

**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, JULY 3, 2018
CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA
SPECIAL CLOSED SESSION – 5:00 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 Special Closed Session was called to order by Mayor Genis at 5:02 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley (arrived at 5:08 p.m.), Council Member Righeimer, 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 5:04 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: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

2. 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.

**3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

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

The City Council reconvened at 6:02 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:02 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 12:26 a.m.), Council Member Stephens, Mayor Pro Tem 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 Foley/Council Member Righeimer

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for 1, 2 and 3.

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

FOR INFORMATIONAL PURPOSES ONLY

4. **COOPERATIVE AGREEMENT BETWEEN THE CITY OF NEWPORT BEACH AND THE CITY OF COSTA MESA FOR REHABILITATION OF IRVINE AVENUE FROM 16TH STREET TO SANTIAGO DRIVE**

ACTION:

1. City Council approved the Cooperative Agreement between the City of Newport Beach and the City of Costa Mesa for the rehabilitation of Irvine Avenue from 16th Street to Santiago Drive; and
2. Authorized the Mayor and the City Clerk to execute the Cooperative Agreement.

5. **ACCEPTANCE OF DONATED PARATRANSIT VEHICLE FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM**

ACTION:

City Council accepted the donation of one (1) 2008 Ford El Dorado, Paratransit Vehicle from the Orange County Transportation Authority (OCTA) Senior Mobility Program (SMP) to be utilized by the Costa Mesa Senior Center Senior Mobility Program.

6. **BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE**

ACTION:

City Council approved Resolution No. 18-49, read by title only, which revises the list of designated positions for the City's Conflict of Interest Code.

ITEMS PULLED FROM THE CONSENT CALENDAR:

1. **WARRANT RESOLUTION NO. 2601 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-11 "A" FOR \$880.86 AND 18-12 FOR \$2,357,042.17; AND CITY OPERATING EXPENSES FOR \$4,778,665.77; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Stephens/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 approved Warrant Resolution No. 2601.

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2. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 5, 2018**

MOVED/SECOND: Council Member Foley/Council Member Righeimer

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 the minutes of June 5, 2018.

3. **CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM CITY LIMIT TO 18TH STREET – CITY PROJECT NO. 18-03**

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To continue the item to the July 17, 2018 City Council meeting.

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 July 17, 2018 City Council meeting.

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

1. **REVIEW OF MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE**

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

SUBSTITUTE MOTION: To reverse the Planning Commission's approval of, and thereby denying, Planning Application 17-28.

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 reversed the Planning Commission's approval of, and thereby denied, Planning Application 17-28.

City Council recessed into a break at 10:18 p.m.

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City Council reconvened at 10:30 p.m.

OLD BUSINESS: NONE

NEW BUSINESS:

1. MEASURE AA IMPACT ON SPECIFIC CAPITAL IMPROVEMENT PROJECTS AT FAIRVIEW PARK

STORM DRAIN IMPROVEMENTS (Project B)

MOVED/SECOND: Council Member Foley/Council Member Righeimer

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 found the storm drain improvements to be a maintenance and public safety project and therefore exempt as defined in Section 12.90 of the Municipal Code; and
2. Approved the Storm Drain Improvements Project, Canyon to Pacific Avenue with revisions for the least environmental impact including careful consideration of the vernal pools.

NORTH BLUFF TRAIL AND RESTORATION (Project A)

MOVED/SECOND: Mayor Genis/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 did not approve the project.

PACIFIC AVENUE ENTRY / TURN-AROUND (Project C)

SUBSTITUTE MOTION/SECOND: Council Member Stephens/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

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ACTION:

1. City Council found the Pacific Avenue Entry / Turn-Around to be a maintenance and public safety project and therefore exempt as defined in Section 12.90 of the Municipal Code; and
2. Approved a revised Pacific Avenue Entry / Turn-Around Project with revisions for the most minimal amount of encroachment into Fairview Park and the least environmental impact; and
3. Included concepts for gates.

PLACENTIA AVENUE CONNECTOR TRAILS (Project D)

MOTION/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:

1. City Council found the Placentia Avenue Connector Trails to be a maintenance and public safety project and therefore exempt as defined in Section 12.90 of the Municipal Code; and
2. Did not approve the Placentia Avenue Connector Trails Project (as proposed for the grant funding); and
3. Approved the Fairview Park Committee recommended alternative diagram and proceeding with all maintenance and public safety repairs that would not trigger Measure AA, and with the least environmental impact.

ADA SIDEWALK FROM RESTROOM TO PICNIC SHELTER (Project E)

SUBSTITUTE MOTION/SECOND: Mayor Genis/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 found the ADA Sidewalk from Restroom to Picnic Shelter to be a maintenance and public safety project and therefore exempt as defined in Section 12.90 of the Municipal Code; and
2. Did not approve the ADA Sidewalk from Restroom to Picnic Shelter (as proposed); and

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3. Approved proceeding with an alternative path that would not trigger Measure AA, and with the least environmental impact.

2. **LEGAL SERVICES AGREEMENT WITH KELLER/ANDERLE LLP**

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council received and filed independent auditor's report regarding the proposed legal services agreement between Keller/Anderle LLP and the City of Costa Mesa.

MOVED/SECOND: Council Member Foley/Mayor Genis

MOTION: To continue New Business Item Nos. 3 and 4 to the July 17, 2018 City Council meeting.

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: Council Member Righeimer

Motion carried: 4-0-1

3. **AMENDMENT TO CITY ATTORNEY RETAINER AGREEMENT WITH JONES & MAYER**

ACTION:

City Council continued the item to the July 17, 2018 City Council meeting.

4. **DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

ACTION:

City Council continued the item to the July 17, 2018 City Council meeting.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 12:36 a.m. in memory of Fire Captain David Rosa.