

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

JUNE 20, 2017

CALL TO ORDER

The Special Closed Session was called to order by the Mayor at 5:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

City Clerk Green stated that Council Member Stephens will participate remotely from Chicago, Illinois.

Present: Council Member Mansoor, Council Member Rigeimer, Council Member Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

Council Member Stephens made a statement as to compliance with the Brown Act and reported that no members of the public were in attendance.

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION ITEMS - NONE

The City Council recessed to Conference Room 5A at 5:10 p.m. for Special Closed Session to consider the following items:

1. 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.

2. 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.

**3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for 1 potential case.

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

CALL TO ORDER (00:00:26)

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 (00:00:52) Ms. Moxy Anne

PLEDGE OF ALLEGIANCE (00:02:32) Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION (00:02:53)

Pastor Jim Turrell, The Center for Spiritual Living Newport Mesa

ROLL CALL (00:03:38)

City Clerk Green stated that Council Member Stephens will participate remotely from Chicago, Illinois.

Present: Council Member Mansoor, Council Member Righeimer (left at 1:16 a.m.), Council Member Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

Council Member Stephens made a statement as to compliance with the Brown Act and reported that no members of the public were in attendance. (00:04:40)

Officials Present: 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 #3, in which the City Council, on a vote of 5-0, entered into a settlement agreement with Solar City to resolve all disputes and claims and to terminate the Solar Power purchase agreement with payment of \$225,000.00 to Solar City. The settlement is a result of the projected savings not being achieved due to the scheduled demolition of the Neighborhood Community Center which will be replaced by a new library building designed to achieve leads certification without solar panels.

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) (00:05:33) – Mayor Foley inquired with Captain Rob Gagne regarding the procedure of voting by the membership on contracts.

ANNOUNCEMENTS (00:05:52)

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

PUBLIC COMMENTS (00:09:07)

Jay Humphrey, Costa Mesa, spoke about an oil spill at Fairview Park parking lot. (00:09:36)

Speaker, Costa Mesa, inquired on the Fairview Park administrator position; spoke on Glenn Lukos and Associates; the 90-day survey report; and prosecuting offenses. (00:12:25)

Speaker, spoke on the sound levels and concerts at the Orange County Fairgrounds and violations of the settlement agreements. (00:14:34)

Phil Marsh, Costa Mesa Newport Harbor Lions Club President, thanked the City Council and spoke on the Fish Fry event. (00:17:30)

Beth Refakes, Costa Mesa, spoke regarding the landscaping on 19th and Newport; Harbor Boulevard medians; fireworks; reconsidering the Small Lot Ordinance; and noise at the OC Fairgrounds. (00:18:52)

Speaker, spoke on homeless issues and drug addicts; and the Taco Brat new business. (00:21:56)

Karl Ahlf, Costa Mesa, spoke on illegal fireworks and fines. (00:24:59)

Speaker, spoke on the reconsideration of the Small Lot Ordinance. (00:27:00)

Robin Leffler, Costa Mesa, spoke on campaign promises by the candidates and the approval of Measure Y; and requested a moratorium on the Small Lot Ordinance. (00:27:43)

Speaker, spoke on Sober Living and Small Lot Ordinances. (00:30:24)

Speaker, spoke on the OC Register articles regarding sober living homes. (00:32:26)

Cindy Brenneman, Costa Mesa, spoke on the First Friday road show on July 7th. (00:35:50)

Speaker, spoke on sober living home issues. (00:41:17)

Bill McCarty, Costa Mesa, spoke on Fairview Park and played a video of volunteers at the park. (00:43:45)

Speaker, spoke on code enforcement issues at his business; and sober living home issues. (00:47:13)

Speaker, spoke on crime and sober living home issues. (00:50:37)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(00:54:25)**

Council Member Stephens spoke via teleconference on the Public Service Announcement (PSA) regarding fireworks; 4th of July celebration at the OC Fairgrounds; and projects pertaining to group homes and code enforcement. (00:54:39)

Council Member Righeimer spoke on the PSA regarding fireworks and fines for illegal fireworks; and the group home ordinance. (00:57:36)

Council Member Mansoor thanked the speakers for comments and reporting issues; and spoke on the Costa Mesa Connect application. (01:01:17)

Mayor Foley spoke on sober living home issues; the OC All Star Classic football; requested information on utilizing Nextel program by our police department; thanked the Lions Club for the Fish Fry; and encouraged businesses to join the Chamber of Commerce. (01:02:41)

Mayor Pro Tem Genis spoke on the mosquito awareness week beginning June 25th; OC Fairground events, noise limits and agreements; 4th of July celebration at the OC Fairgrounds; and a moratorium on Small Lot Ordinance. (01:08:24)

CONSENT CALENDAR (01:11:49)

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for **2, 7, 11, 13, and 14.**

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: California Automobile Insurance Company, as subrogee for Karl Ozinga.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF APRIL 4, 2017

ACTION:

City Council approved the minutes of April 4, 2017.

**4. HALECREST NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT-
CITY PROJECT NO. 15-03**

ACTION:

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

**5. EASTSIDE NEIGHBORHOOD PARKWAY CONCRETE REPAIR PROJECT
(ZONE #3 AND ZONE #12) - CITY PROJECT NO. 15-02**

ACTION:

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

6. WEST BAY STREET IMPROVEMENTS - CITY PROJECT NO. 17-06

ACTION:

1. City Council adopted plans, specifications, and working details for the West Bay Street Improvements, City Project No.17-06, funded by the Community Development Block Grant (CDBG) program; and
2. Awarded a construction contract to Copp Contracting, Inc., 6751 Stanton Ave. Buena Park, CA 90621, in the amount of \$179,149.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**8. PURCHASE OF THE BATTERIES AND CHARGERS FOR THE MOBILE
RECEIVER RADIOS FOR ORANGE COUNTY 800 MHZ COUNTYWIDE
COORDINATED COMMUNICATIONS SYSTEM UPGRADE**

ACTION:

City Council approved and authorized the City Manager to execute a purchase order with Power Products for the purchase of batteries and chargers for the mobile receiver radios designed to interface with the existing Orange County ASTRO 25 System in the amount of \$53,535.43.

9. PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES WITH FIRSTCARBON SOLUTIONS FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) FOR MASTER PLAN PA-17-11 IN CONJUNCTION WITH FUTURE EXPANSIONS OF VANGUARD UNIVERSITY AT 55 FAIR DRIVE

ACTION:

1. City Council approved and authorized the Mayor and the City Clerk to execute a one (1) year Professional Services Agreement (PSA) for environmental consulting services with FirstCarbon Solutions, 250 Commerce, Suite 250 Irvine, CA 92620, for an Initial Study/Mitigated Negative Declaration (IS/MND) for Master Plan PA-17-11 in conjunction with future expansions for Vanguard University at 55 Fair Drive, Costa Mesa, CA 92628, in the amount not to exceed \$83,860.00, effective date June 21, 2017 – June 20, 2018; and
2. Authorized the City Manager and the City Clerk to renew the agreement for two (2) additional one-year terms, upon mutual agreement of both parties.

10. SENIOR TRANSPORTATION PROGRAMS (STP) AWARD OF CONTRACT

ACTION:

1. City Council approved and authorized the City Manager and the City Clerk to execute a three (3) year Professional Service Agreement (PSA) for the Senior Transportation Programs (STP) with Keolis Transit Services, LLC at 6053 W. Century Blvd., Suite 900, Los Angeles, CA 90045 in the annual amount not to exceed \$197,020.00, effective date July 01, 2017 – June 30, 2020; and
2. Authorized the City Manager and the City Clerk to renew the agreement for two (2) additional one-year terms, upon mutual agreement of both parties.

12. RENEWED MEASURE M (M2) ELIGIBILITY

ACTION:

1. City Council approved the City's Maintenance of Effort (MOE) for Fiscal Year 2017-18; and
2. Approved the City's Local Signal Synchronization Plan (LSSP); and
3. Approved the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2017-18 through Fiscal Year 2023-24; and
4. Adopted Resolution No. 17-45, for the Master Plan of Arterial Highways Conformance, mitigation fee program, and LSSP.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2579 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-11 FOR \$2,207,148.95; AND CITY OPERATING EXPENSES FOR \$4,234,358.19; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:13:10)**

Public Comments:

Speaker, requested clarification on furniture purchase. (01:13:21)

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 approved Warrant Resolution No. 2579.

7. **CLOSE OFF ARTERIAL WALL OPENINGS AT VARIOUS LOCATIONS PROJECT, CITY PROJECT NO. 17-05 (01:15:40)**

Raja Sethuraman, Public Services Director, presented the staff report. (01:15:46)

Public Comments:

Barrie Fisher, Costa Mesa, spoke on the bids and the project. (01:16:46)

Speaker, spoke in support of closing the wall opening. (01:20:00)

Speaker, inquired on how the bids are advertised. (01:22:04)

Speaker, inquired on how the bids are advertised. (01:23:40)

Public Comments Closed.

Council Member Stephens spoke regarding cost and delay concerns; and reducing the scope of the project. (01:24:47)

Council Member Mansoor suggested landscaping and beautification as an alternative. (01:28:03)

Mayor Pro Tem Genis supports using alternate materials; and spoke on beautification. (01:30:55)

Council Member Righeimer spoke on bidding. (01:32:37)

MOVED/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: To approve the recommended actions and incorporate landscaping into the project.

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; and
3. Authorized staff to incorporate landscaping into the project.

11. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS (01:34:20)**

Raja Sethuraman, Public Services Director, presented the staff report for Consent Calendar item numbers 11 and 13. (01:34:49)

Tamara Letourneau, Assistant City Manager, provided an update on the staff vacancies. (01:35:57)

Public Comments:

Speaker, spoke on Interwest Consulting Group. (01:37:02)

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 approved Amendment No. 2 to the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, California 92649, to increase the maximum compensation by \$388,000.00, to \$1,027,500.00, and extended the term of the Agreement through March 31, 2018; and
2. Authorized the City Manager to execute Amendment No. 2.

13. AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH W.G. ZIMMERMAN ENGINEERING, INC.

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 approved Amendment No. 1 for the Professional Services Agreement with W. G. Zimmerman Engineering, Inc., 17011 Beach Boulevard, Suite 1240, Huntington Beach, CA 92647, increasing the consultant fee by an amount of \$75,000 to \$124,470; and
2. Authorized the City Manager to execute the Amendment.

14. FIRST AMENDMENT TO LEASE AGREEMENT WITH STC ONE LLC. FOR THE CELL TOWER LOCATED AT SHIFFER PARK (01:39:34)

Council Member Righeimer recused himself, stepped down from the dais and left the Council Chambers due to a potential conflict of interest. (01:39:38)

Ashley Garcia, Management Analyst, presented the staff report. (01:40:08)

Council Member Mansoor requested that the City Council are notified prior to any display of murals. (01:41:28)

Mayor Pro Tem Genis spoke on the rents. (01:42:33)

Jennifer Jackson, Parker Legal Group, clarified the rents and additional feet. (01:45:50)

Council Member Stephens spoke on the agreement. (01:49:11)

Public Comments:

Speaker, spoke on the low rents. (01:51:38)

Speaker, spoke on the low rents and loss of parkland. (01:54:08)

Speaker, spoke on the low rents and requested further review of the agreement. (01:55:50)

George Berg, Costa Mesa, requested further review of the agreement and suggested to not use city parks for commercial use and do underground high tension wires. (01:56:42)

Speaker, spoke against the issue. (01:58:53)

Public Comments Closed.

Mayor Foley requested for staff to research the cell tower lease agreements for the Presbyterian Church on Fairview and Adams and the sewing machine and vacuum cleaner store next to the Costa Mesa Motor Inn, for comparison. (02:00:51)

MOVED/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: To continue the item to a future City Council meeting.

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 approved to continue the item to a future City Council meeting.

The City Council recessed into a break at 8:07 p.m. (02:02:56)

The City Council reconvened at 8:18 p.m. (02:13:35)

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

1. ADOPTION OF FISCAL YEAR 2017-2018 APPROPRIATIONS LIMIT (02:13:46)

Steve Dunivent, Interim Finance Director, presented the staff report. (02:13:56)

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 adopted Resolution No. 17-42, establishing the Fiscal Year 2017-2018 Appropriations Limit for the City of Costa Mesa at \$223,567,465 by using the County of Orange's population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

2. FISCAL YEAR 2017-2018 BUDGET ADOPTION (02:15:21)

Tom Hatch, City Manager, provided opening remarks. (02:15:32)

Mr. Dunivent presented the staff report.

Public Hearing Opened.

Jesus King, Costa Mesa, spoke in support of the skate park expansion. (03:19:16)

Jim Fidler, Finance and Pension Advisory Committee Chair, spoke on the committee's recommendations. (03:20:35)

Bill King, Costa Mesa, spoke in support of the skate park expansion. (03:29:47)

Adam Wood, representing the Building Industry Association, spoke in support of the phased process related to the fire fees. (03:32:08)

Ian Smile, Costa Mesa, spoke in support of the skate park expansion. (03:32:47)

Cynthia McDonald, Costa Mesa, supports funding for the Tennis Center. (03:33:48)

Speaker, requested to keep the reserves at \$55 million; spoke against City subsidizing the state to pay for employees; and spoke in support of more open space. (03:36:37)

Karl Ahlf, Costa Mesa, spoke in support of homeless programs, investing in infrastructure, and new mobile command units. (03:39:12)

Tim Lewis, Costa Mesa, spoke in support of the skate park expansion. (03:42:05)

Brett Eckles, Costa Mesa, expressed concerns on having a fiscal deficit and the pension debt; and spoke on the lighting of fields feasibility study and project status. (03:44:36)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (03:54:59)

Robin Leffler, Costa Mesa, spoke in support of building the reserves; expressed concerns on pension costs; and spoke on the library project. (03:56:43)

Speaker, spoke in support of funding a state employee for group home inspections; and the skate park expansion. (03:59:47)

Speaker, spoke in support of the skate park expansion. (04:01:27)

Speaker, spoke in support of the skate park expansion. (04:03:43)

Beth Refakes, Costa Mesa, expressed concerns on the senior fees; spoke in support of the fire department fee increases for signal preemption; supports trust account for pension liability; and expressed concern on financing the lions park project. (04:06:06)

Paul Schmidt, spoke in support of the skate park expansion. (04:09:06)

George Bird, Costa Mesa, spoke on the \$5 million in expenditure and building the reserves. (04:10:07)

Jill Johnson, Costa Mesa, spoke in support of the skate park expansion. (04:11:13)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (04:12:22)

Speaker, spoke on helping with homeless issues. (04:13:23)

Wendy Leece, Costa Mesa, expressed concerns on sales taxes and pension liability; opposed to spending \$18.5 million for the library; and requested the removal of the Fairview Park and Placentia Avenue connector trail. (04:15:04)

Art Goddard, Costa Mesa, spoke in support of the Lions Park project. (04:18:13)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (04:18:56)

Kim Hendricks, Costa Mesa, requested the removal of the Fairview Park and Placentia Avenue connector trail. (04:21:05)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (04:21:28)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (04:22:14)

Speaker, Costa Mesa, spoke in support of the skate park expansion. (04:25:37)

Rick Huffman, Costa Mesa, spoke in support of the tennis center; and spoke on problems at the skate park. (04:26:48)

Speaker, spoke on using the police command vehicle fund for a new skate park; the housing fund; and spoke against the library project. (04:29:55)

Jack Ford, spoke in support of the skate park expansion. (04:33:11)

Marty Jimenez, spoke in support of the skate park expansion. (04:34:10)

Brett Hamilton, Costa Mesa, spoke in support of the skate park expansion. (04:36:30)

Public Hearing Closed.

Discussion ensued on funding for the skate park and hours of operation. (04:37:43)

Council Member Righeimer spoke to not supporting the budget. (04:46:00)

Mayor Pro Tem Genis spoke on the general fund balances; and a private and public partnership for the skate park. (04:55:00)

Council Member Stephens spoke in support of a private and public partnership for the skate park. (04:59:55)

Discussion ensued on the \$55 million council policy reserves goal, the contingency fund and the pension ARC (annual required contribution). (05:03:00)

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis (05:09:40)

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 approved Resolution No. 17-43, adopting the City of Costa Mesa FY 17-18 Operating and Capital Improvement Budget including all items listed on the Budget Addendum.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis (05:11:51)

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:

2. City Council approved Resolution No. 17-44, adopting the Fire and Park services cost recovery fees.

MOTION/SECOND: Council Member Mansoor/Council Member Righeimer (05:18:20)

MOTION: Direct staff to research establishing an Internal Revenue Code (IRC) Section 115 irrevocable trust account for pensions and other accounts.

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:

2a. City Council approved staff to research establishing an Internal Revenue Code (IRC) Section 115 irrevocable trust account for pensions and other accounts.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis (05:19:23)

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:

3. City Council directed staff to work with the Finance and Pension Advisory Committee on future options for the Business License fees and Transient Occupancy Tax rate.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis (05:20:01)

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:

4. Authorized the City Manager and Finance Director to make annual CalPERS prepayments for all bargaining groups if cash flow and cash balances permit.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis (05:20:46)

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:

5. Approved job descriptions and recommended salary resolutions for the following:

- a. Assistant Fire Marshal – Resolution No. 17-46
- b. Community Improvement Manager – Resolution No. 17-47
- c. Parks and Community Services Director

MOVED/SECOND: Mayor Foley/Council Member Righeimer (05:21:24)

MOTION: Staff to review the following: current budgeted amounts for the Jack Hammett Sports Complex; the 1.6 million dollar fund allocated for the lighting of various fields including Kaiser, Pomona, and Rea Elementary Schools; bleachers for Costa Mesa High School; Davis field improvements; and funding for the next phase of the skate park expansion.

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 directed staff to review the following: current budgeted amounts for the Jack Hammett Sports Complex; the 1.6 million dollar fund allocated for the lighting of various fields including Kaiser, Pomona, and Rea Elementary Schools; bleachers for Costa Mesa High School; Davis field improvements; and funding for the next phase of the skate park expansion.

Mayor Foley spoke on the budget. (05:23:04)

Mayor Pro Tem spoke on the budget. (05:26:35)

Council Member Righeimer spoke on the budget. (05:27:41)

The City Council recessed into a break at 11:34 p.m. (05:30:19)

The City Council reconvened at 11:44 p.m. (05:39:54)

3. APPEAL OF THE DENIAL OF SPECIAL USE PERMIT SL-15-0014 TO OPERATE A SOBER LIVING HOME SERVING SIX RESIDENTS AT 2152 RALEIGH AVENUE (05:40:09)

Sheri Vander Dussen, Interim Assistant Director Community Improvement, presented the staff report. (05:41:15)

Discussion ensued on reasonable accommodation requests. (05:51:46)

MOTION/SECOND: Mayor Foley/Council Member Righeimer

MOTION: To continue the meeting past midnight.

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 to continue the meeting past midnight.

Gregg Ohlhaber, applicant and property owner of Keystone Sober Living, spoke on his facility. (05:58:32)

Public Hearing Opened:

Tim Lewis, Costa Mesa, spoke in support of approving the Special Use Permit (SUP) for this sober living home. (06:15:37)

Speaker, spoke in support of approving the SUP for this sober living home. (06:18:28)

John Walkner, Costa Mesa, spoke on the issue. (06:22:35)

Blake Stillwell, Costa Mesa, spoke in support of approving the SUP for this sober living home. (06:26:32)

Tracy Walkner, Costa Mesa, spoke on problems with sober living homes. (06:29:48)

Daniel Sanchez, spoke in support of approving the SUP for this sober living home. (06:33:06)

Speaker, spoke on problems associated with this sober living home. (06:35:19)

Robin Leffler, Costa Mesa, spoke on regulating bad operators. (06:38:18)

Speaker, spoke on regulating sober living homes. (06:40:21)

Speaker, spoke on problems associated with this sober living home. (06:42:28)

Speaker, spoke in support of approving the SUP for this sober living home.
(06:43:55)

Speaker, spoke in support of approving the SUP for this sober living home.
(06:47:54)

Beth Refakes, Costa Mesa, spoke in support of approving the SUP for this sober living home. (06:51:10)

Public Hearing Closed.

Council Member Righeimer spoke in support of upholding the Planning Commission's denial of the SUP. (06:55:35)

MOTION/SECOND: Council Member Righeimer/Council Member Mansoor
MOTION: To uphold the Planning Commission's denial of Special Use Permit SL-15-0014. (06:55:25)

Mayor Pro Tem Genis spoke in support of reversing the Planning Commission's denial of the SUP. (06:59:35)

Council Member Stephens spoke in support of reversing the Planning Commission's denial of the SUP. (07:01:30)

Council Member Mansoor spoke in support of upholding the Planning Commission's denial of the SUP. (07:04:18)

Mayor Foley spoke in support of reversing the Planning Commission's denial of the SUP. (07:05:42)

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Genis/Council Member Stephens (06:59:12)

SUBSTITUTE MOTION: To reverse the Planning Commission's denial of Special Use Permit SL-15-0014 and grant the applicant a reasonable accommodation and approve this application. The resolution will be drafted and adopted at the July 18, 2017 City Council meeting.

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:

City Council reversed the Planning Commission's denial of Special Use Permit SL-15-0014 and granted the applicant a reasonable accommodation and approved this application. The resolution will be drafted and adopted at the July 18, 2017 City Council meeting.

OLD BUSINESS: NONE

Council Member Righeimer was excused from the meeting at 1:16 a.m. and left the Council Chambers.

NEW BUSINESS:

1. APPOINTMENTS TO VARIOUS COMMITTEES (07:16:12)

Brenda Green, City Clerk, presented the staff report. (07:16:19)

No public comments on this item.

City Council made no appointments to the Access Building Fire and Housing Board of Appeal. (07:16:19)

Historical Preservation Committee (07:18:30)

City Council liaison – Council Member Mansoor

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

MOTION: Appoint Joshua Hutchinson for a one-year term.

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council appointed Joshua Hutchinson to the Historical Preservation Committee, for a one-year term.

Housing and Public Service Grants Committee (07:19:07)

City Council liaison – Mayor Pro Tem Genis

MOVED/SECOND: Mayor Pro Tem Genis/Mayor Foley

MOTION: Appoint Michael Habitz and Lauren Weiss as regular members and Richard Rainey as an alternate, all for one-year terms.

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council appointed Michael Habitz and Lauren Weiss as regular members and Richard Rainey as an alternate member to the Housing and Public Service Grants Committee, all for one-year terms.

Traffic Impact Fee Ad Hoc Committee (07:20:14)

City Council liaison – Council Member Mansoor

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

MOTION: To appoint Derek Givens as small developers' representative, Jason Kensey and Scott Porterfield as at-large members, and George M.K. Sakioka as major developers' representative, all for four-year terms.

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council appointed Derek Givens as small developers' representative, Jason Kensey and Scott Porterfield as at-large members, and George M.K. Sakioka as major developers' representative to the Traffic Impact Fee Ad Hoc Committee, all for four-year terms.

Fairview Park Steering Committee (07:22:00)

City Council liaison – Mayor Pro Tem Genis

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

MOTION: To appoint Andy Campbell, Larry Courter, Steve Smith, and Anna Vrska as regular members and Bill McCarty as an alternate member, all for four-year terms; Cindy Black, Kim Hendricks and Alex Reich as regular members and Cynthia McDonald as an alternate member, all for two-year terms.

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council appointed the following members to the Fairview Park Steering Committee: Andy Campbell, Larry Courter, Steve Smith, and Anna Vrska as regular members and Bill McCarty as an alternate member, all for four-year terms; Cindy Black, Kim Hendricks and Alex Reich as regular members and Cynthia McDonald as an alternate member, all for two-year terms.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (07:25:16)


Council Member Stephens thanked everyone involved in teleconferencing the meeting.

REPORT – CITY MANAGER (07:25:45) - NONE

REPORT – CITY ATTORNEY (07:25:50) – NONE

ADJOURNMENT (07:25:51) - The Mayor adjourned the meeting at 1:30 a.m.

Minutes adopted on this 5th day of September, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk