

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

TUESDAY, MAY 2, 2017

CALL TO ORDER

The Special Closed Session 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

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

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.

CALL TO ORDER (00:00:15)

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 (00:00:33) Mariachi Herencia Michoacana Group

PLEDGE OF ALLEGIANCE (00:03:11) Council Member Mansoor

MOMENT OF SOLEMN EXPRESSION (00:02:23)

Pastor Josh Harrison, Rock Harbor Church, Costa Mesa

ROLL CALL (00:03:40)

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 Richard Francis, 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 (00:04:07) – City Attorney Tom 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**

ANNOUNCEMENTS (00:04:51)

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

PRESENTATIONS (00:07:19)

1. City Manager's Leadership Award for April 2017
Giovanni La Placa, Firefighter/Paramedic, was recognized by the City Council for receiving the City Manager's Leadership Award. (00:07:22)
2. Boys and Girls Club Annual Report
Robert Santana, Chief Executive Officer of Boys & Girls Club of Central Orange Coast, provided the report. (00:12:52)
3. Access Building, Fire and Housing Board of Appeal Committee Annual Report
Ron Beehler, Interim Building Official, provided the report. (00:27:45)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:31:59)

Jay Humphrey, Costa Mesa, praised the Public Services Department for sidewalk and street repairs; and spoke on the Fairview Park vandalism incident. (00:32:32)

Al Melone, Costa Mesa, spoke on urban coyote issues and the management plan. (00:35:29)

Wendy Leece, Costa Mesa, thanked the City Council for rebuilding the Public Safety Departments; spoke on civility, transparency, and the Planning Commission appointments. (00:38:48)

Bob Cartwright, spoke on the future for our children and expressed concerns on a variety of issues. (00:41:43)

Speaker, spoke on indifference and sober living homes; and what makes Costa Mesa cool. (00:44:46)

Richard Russell, Costa Mesa, spoke on the Homeless Task Force meeting by Council Members Mansoor and Stephens. (00:47:57)

Cindy Brenneman, Costa Mesa, spoke on the Planning Commission appointments. (00:51:05)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:53:56)

Council Member Mansoor spoke on coyote issues. (00:54:01)

Mayor Foley spoke on the Planning Commission appointments; and meetings with the Pacific Symphony, the MET Costa Mesa, and residents. (00:56:33)

Mayor Pro Tem Genis spoke on opening up the ball fields at Lions Park; acquiring additional open space; First Friday Road Show on May 5th; and coyote issues. (01:00:21)

Council Member Stephens spoke on donations for fireworks event including a 5k donation by PETA; and the visit to San Antonio to learn about mental illness, substance abuse and homeless programs. (01:03:49)

Council Member Righeimer spoke on the OC Register article on Costa Mesa as Capital of Cool; and spoke on the Planning Commission appointments. (01:20:35)

CONSENT CALENDAR (01:22:28)

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.

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** -----

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 (01:23:03)**

Public Comments:

Speaker, spoke on legal fees for sober living homes. (01:23:09)

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 (01:26:01)

Willa Bouwens-Killeen, Zoning Administrator, spoke on the CDBG program. (01:26:59)

Public Comments:

Speaker, spoke on code enforcement and rehab loans. (01:28:24)

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.

8. TOWING SERVICES CONTRACTS WITH METROPRO ROAD SERVICES AND G&W TOWING (01:29:31)

Council Member Stephens stated he had ex-parte communications and met with Alex Mohamed. (01:29:44)

Lt. Bakkila, spoke on the RFP process. (01:30:51)

Public Comments:

Mr. Mohamed, spoke on the scoring process. (01:31:40)

Elizabeth Phillips, spoke on car being impounded and a customer satisfaction survey. (01:52:48)

Public Comments Closed.

Council Member Righeimer spoke in support of a two-year contract with a one-year renewal. (01:56:15)

Discussion ensued on a customer satisfaction survey. (01:57:11)

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 (02:07:22)

Public Comments:

Wendy Leece, Costa Mesa, expressed concern on the debt financing. (02:07:43)

Robin Leffler, Costa Mesa, spoke against the debt financing. (02:10:22)

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.

The City Council recessed into a break at 8:21 p.m. (02:20:18)

The City Council reconvened at 8:32 p.m. (02:31:46)

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (02:31:51)

1. PUBLIC HEARING FOR FISCAL YEAR 2017-2018 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) (02:31:55)

Mike Linares, CDBG/Home Coordinator, presented the Staff Report. (02:32:11)

Discussion ensued on matching grant program incentives. (02:46:10)

Richard Francis, Assistant City Manager, spoke on Trellis. (02:49:38)

Mayor Pro Tem Genis spoke on the HOME funds; and notifications in Spanish. (02:52:10)

Public Hearing Opened:

Wendy Weeks, Executive Director of Youth Employment Service, spoke on their programs. (03:00:18)

Ian Stevenson, Executive Director of Trellis, spoke on their programs. (03:03:55)

Wendy Leece, Costa Mesa, spoke in support of the recommendations and spoke on code enforcement. (03:05:54)

Elizabeth Andrade, representing Families Forward, spoke on their programs. (03:08:33)

Speaker, spoke against sober living homes receiving any City funds; and spoke on code enforcement issues. (03:09:33)

Public Hearing 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 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.

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 (03:13:50)

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the Staff Report. (03:14:45)

Council Member Righeimer spoke on Measure Z committee. (03:18:44)

Public Hearing Opened:

Cynthia McDonald, Costa Mesa, spoke against forming a new Measure Z committee. (03:23:36)

Speaker, spoke against forming a new Measure Z committee. (03:26:38)

Public Hearing Closed.

Council Member Stephens spoke in support of the item. (03:27:45)

Discussion ensued on recommended changes to the ordinance. (03:30:07)

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To approve recommended action #1 and make revisions to the ordinance, removing all references to “youth sports” and replacing with “recreation activities”.

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, 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 the following revisions to the ordinance: remove all references to “youth sports” and replace with “recreation activities”.

3. PUBLIC HEARING TO ADOPT RESOLUTION TO VACATE A PORTION OF EAST 19TH STREET (03:44:56)

Raja Sethuraman, Public Services Director, presented the Staff Report.
(03:45:22)

Public Hearing Opened.

Speaker, spoke on an open manhole on Tustin and 19th Street. (03:46:53)

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.

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 (03:50:12)**

Dane Bora, Public Affairs Manager, presented the Staff Report. (03:50:40)

No public comments on this item.

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, 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 (03:51:34)

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the Staff Report. (03:52:25)

Discussion ensued on grounds for revocation and citation; and changes to Ordinance 17-05. (03:55:40)

Public Comments:

Richard Russell, Costa Mesa, spoke on enforcement. (03:58:52)

Robin Leffler, Costa Mesa, spoke on the SUP hearing and the process.
(04:02:14)

Speaker, spoke on appealing a SUP hearing and the process. (04:03:58)

Public Comments Closed.

MOVED/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: To approve the recommended actions with the following revision to Ordinance 17-05, section 10i: changing the language to “the occupant will no longer be a resident at the home”.

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 gave second reading and adopted Ordinance No. 17-05, with the following revision to section 10i of the ordinance: changing the language to “the occupant will no longer be a resident at the home”, 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 (04:08:09)**

Dan Baker, Assistant to the City Manager, presented the Staff Report.
(04:08:37)

Paula Lombardi-Fries, Travel Costa Mesa President, provided a video presentation recapping the annual report. (04:10:38)

No public comments on this item.

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, 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.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (04:20:24)

Mayor Pro Tem Genis spoke on goal setting and standards agreed upon by the City Council. (04:20:43)

Council Member Stephens spoke on deviating from the time limit. (04:24:10)

Mayor Foley spoke on the First Friday Road Show and requested code enforcement report activities regarding group homes and to update the page on the City website. (04:25:42)

REPORT - CITY MANAGER – NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT (04:28:35) – The Mayor adjourned the meeting at 10:29 p.m.

Minutes adopted on this 18th day of July, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk