

**ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, JUNE 4, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. - NONE
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

JOHN B. STEPHENS
Mayor Pro Tem

ANDREA MARR
Council Member

ARLIS REYNOLDS
Council Member

ALLAN R. MANSOOR
Council Member

SANDRA L. GENIS
Council Member

City Attorney
Kimberly Hall Barlow

Acting City Manager
Tamara S. Letourneau

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:02 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (arrived at 6:06 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT - NONE

MOVED/SECOND: Council Member Mansoor/Council Member Genis

MOTION: Direct staff to hold an additional study session on the budget and to continue the public hearing to a date certain.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council directed staff to hold an additional study session on the budget and to continue the public hearing to a date certain.

REPORT – CITY MANAGER – Ms. Letourneau reported that the City Council will resume their meetings at the Council Chambers beginning June 18th; and spoke on the Bridge Shelter information on the City website.

REPORT – CITY ATTORNEY – Ms. Barlow reported on the City shutting down eight of sixteen illegal marijuana dispensaries.

City Council recessed into a break at 7:40 p.m.

City Council reconvened at 7:55 p.m.

CONSENT CALENDAR:

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for 3, 5, 12 and 15.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council and Agency Board waived reading of Ordinances and Resolutions.

2. **READING FOLDER - Claims received by the City Clerk: Alfred Medina**

ACTION:

City Council received and filed.

4. **[MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF APRIL 2, 2019](#)**

ACTION:

City Council approved the minutes of April 2, 2019.

6. **[BLOOD WITHDRAWAL TESTING SERVICES](#)**

ACTION:

1. City Council awarded the Professional Services Agreement (PSA) to California Forensic Phlebotomy, Inc., 5753 E. Santa Ana Cyn. Road, Suite G-553, Anaheim Hills, CA 92807, for blood withdrawal testing services for a five-year period for an amount not-to-exceed \$80,000 per year; and
2. Authorized the Acting City Manager and the City Clerk to execute the Professional Services Agreement; and
3. Authorized the City Manager to execute any amendments to the agreement, provided that any increases to the annual compensation fall within Council authorized limits.

7. **[DESKTOP COMPUTER REPLACEMENT PROGRAM](#)**

ACTION:

1. City Council approved the Desktop Computer Replacement Program for the purchase of 435 desktop computers in three phases to replace the computers that have already reached their end-of-life stage; and
2. Approved and authorized the Acting City Manager to execute a purchase order with Dell Marketing, L.P. (Dell) in the amount of \$166,266.27 for completion of the first phase of the Desktop Computer Replacement Program, which includes the purchase of 140 desktop computers.

8. [ARLINGTON DRIVE BIOSWALE & DRY WEATHER DIVERSION PROJECT, CITY PROJECT NO. 17-09](#)

ACTION:

1. City Council accepted the work performed by Sully-Miller Contracting Company for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date, and release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period. Retention monies have been released pursuant to Public Contract Code 7107(c).

9. [RESURFACING OF THE TENNIS COURTS AT COSTA MESA TENNIS CENTER, CITY PROJECT NO. 18-15](#)

ACTION:

1. City Council accepted the work performed by Trueline Construction & Surfacing, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the City Manager to release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and release the retention monies thirty-five (35) days after the Notice of Completion filing date.

10. [PROFESSIONAL ENGINEERING SERVICES FOR THE ENGINEERING DIVISION](#)

ACTION:

1. City Council approved Amendment No. 2 to the Professional Services Agreement (PSA) with Interwest Consulting Group Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, increasing the maximum compensation by \$94,000, for a total not-to-exceed amount of \$334,000; and
2. Authorized the Acting City Manager and the City Clerk to execute the proposed Amendment and future authorized amendments to the agreement.

11. [RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE 2019 CONNECTOR PIPE SCREEN INSTALLATION PROJECT](#)

ACTION:

1. City Council adopted Resolution No. 19-24, for the submittal of a grant application to the Orange County Transportation Authority (OCTA) Environmental Cleanup Program, Tier 1 Grant for the 2019 Connector Pipe Screen Installation Project; and

2. Authorized the Public Services Director to act as the City's representative for this project.

13. **COMPLY WITH STATE MANDATE AND APPROVE TRANSIENT OCCUPANCY TAX EXEMPTION CERTIFICATE FORM AS REQUIRED FOR CERTAIN GOVERNMENT OFFICERS AND EMPLOYEES**

ACTION:

City Council approved the Transient Occupancy Tax (TOT) exemption certificate form for certain government agency officers and employees while on official business.

14. **FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH MV CHENG & ASSOCIATES**

ACTION:

1. City Council approved Amendment 1 to the Professional Services Agreement (PSA) with MV Cheng & Associates, Inc. to increase the PSA by \$100,000, for a total not-to-exceed amount of \$149,999; and
2. Authorized the Acting City Manager and City Clerk to execute the proposed Amendment and future amendments to the PSA within Council authorized limits.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2620 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-09 "A" FOR \$0 AND 19-10 FOR \$2,603,249.19; CITY OPERATING EXPENSES FOR \$2,576,317.55; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve Warrant Resolution No. 2620.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Warrant Resolution No. 2620.

5. **2018 ANNUAL REVIEW OF THE COSTA MESA 2015-2035 GENERAL PLAN**

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve the 2018 Annual Report of the 2015-2035 Costa Mesa General Plan for submittal to the State Office of Planning and Research and the State Department of Housing and Community Development, as required by law.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved the 2018 Annual Report of the 2015-2035 Costa Mesa General Plan for submittal to the State Office of Planning and Research and the State Department of Housing and Community Development, as required by law.

12. **PAULARINO CHANNEL MULTIPURPOSE TRAIL PROJECT**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

ACTION:

1. City Council approved the Professional Services Agreement (PSA) with BKF Engineers for the community engagement and conceptual engineering design of the Paularino Channel Multipurpose Trail Project, in the amount of \$137,980; and
2. Authorized the Acting City Manager and the City Clerk to execute the PSA and future amendments to the agreement; and
3. Authorized an additional contingency totaling \$12,020, as needed for unforeseen costs.

15. **CITY COUNCIL AIDES UPDATE**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Chavez

MOTION: Receive and file the progress report.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

ACTION:

City Council received and filed the progress report.

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

1. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council conducted a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for Fiscal Year 2019-2020; and
2. Adopted Resolution No. 19-25, levying an annual assessment for Fiscal Year 2019-2020 for a business improvement area covering certain Costa Mesa hotels and motels; and
3. Adopted the Fiscal Year 2019-2020 Community-Wide Marketing and Support Budget.

City recessed into a break at 10:40 p.m.

City Council reconvened at 10:45 p.m.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **REQUEST FOR CITY COUNCIL DIRECTION REGARDING PARKING REQUIREMENTS FOR OUTDOOR USE AREAS SERVING NON-RESIDENTIAL DEVELOPMENT PROJECTS**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr

MOTION: Approve the following staff recommendation with changes:

1. That Code-required parking ratios shall not be applied to outdoor use areas other than patios where food is served when they are proposed in conjunction with food uses and when seating is provided. (Note: Staff would not apply parking ratios to paved walkways or lawn areas (unless seating is provided) and would not apply to office only projects)

2. The City follow the past Code interpretation and not apply parking ratios to common indoor areas like corridors, restrooms, mechanical rooms, and other similar areas that do not generate a demand for additional parking. ~~(Note: Parking requirements would continue to be applied to storage areas)~~

3. That the City apply the lesser of either: 1) the 10 spaces per 1,000 square feet or 2) the sum of the individual restaurant parking requirement to the aggregate square footage for multiple smaller food uses when those uses are in close proximity or otherwise function similar to a single use.

ADDED: 4. To address the issue of office spaces, apply a blanket of 4 spaces per 1,000 square foot for office spaces that include a coffee shop or similar amenity.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

ACTION:

City Council approved the following recommendations:

1. That Code-required parking ratios shall not be applied to outdoor use areas other than patios where food is served when they are proposed in conjunction with food uses and when seating is provided. (Note: Staff would not apply parking ratios to paved walkways or lawn areas (unless seating is provided) and would not apply to office only projects)

2. The City follow the past Code interpretation and not apply parking ratios to common indoor areas like corridors, restrooms, mechanical rooms, and other similar areas that do not generate a demand for additional parking.

3. That the City apply the lesser of either: 1) the 10 spaces per 1,000 square feet or 2) the sum of the individual restaurant parking requirement to the aggregate square footage for multiple smaller food uses when those uses are in close proximity or otherwise function similar to a single use.

4. To address the issue of office spaces, apply a blanket of 4 spaces per 1,000 square foot for office spaces that include a coffee shop or similar amenity.

ADJOURNMENT – Mayor Foley adjourned the meeting at 11:50 p.m.