

**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."

***CC-4 LIONS PARK PLAYGROUND IMPROVEMENTS HAS
BEEN WITHDRAWN FROM THE AGENDA.**

**TUESDAY, MARCH 6, 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 the Mayor at 4:00 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 (arrived at 4:08 p.m.), Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:03 p.m. for Closed Session to consider the following items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

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 for the 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: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. SACV14-01852 JVS.

6. 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)

7. 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 Officers Association (CMPOA)

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

FOR INFORMATIONAL PURPOSES ONLY

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.

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 – NONE

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

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 2, 5, 6, and 7.

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

1. READING FOLDER

Claims received by the City Clerk: Lisa Ayers and Yoram Benbarak.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF FEBRUARY 6, 2018 AND STUDY SESSION OF FEBRUARY 13, 2018

City Manager's Office/City Clerk Division

ACTION:

City Council approved the minutes of February 6, 2018 and February 13, 2018.

THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.

~~4. PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES FOR THE LIONS PARK PLAYGROUND IMPROVEMENTS~~

FOR INFORMATIONAL PURPOSES ONLY

ITEMS PULLED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2593 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-03 "A" FOR \$214.22 AND 18-04 FOR \$2,406,540.43; AND CITY OPERATING EXPENSES FOR \$1,877,150.98; 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. 2593.

5. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2018 ORANGE COUNTY MARATHON**

Public Services Department/Transportation Services Division

MOVED/SECOND: Council Member Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

ACTION:

City Council adopted Resolution No. 18-12 designating event routes for the 2018 Orange County (OC) Marathon and approved the temporary street closures for May 5, 2018, and May 6, 2018, as requested for the 2018 OC Marathon.

FOR INFORMATIONAL PURPOSES ONLY

6. CONSIDER ADOPTION OF A RESOLUTION SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

Police Department

MOVED/SECOND: Council Member Righeimer/Council Member Foley

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. 18-13, which supports the Reducing Crime and Keeping California Safe Act of 2018.

7. THIRD PARTY WORKERS' COMPENSATION CLAIMS ADMINISTRATION SERVICES – City Manager's Office/Human Resources Division

MOVED/SECOND: Council Member Foley/Council Member Stephens

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 continued the item to the March 20, 2018 City Council meeting.

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

AGENDA CONTINUED ON THE NEXT PAGE.

FOR INFORMATIONAL PURPOSES ONLY

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

1. **PUBLIC HEARING FOR THE VACATION OF A PORTION OF LANDSCAPE EASEMENT AT 1585 MACARTHUR BOULEVARD, 3530 HYLAND AVENUE AND 1580-1590 SCENIC AVENUE**

Public Services Department/Engineering Division

MOVED/SECOND: Council Member Righeimer/Council Member Foley

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. 18-14, ordering the vacation of a portion of a Landscape Easement at 1585 MacArthur Boulevard, 3530 Hyland Avenue and 1580-1590 Scenic Avenue; and
2. Authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS:

1. **ANALYSIS OF ALTERNATIVES FOR CITY ATTORNEY SERVICES**

City Manager's Office

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

ORIGINAL MOTION: To receive and file the report.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Stephens.

Absent: None

Motion carried: 3-2

ACTION:

City Council received and filed the report.

City Council recessed into a break at 8:45 p.m.

City Council reconvened at 8:55 p.m.

NEW BUSINESS:

1. CANDIDATE FORUMS – City Manager’s Office

MOVED/SECOND: Council Member Stephens/Council Member Foley

ORIGINAL MOTION: To authorize staff to videotape candidate forums with the following conditions: (1) A maximum of four forums allowed and considered on a first-come, first-served basis; (2) all candidates running for City Council or Mayor must be invited; and (3) the forums will run in real time with no editing by staff and the inclusion of such forums on the City’s cable television channel (CMTV3) and website.

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 authorized staff to videotape candidate forums with the following conditions: (1) A maximum of four forums allowed and considered on a first-come, first-served basis; (2) all candidates running for City Council or Mayor must be invited; and (3) the forums will run in real time with no editing by staff and the inclusion of such forums on the City’s cable television channel (CMTV3) and website.

2. SECOND AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT – City Manager’s Office

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

SUBSTITUTE MOTION: To approve the second amendment to the City Manager employment agreement.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Stephens.

Absent: None

Motion carried: 3-2

ACTION:

City Council approved the second amendment to the City Manager employment agreement.

FOR INFORMATIONAL PURPOSES ONLY

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT – The Mayor adjourned the meeting at 10:06 p.m.