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.

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

**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

## FOR INFORMATIONAL PURPOSES ONLY

### **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 19<sup>TH</sup> STREET SAFE ROUTE TO SCHOOL (SRTS) PROJECT FROM CHURCH STREET TO IRVINE AVENUE, FEDERAL PROJECT NO. SRTSL-5312 (089), CITY PROJECT NO. 16-17**

**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 19<sup>TH</sup> 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.

## FOR INFORMATIONAL PURPOSES ONLY

### NEW BUSINESS:

#### 1. AGREEMENTS FOR THE COMMUNITY BASED TRANSIT CIRCULATORS PROJECT

**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

**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.

**FOR INFORMATIONAL PURPOSES ONLY**

**REPORT – CITY MANAGER - NONE**

**REPORT – CITY ATTORNEY – NONE**

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