

**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."

**\*NEW BUSINESS #2 HAS BEEN ADDED.**

**TUESDAY, JUNE 19, 2018  
CITY COUNCIL CHAMBERS  
77 FAIR DRIVE, COSTA MESA, CALIFORNIA  
CLOSED SESSION – 4:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

**SANDRA L. GENIS**  
Mayor

**ALLAN R. MANSOOR**  
Mayor Pro Tem

**KATRINA FOLEY**  
Council Member

**JOHN B. STEPHENS**  
Council Member

**JAMES M. RIGHEIMER**  
Council Member

City Attorney  
**Thomas Duarte**

City Manager  
**Thomas R. Hatch**

**CALL TO ORDER**

The Closed Session was called to order by Mayor Genis at 4:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Foley, Council Member Righeimer (left at 10:55 p.m.), Council Member Stephens, Mayor Pro Tem Mansoor (arrived at 4:10 p.m.), and Mayor Genis.

Absent: None

## FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:10 p.m. for Closed Session to consider the following items:

**1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager  
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

**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: The Kennedy Commission, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

**4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

**5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00329-JVS-PJW.

**6. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
INITIATION OF LITIGATION – TWO POTENTIAL CASES**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

**7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Property: New Harbor Inn, 2205 Harbor Boulevard, Costa Mesa, CA 92627  
APN: 422-193-24

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and 2205 Harbor LLC, Ming Chen and Hsiang Chen

Under Negotiation: Price and Terms

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

## FOR INFORMATIONAL PURPOSES ONLY

### CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

### ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Mansoor, and Mayor Genis.

Absent: None

**CITY ATTORNEY CLOSED SESSION REPORT** - City Attorney Duarte reported on Closed Session #6, in which the City Council, on a vote of 5-0, directed staff to initiate litigation in two separate cases and the defendants will be identified when the complaints are filed.

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

### CONSENT CALENDAR:

**MOVED/SECOND:** Council Member Righeimer/Council Member Foley

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 1, 8 and 9.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

### 2. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF MAY 1, 2018 AND MAY 15, 2018 AND SPECIAL CITY COUNCIL MEETING OF MAY 29, 2018**

City Manager's Office/City Clerk Division

#### **ACTION:**

City Council approved the minutes of May 1, 2018, May 15, 2018 and May 29, 2018.

## FOR INFORMATIONAL PURPOSES ONLY

### 3. **SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA TO RECEIVE A GRANT UNDER THE FY 2017 URBAN AREAS SECURITY INITIATIVE (UASI) - Police Department**

#### **ACTION:**

1. City Council adopted Resolution No. 18-41, which authorizes the City Manager or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2017 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorized the Police Department to accept FY 2017 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$2,125. This amount will reimburse the Fire Department and approve City personnel who assist with the instruction and delivery of approved UASI courses; and
3. Approved Budget Adjustment No. 18-017 in the amount of \$2,125 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

### 4. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR THE 2018 ORANGE COUNTY FAIR – Police Department/Field Operations Division**

#### **ACTION:**

1. City Council approved the 2018 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair; and
2. Authorized the City Manager, or his designee, to execute the contract.

### 5. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION FOR DESIGNATED YEAR-ROUND EVENTS AT THE ORANGE COUNTY FAIR AND EVENT CENTER** Police Department/Field Operations Division

#### **ACTION:**

1. City Council approved the 2018 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for all designated year-round events at the Orange County Fair and Event Center. The term of the agreement is June 1, 2018, through May 31, 2019. The maximum amount that the City will be paid under the contract is \$75,250.00; and
2. Authorized the City Manager, or his designee, to execute the contract.

## FOR INFORMATIONAL PURPOSES ONLY

6. **HOUSING AUTHORITY ANNUAL BUDGET FOR FY 18-19**  
Development Services Department, Housing and Community Development

**ACTION:**

City Council adopted Joint Resolution No. 18-40, approving the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY 18-19.

7. **RENEWED MEASURE M (M2) ELIGIBILITY**  
Public Services Department/Administration Division

**ACTION:**

1. City Council approved the City's Maintenance of Effort (MOE) for Fiscal Year 2018-2019; and
2. Approved the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2018-2019 through Fiscal Year 2024-2025; and
3. Adopted Resolution No. 18-42, for the Pavement Management Plan; and
4. Authorized the City Engineer to submit the Pavement Management Plan.

**ITEMS PULLED FROM THE CONSENT CALENDAR:**

1. **WARRANT RESOLUTION NO. 2600 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-10 "A" FOR \$937.90 AND 18-11 FOR \$2,400,182.28; AND CITY OPERATING EXPENSES FOR \$4,371,297.55; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID - Finance Department**

**MOVED/SECOND:** Mayor Pro Tem Mansoor/Mayor Genis

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved Warrant Resolution No. 2600.

**8. RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018**

City Manager's Office/City Clerk's Office

**MOVED/SECOND:** Council Member Stephens/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council adopted Resolution No. 18-37, read by title only and waived further reading, calling and giving notice to conduct a General Municipal Election on November 6, 2018 for the purpose of electing a Mayor for the full term of two years; and election of three members of the City Council from the third, fourth, and fifth districts, for the full term of four years; and
2. Adopted Resolution No. 18-38, read by title only and waived further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election; and
3. Adopt Resolution No. 18-39, read by title only and waived further reading, adopting regulations pertaining to Candidates Statements submitted to the voters at a General Municipal Election to be held on November 6, 2018.

**9. EXTENSION OF HELICOPTER SUPPORT SERVICES AGREEMENT WITH HUNTINGTON BEACH – Police Department/Support Service Division**

**MOVED/SECOND:** Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council approved the amendment to the agreement with Huntington Beach for public safety helicopter support services; and
2. Authorized the City Manager to execute the amendment.

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

**1. ADOPTION OF FISCAL YEAR 2018-2019 APPROPRIATIONS LIMIT**

Finance Department/Financial Planning Division

**MOVED/SECOND:** Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council adopted Resolution No. 18-43, establishing the Fiscal Year 2018-2019 Appropriations Limit for the City of Costa Mesa at \$233,404,433 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 2018-19 BUDGET - City Manager's Office**

DEVELOPMENT SERVICES COST RECOVERY FEES

**MOVED/SECOND:** Mayor Genis/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, and Mayor Genis.

Nays: Mayor Pro Tem Mansoor

Absent: None

Motion carried: 4-1

**ACTION:**

City Council adopted the Development Services cost recovery fees Resolution No. 18-44, read by title only.

PARKS AND COMMUNITY SERVICES FEES

**SUBSTITUTE MOTION/SECOND:** Council Member Foley/Council Member Stephens

**SUBSTITUTE MOTION:** To adopt the Parks and Community Services fees Resolution No. 18-45, read by title only, with the following provisions: The fee increases, or the creation of new fees, are to be applied to non-residents participants only pertaining to: 1) Senior Center Travel Program, 2) ROCKs Summer Program, and 3) Aquatics Programs.

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: None

Motion carried: 4-1

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

City Council adopted the Parks and Community Services fees Resolution No. 18-45, read by title only, with the following provisions: The fee increases, or the creation of new fees, are to be applied to non-residents participants only pertaining to: 1) Senior Center Travel Program, 2) ROCKs Summer Program, and 3) Aquatics Programs.

### SPECIAL EVENT RATES FEE

**MOVED/SECOND:** Mayor Genis /Council Member Stephens

**MOTION:** To adopt the Special Event rates fee Resolution No. 18-46, read by title only.

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: None

Motion carried: 4-1

### **ACTION:**

City Council adopted the Special Event rates fee Resolution No. 18-46, read by title only.

### ECONOMIC DEVELOPMENT ADMINISTRATOR SALARY/JOB DESCRIPTION

**MOVED/SECOND:** Council Member Foley/Mayor Genis

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

Approved the job description and salary Resolution No. 18-47, read by title only, for the Economic Development Administrator.

### FY 18-19 OPERATING AND CAPITAL IMPROVEMENT BUDGET

**SUBSTITUTE MOTION #4/SECOND:** Mayor Genis/Council Member Righeimer

**SUBSTITUTE MOTION #4:** To approve Resolution No. 18-48, read by title only, adopting the City of Costa Mesa FY 18-19 Operating and Capital Improvement Budget as proposed with a \$500,000 Contingency Fund, direct staff to transfer \$40,000 from the CMHS bleachers account and bring back for Council consideration the CIP program.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: Council Member Stephens

Absent: None

Motion carried: 4-1



## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

City Council approved Resolution No. 18-48, read by title only, adopting the City of Costa Mesa FY 18-19 Operating and Capital Improvement Budget as proposed with a \$500,000 contingency fund, directed staff to transfer \$40,000 from the Costa Mesa High School bleachers account and bring back for Council consideration the CIP program.

City Council recessed into a break at 10:16 p.m.

City Council reconvened at 10:34 p.m.

### **OLD BUSINESS:**

- 1. JAIL SERVICES CONTRACT BETWEEN G4S SECURE SOLUTIONS (USA) INC. AND THE CITY OF COSTA MESA**  
Police Department/Support Services Division

**MOVED/SECOND:** Council Member Righeimer/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council approved the Professional Services Agreement for jail services between G4S Secure Solutions (USA) Inc. and the City of Costa Mesa; and
2. Authorized the City Manager to execute the agreement and future amendments to the agreement.

### **NEW BUSINESS:**

- 1. APPOINTMENTS TO THE PARKS AND RECREATION, SENIOR, AND PLANNING COMMISSIONS – City Manager's Office**

#### SENIOR COMMISSION

**MOVED/SECOND:** Mayor Genis/Council Member Righeimer

**MOTION:** Appoint Richard Cohen to fill the regular member vacancy with a term expiration of February 2021 on the Senior Commission.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council appointed Richard Cohen to fill the regular member vacancy with a term expiration of February 2021 on the Senior Commission.

PLANNING COMMISSION

**MOVED/SECOND:** Council Member Foley/Council Stephens

**MOTION:** Appoint Jonathan Zich to fill the regular member vacancy with a term expiration of February 2019 on the Planning Commission.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens and Mayor Pro Tem Mansoor.

Nays: Council Member Righeimer and Mayor Genis.

Absent: None

Motion carried: 3-2

**ACTION:**

City Council appointed Jonathan Zich to fill the regular member vacancy with a term expiration of February 2019 on the Planning Commission.

PARKS & RECREATION COMMISSION

**MOVED/SECOND:** Mayor Genis/Council Member Foley

**MOTION:** Appoint Jim Erickson to fill the regular member vacancy with a term expiration of February 2021 on the Parks and Recreation Commission

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens and Mayor Genis.

Nays: Council Member Righeimer and Mayor Pro Tem Mansoor.

Absent: None

Motion carried: 3-2

**ACTION:**

City Council appointed Jim Erickson to fill the regular member vacancy with a term expiration of February 2021 on the Parks and Recreation Commission.

**2. REQUEST FOR REVIEW OF PROCEDURES TO CHANGE VOTING OPTIONS FOR THE NOVEMBER 2018 ELECTION – City Manager’s Office**

**MOVED/SECOND:** Council Member Stephens/Council Member Foley

**MOTION:** To receive and file the report.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens and Mayor Pro Tem Mansoor.

Nays: Mayor Genis

Abstain: None

Absent: Council Member Righeimer

Motion carried: 3-1-0-1

**ACTION:**

City Council received and filed the report.

**REPORT – CITY MANAGER - NONE**

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor adjourned the meeting at 11:40 p.m. in memory of Dave Walker.