

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

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

TUESDAY, OCTOBER 17, 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

CALL TO ORDER

The Closed Session was called to order by the Mayor at 4:10 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 (arrived at 4:16 p.m.), Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:12 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code
Title: City Manager

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code
Title: City Attorney

4. 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.

5. 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.

The City Council reconvened at 6:04 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:04 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE Council Member Stephens

MOMENT OF SOLEMN EXPRESSION Mr. Doug Jacks, Palm Harvest Church

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 – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - NONE

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for 2 and 8.

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: Michael Cherney

ACTION:

City Council received and filed.

3. **MINUTES OF THE REGULAR CITY COUNCIL, COSTA MESA FINANCING AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 19, 2017**

ACTION:

City Council approved the minutes of September 19, 2017.

4. **SECOND READING OF ORDINANCE NO. 17-14 OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS**

ACTION:

City Council gave second reading and adopted Ordinance No. 17-14, read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

FOR INFORMATIONAL PURPOSES ONLY

5. **AWARD THE PURCHASE OF TWO (2) NEW 2018 FORD TRANSIT VANS TO BE USED AS POLICE CRIME SCENE INVESTIGATION VEHICLES**

ACTION:

City Council approved and authorized the City Manager to execute a purchase order with the National Auto Fleet Group (NAFG), 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$57,971.82, for two (2) 2018 Ford Transit Vans (E1Y) T-150, 130" Low Roof 8600 GVWR, with Sliding RH Door through the National Joint Powers Alliance (NJPA) Contract #120716-NAF.

6. **AMENDMENT TO THE FY 2017-2018 CIP PROGRAM TO INCLUDE THE COSTA MESA CONNECTOR PIPE SCREEN INSTALLATION PROJECT TO RECEIVE OCTA MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM GRANT FUNDS**

ACTION:

1. City Council approved an amendment to the Fiscal Year 2017-18 Capital Improvement Program to include the Costa Mesa Connector Pipe Screen Installation project; and
2. Approved Budget Adjustment No. 18-011.

7. **NOTICE OF INTENT FOR THE VACATION OF SIDEWALK AND LANDSCAPE EASEMENT AT 585 AND 595 ANTON BOULEVARD**

ACTION:

1. City Council scheduled the public hearing for November 21, 2017, for the vacation of a portion of Sidewalk and Landscape Easement at 585 and 595 Anton Boulevard; and
2. Adopted Resolution No. 17-68, intent to vacate Sidewalk and Landscape Easement.

9. **REQUEST FOR A "RESIDENT ONLY" PARKING RESTRICTION ON GOVERNOR STREET BETWEEN PLACENTIA AVENUE AND NATIONAL AVENUE**

ACTION:

1. City Council adopted Resolution No. 17-70, approving the implementation of a "Resident Only" parking restriction on Governor Street between Placentia Avenue and National Avenue; and
2. Authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet as needed.

FOR INFORMATIONAL PURPOSES ONLY

10. MESA VERDE LIBRARY LEASE AGREEMENT BETWEEN THE CITY OF COSTA MESA AND COUNTY OF ORANGE FOR THE OPERATION OF THE MESA VERDE LIBRARY

ACTION:

City Council approved the 10-year lease between the City of Costa Mesa and the County of Orange for the lease of the Mesa Verde Branch Library site and authorized the Mayor to sign the agreement.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. WARRANT RESOLUTION NO. 2585 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-19 "A" FOR \$892.43; AND 17-20 FOR \$2,282,442.21; AND CITY OPERATING EXPENSES FOR \$2,874,644.67; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

MOVED/SECOND: Mayor Foley/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:

City Council approved Warrant Resolution No. 2585.

8. REQUEST FOR A "RESIDENT ONLY" PARKING RESTRICTION ON FEDERAL AVENUE BETWEEN W. 19TH STREET AND W. 20TH STREET

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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council adopted Resolution No. 17-69, approving the implementation of a "Resident Only" parking restriction on Federal Avenue between W. 19th Street and W. 20th Street; and
2. Authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet as needed.

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

1. **APPEAL OF CONDITIONAL USE PERMIT PA-17-16 FOR A MICROBREWERY WITH A TASTING ROOM AND OFF-SITE PARKING AT 2930 BRISTOL STREET AND 700 & 710 RANDOLPH AVENUE AND A MINOR CONDITIONAL USE PERMIT TO INCLUDE AN OUTDOOR DINING PATIO AND OFF-SITE ACCESS ACROSS 2930 BRISTOL STREET**

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To uphold the Planning Commission's decision to approve the Conditional Use Permit (CUP) with revisions to the conditions of approval for a microbrewery with a tasting room (Bootlegger's Brewery) and outdoor patio area by adoption of Resolution No. 17-71.

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:

The City Council upheld the Planning Commission's decision to approve the Conditional Use Permit (CUP) with revisions to the conditions of approval for a microbrewery with a tasting room (Bootlegger's Brewery) and outdoor patio area by adoption of Resolution No. 17-71.

FOR INFORMATIONAL PURPOSES ONLY

2. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING AND ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA). THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION**

MOVED/SECOND: Council Member Stephens/Mayor Foley

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 Rigueimer.

Absent: None

Motion carried: 3-2

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
2. Approved and adopted the 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the CMFA; and
3. Adopted Resolution No. 17-64, which provides for a 3%, 3%, 3%, and 3%, salary increases for CMFA represented employees inclusive of the pay periods of the adoption of the MOU, January 1st, 2018, July 1st, 2018 and January 1st, 2019; and
4. Adopted Resolution No. 17-65, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is October 29, 2017; and
5. Adopted Resolution No. 17-66, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is December 24, 2017; and
6. Adopted Resolution No. 17-67, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is June 24, 2018.

OLD BUSINESS: NONE

NEW BUSINESS:

- 1. GENERAL PLAN SCREENING GPS-17-01 FOR PROPOSED CLOSURE OF FORD ROAD AT NEWPORT BOULEVARD AND CONSTRUCTION OF A 27-UNIT THREE LEVEL DEVELOPMENT ON A 1.36-ACRE SITE**

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

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.

MOVED/SECOND: Council Member Stephens/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:

City Council accepted the General Plan Amendment request for processing to allow development of two parcels located north and south of Ford Road at Newport Boulevard. The project would include development of a 27-unit residential project and closure of Ford Road at this intersection.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 12:32 a.m.