

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

JULY 3, 2018

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

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION - NONE

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 (00:00:09)

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.

PLEDGE OF ALLEGIANCE (00:00:33) - Mayor Pro Tem Mansoor

MOMENT OF SOLEMN EXPRESSION (00:00:51) - Pastor Jim Turrell, The Center for Spiritual Living Newport Mesa, Costa Mesa

ROLL CALL (00:01:49)

Present: Council Member Foley, Council Member Righeimer (left at 12:26 a.m.), Council Member Stephens, Mayor Pro Mansoor, and Mayor Genis.

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:00) – NONE

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

ANNOUNCEMENTS (00:02:14) - "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATION (00:04:30)

1. Historical Preservation Committee Annual Report presentation by Recreation Supervisor Ashley Thomas and Chairperson Gary Parkin.

PUBLIC COMMENTS (00:14:40)

Rebecca Trahan, Costa Mesa, spoke on bringing forth an ethics policy; and hosting American Citizenship classes. (00:15:01)

Jay Humphrey, Costa Mesa, requested information regarding a light on Placentia Avenue. (00:15:57)

Len Redmond, Costa Mesa, spoke on Fairview Park restoration; and preserving the oak trees and keeping the Community Garden by Hamilton and Harbor. (00:17:07)

Kim Hendricks, Costa Mesa, spoke on and showed photographs of the gnatcatcher at Fairview Park. (00:19:55)

Teresa Drain, Costa Mesa, spoke regarding volunteering on committees; appeals; and building various projects. (00:21:56)

Steven Chan, Costa Mesa, spoke on bringing forth an ethics policy. (00:25:01)

Wendy Leece, Costa Mesa, spoke on the proposed Needle Exchange Program; and illegal fireworks enforcement. (00:26:35)

Reggie Mundekis, spoke on inspections by the State Fire Marshal at the OC Fairgrounds; and safety issues. (00:28:52)

Tim Lewis, Costa Mesa, spoke on public restrooms in Cambria; and spoke against the proposed housing at Hamilton and Harbor. (00:30:53)

Beth Refakes, Costa Mesa, spoke on safety at the OC Fair; the new website; the committee appointment process; and bringing forth the overlays for review. (00:34:28)

Speaker, spoke in support of Harvey Rouda; and spoke on getting involved. (00:37:06)

Speaker, spoke on receiving a citation in Costa Mesa for playing music from his ice cream truck. (00:39:49)

Speaker, reported on Phil Leavy's update. (00:44:03)

Speaker, spoke to reflect on our freedom. (00:45:43)

Speaker, spoke on votes; appeal fees; and street sweeping. (00:46:39)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:49:49)

Mayor Pro Tem Mansoor wished everyone a Happy Independence Day. (00:50:02)

Council Member Foley wished everyone a Happy Independence Day; spoke on safe and sane fireworks; liaison meeting with the Orange County Fair; Sober Living Homes; Sober Living vans parking at the Senior Center; praised staff for the fire drill at the Senior Center; and spoke on bringing forth overlays. (00:50:09)

Mayor Genis spoke on mosquito abatement at Swan Drive; hazardous material spills; scheduling overlays before the Planning Commission in August; ballfields at Lions Park; Fairview Park Committee agendaizing volunteer days for maintenance issues; and wished everyone a Happy Independence Day. (00:54:20)

Council Member Stephens requested to adjourn the meeting in memory of Fire Captain David Rosa; praised illegal fireworks enforcement; requested staff address the ice cream truck music issue; read the 2nd sentence of the Declaration of Independence; and wished Council Member Foley a Happy Birthday. (00:58:31)

Council Member Righeimer wished everyone a Happy Independence Day. (01:02:10)

CONSENT CALENDAR (01:02:49)

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

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, which revised 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 (01:03:28)**

Public Comments:

Speaker, spoke on Best, Best & Krieger invoice; and Sober Living vans.
(01:03:42)

Speaker, spoke on the \$500 donation to the Costa Mesa High School grad night.
(01:05:56)

Public Comments Closed.

Council Member Foley clarified there was no grad night and the check was returned. (01:06:39)

Mayor Genis spoke on Costa Mesa Sister City reporting at Council meetings.
(01:06:47)

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.

2. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 5, 2018 (01:07:53)

Public Comments:

Speaker, spoke on the Appeal for PA-16-04. (01:08:04)

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 (01:10:45)

Public Comments:

Ralph Taboada, Costa Mesa, provided financial background information on the project; and requested the total cost of the project. (01:11:05)

Public Comments closed.

Raja Sethuraman, Public Services Director, provided a fiscal review of the project. (01:14:43)

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To continue the item to the July 17, 2018 City Council meeting. (01:17:27)

Council Member Righeimer spoke against the motion. (01:18:47)

Council Member Foley spoke on the CIP budget. (01:20:10)

Mayor Genis spoke in support of the motion. (01:21:54)

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) (01:23:06)

1. REVIEW OF MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE (01:23:13)

Mel Lee, Senior Planner and Barry Curtis, Economic and Development Services, presented the staff report. (01:23:33)

Discussion ensued on the parking conditions; restaurant restrooms; common areas; gross floor area; rounding of parking numbers; Floor Area Ratio (FAR); and regulating parking ratios. (01:38:38)

Council Member Foley spoke on live-work units. (01:49:48)

Chris Bennett, representing The LAB Holdings, LLC, spoke on the project and design. (01:50:37)

Public Hearing opened:

Speaker, spoke against mixing residential and commercial. (02:02:31)

Jay Humphrey, Costa Mesa, spoke on parking problems and participating in a parking district. (02:05:22)

Cynthia McDonald, Costa Mesa, spoke on parking and traffic problems. (02:08:26)

Teresa Drain, Costa Mesa, spoke on the trash enclosure location. (02:11:21)

Robin Leffler, Costa Mesa, spoke on concerns regarding parking, traffic and height. (02:12:13)

Steven Chan, Costa Mesa, spoke on the common areas. (02:14:49)

Speaker, spoke on project being under parked. (02:16:57)

Speaker, spoke on project being under parked and adding a parking structure. (02:18:54)

Mr. Bennett clarified the live-work units are rental units; spoke on trash locations; and Pentridge Cove supporting the project. (02:22:18)

Discussion ensued on the trash enclosure locations; and actual trips per day. (02:24:17)

Public Hearing closed.

Council Member Righemer spoke on parking concerns; and paying for a parking structure. (02:28:11)

MOVED/SECOND: Council Member Righemer/Mayor Genis (02:34:33)

MOTION: To approve the project with the following provisions:

a) Include on the Conditions of Approval the following language: "If parking shortages or other parking-related problems arise, the applicant shall institute whatever reasonable operational measures necessary to minimize or eliminate the problem"; and

b) Add a \$750,000 fee for 30 spaces to be paid prior to Certificate of Occupancy.

Council Member Stephens spoke on Pentridge Cove's letter of support; and the need to work on a parking district and structure. (02:35:15)

SUBSTITUTE MOTION #1/SECOND: Council Member Stephens/Council Member Foley (02:37:20)

SUBSTITUTE MOTION #1: To approve the project with the following additional language to the Conditions of Approval:

“Including without limitation to participate in this project’s fair share in any parking infrastructure improvements by the City”.

Discussion ensued on participating in a parking project; the Sobeca plan; a Development Agreement; and the number of parking spaces. (02:38:10)

Council Member Righeimer spoke on amending his motion changing the number of spaces from 30 to 25 of the total cost of the land and building the parking structure. (02:50:17)

Barry Curtis, Economic and Development Services Director, spoke on a parking analysis for Sobeca; and how fees are calculated. (02:51:43)

Discussion ensued on a nexus to require fees. (02:56:20)

Council Member Stephens spoke on payment for a parking study. (03:02:35)

Chris Ganeer, Architect, spoke on requiring the plans to include an area that can be converted to parking. (03:04:50)

City Council recessed into a break at 9:09 p.m. (03:06:40)

City Council reconvened at 9:25 p.m. (03:22:00)

Council Member Foley requested to amend Council Member Stephens substitute motion #1 revising the language by staff to reflect the following Conditions of Approval (03:22:54):

a) The City of Costa Mesa has initiated a district-wide parking study for the SoBECA area. In the event the City establishes a parking district in this area or otherwise implements a district-wide parking impact fee, the applicant shall participate on a fair share basis to address the determined deficiency of parking spaces, or address the deficiency on site;

b) Not less than five years after project occupancy, the City shall perform a project-specific parking study to determine whether project occupancy results in an actual operation deficiency. Such study shall be performed by a firm selected by the City at the sole cost of the applicant. In the event the study shows a deficiency, the applicant shall participate in the district parking plan if developed.

Council Member Stephens agreed to revise his substitute motion to reflect Council Member Foley's proposed Conditions of Approval and added the following phrase to the last sentence "to the extent of the project's deficiency". Council Member Foley (the second) concurred. (03:25:35)

SUBSTITUTE MOTION #2/SECOND: Council Member Righeimer/Mayor Genis (03:26:55)

SUBSTITUTE MOTION #2: To modify the Planning Commission's approval of Planning Application 17-28 with the following language:

a) Initiate a district-wide parking study for the SoBECA area. In the event the City establishes a parking district in this area or otherwise implements a district-wide parking impact fee, the applicant shall participate on a fair share basis to address the determined deficiency of 25 parking spaces;

b) Prior to project occupancy, and in the event that a district-wide parking fee has yet to be established, the applicant shall pay the City a deposit for 25 units at \$25,000 each for the project's fair share contribution to address its parking impacts. Should a district-wide parking fee be in place, the applicant shall pay the fair share fee established for the project. In case of the former, the deposit shall be adjusted (refund or additional amount) at such time as a district-wide parking fee is established;

c) Within five years after project occupancy, the applicant may request the City perform a project-specific parking study to determine whether project occupancy results in an actual operational deficiency. Such study shall be performed by a firm selected by the City at the sole cost of the applicant. In the event such a study determines there is no parking deficiency and the City has yet to expend the project's fair share parking fees, the City shall refund said fees.

Council Member Foley spoke against substitute motion #2. (03:29:00)

Yolanda Summerhill, Deputy City Attorney, spoke on discretionary approvals. (03:31:50)

Mayor Genis spoke on collecting fees and a deposit; and a nexus to a parking fee. (03:34:11)

Council Member Stephens spoke on amending his substitute motion #1 to reflect the following language: "At any time the City may perform a project-specific parking study to determine whether project occupancy results in an actual operational deficiency". Council Member Foley (the second) concurred. (03:37:00)

VOTE ON SUBSTITUTE MOTION#2/SECOND: Council Member Righeimer
/Mayor Genis (03:43:23)

SUBSTITUTE MOTION #2: To modify the Planning Commission's approval of Planning Application 17-28 with the following language:

a) Initiate a district-wide parking study for the SoBECA area. In the event the City establishes a parking district in this area or otherwise implements a district-wide parking impact fee, the applicant shall participate on a fair share basis to address the determined deficiency of 25 parking spaces;

b) Prior to project occupancy, and in the event that a district-wide parking fee has yet to be established, the applicant shall pay the City a deposit for 25 units at \$25,000 each for the project's fair share contribution to address its parking impacts. Should a district-wide parking fee be in place, the applicant shall pay the fair share fee established for the project. In case of the former, the deposit shall be adjusted (refund or additional amount) at such time as a district-wide parking fee is established;

c) Within five years after project occupancy, the applicant may request the City perform a project-specific parking study to determine whether project occupancy results in an actual operational deficiency. Such study shall be performed by a firm selected by the City at the sole cost of the applicant. In the event such a study determines there is no parking deficiency and the City has yet to expend the project's fair share parking fees, the City shall refund said fees.

The motion failed by the following roll call vote:

Ayes: Council Member Righeimer and Mayor Genis.

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

Absent: None

Motion failed: 2-3

VOTE ON SUBSTITUTE MOTION #1/SECOND: Council Member Stephens
/Council Member Foley (03:44:03)

SUBSTITUTE MOTION #1: To approve the project with the following additional language to the Conditions of Approval:

a) The City of Costa Mesa has initiated a district-wide parking study for the SoBECA area. In the event the City establishes a parking district in this area or otherwise implements a district-wide parking impact fee, the applicant shall participate on a fair share basis to address the determined deficiency of parking spaces, or address the deficiency on site;

b) At any time, the City may perform a project-specific parking study to determine whether project occupancy results in an actual operational deficiency. Such study shall be performed by a firm selected by the City at the sole cost of the applicant. In the event the study shows a deficiency, the applicant shall participate in the district parking plan if developed, to the extent of the project's deficiency.

The motion failed by the following roll call vote:
Ayes: Council Member Foley and Council Member Stephens.
Nays: Council Member Righeimer, Mayor Pro Tem Mansoor and Mayor Genis.
Absent: None
Motion failed: 2-3

Council Member Righeimer withdrew his original motion. (03:44:57)

Mayor Pro Tem Mansoor spoke on the issue. (03:46:34)

Council Member Foley spoke on the issue. (03:48:45)

MOVED/SECOND: Council Member Foley/Council Member Stephens (03:51:48)
MOTION: To move approval of the recommended action as proposed.

Mayor Genis spoke on the issue. (03:52:18)

Council Member Stephens spoke in support of the motion. (03:53:40)

Council Member Foley spoke on the issue. (03:54:20)

Council Member Righeimer spoke on the issue. (03:56:36)

MOVED/SECOND: Council Member Stephens/Council Member Foley
MOTION: To re-open the public hearing for the applicant to respond only to the issue of the deposit. (04:03:30)
No action taken on the motion.

MOVED/SECOND: Council Member Righeimer/None (04:05:17)
MOTION: To not approve the project.
Motion died due to lack of a second.

MOVED/SECOND: Council Member Stephens/None (04:08:08)
MOTION: To approve the project as presented, and subject to the City and the developer entering into an agreement regarding the sharing of cost of any parking structure.
Motion died due to lack of a second.

SUBSTITUTE MOTION #1/SECOND: Mayor Pro Tem Mansoor/Council Member Righeimer (04:10:04)
SUBSTITUTE MOTION #1: To reverse the Planning Commission's approval of and deny Planning Application 17-28.

Discussion ensued on the remedies for the applicant; and findings for the denial. (04:10:12)

Mayor Genis spoke in support of substitute motion #1. (04:11:07)

Council Member Foley spoke against the substitute motion. (04:12:35)

VOTE ON SUBSTITUTE MOTION #1/SECOND: Mayor Pro Tem Mansoor /Council Member Righeimer (04:10:04)

SUBSTITUTE MOTION #1: To reverse the Planning Commission's approval of and deny 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 denied Planning Application 17-28.

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

City Council reconvened at 10:30 p.m.

OLD BUSINESS: NONE

NEW BUSINESS (04:28:09)

1. MEASURE AA IMPACT ON SPECIFIC CAPITAL IMPROVEMENT PROJECTS AT FAIRVIEW PARK (04:28:12)

Justin Martin, Parks and Community Services Director and Cynthia D'Agosta, Fairview Park Administrator, presented the staff report. (04:28:19)

Ms. D'Agosta spoke on the North Bluff Trail and Restoration. (04:31:06)

Discussion ensued on the paved trail. (04:32:06)

Ms. D'Agosta spoke on the Storm Drain Improvements Location. (04:35:00)

Discussion ensued on the definition of public safety; storm drain improvement; and maintenance issues.

Leah Kabbara, Kabbara Engineering, spoke on the bluff erosion; and the vernal pools. (04:40:37)

Ms. D'Agosta spoke on the Pacific Avenue turnaround location. (04:49:18)

Discussion ensued on the public safety; the turnaround; and the hammerhead design. (04:52:24)

Ms. D'Agosta spoke on the Placentia Avenue Connector Trails. (05:02:41)

Ms. D'Agosta spoke on the ADA Sidewalk from the Restroom to Picnic Shelter. (05:07:12)

Mayor Pro Tem Mansoor spoke on the issues. (05:08:40)

Mr. Martin spoke on Fairview Park Steering Committee and their recommendations. (05:13:19)

Yolanda Summerhill, Deputy City Attorney, spoke on the Committee's recommendations. (05:15:34)

Public Comments:

Anna Vrska, Chair of the Fairview Park Steering Committee, spoke on Measure AA; the Fairview Park Master Plan; and the Committee recommendations. (05:19:13)

Speaker, Costa Mesa, spoke in support of the storm drain improvement and a turnaround. (05:24:19)

Jay Humphrey, Costa Mesa, spoke in support of the Committee's recommendations; and spoke on the need for an overall restoration plan. (05:26:45)

Jordan Strickland, Costa Mesa and President of the Home Owners Association, spoke in support of a turnaround; and recommended approval of Projects A – E. (05:29:52)

Wendy Leece, Fairview Park Alliance, spoke on the need for an overall restoration plan; and the need for legal advice to determine if the recommendations will require the vote of the people. (05:33:15)

Arlis Reynolds, Parks and Recreation Commission and liaison to the Fairview Park Steering Committee, spoke in support of the Committee's recommendations. (05:34:38)

Dara Hendrix, Costa Mesa, spoke on safety and maintenance issues. (05:37:14)

Robin Leffler, Costa Mesa, spoke in support of the Committee's recommendations; spoke on the drainage ditch; and the need for legal analysis regarding the drainage ditch. (05:42:14)

Beth Refakes, Costa Mesa, spoke in support of the Committee's recommendations; spoke on the turnaround and enforcement issues; and the need for more signage. (05:43:24)

Terry Fuqua, Costa Mesa, spoke on the drainage ditch and trail needing repairs; paving the Canyon; and the turnaround bringing more traffic. (05:45:48)

Kim Hendricks, Costa Mesa, spoke in support of upholding the Committee's recommendations; and the need for an overall restoration plan. (05:47:57)

Ralph Taboada, Costa Mesa, spoke in support of the storm drain improvement and a turnaround. (05:51:07)

Ms. Vrska clarified the Committee's recommendations. (05:52:09)

Public Comments closed.

Discussion ensued on CEQA compliance and narrowing the scopes of the project. (05:54:22)

Council Member Righeimer spoke on Measure AA. (05:56:02)

MOVED/SECOND: Council Member Foley/Mayor Genis (05:58:51)

MOTION: To continue the meeting past midnight.

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 continued the meeting past midnight.

STORM DRAIN IMPROVEMENTS (Project B) (05:59:31)

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) (06:01:40)

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 / TURNAROUND (Project C) (06:02:06)

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

MOTION: To proceed with the Turnaround Project with no parking. (06:02:06)

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

SUBSTITUTE MOTION: To approve a revised Pacific Avenue Entry / Turnaround Project with revisions for the most minimal amount of encroachment into Fairview Park and the least environmental impact. (06:02:34)

Mayor Genis spoke in support of the substitute motion. (06:03:35)

Discussion ensued on the need for a turnaround; and including concepts for gating in the motion. (06:05:15)

Mayor Pro Tem Mansoor withdrew his second on the original motion. (06:06:43)

Discussion ensued on additional signage. (06:07:05)

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

ACTION:

1. City Council found the Pacific Avenue Entry / Turnaround 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 / Turnaround 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) (06:09:10)

MOVED/SECOND: Council Member Foley/Mayor Genis

MOTION: To not approve the project and proceed with regular maintenance.

Discussion ensued repairing existing trails; the grant; and ADA requirements. (06:09:30)

Mayor Pro Tem Mansoor spoke on reconstructing the paved trail. (06:13:26)

Ms. D'Agosta spoke on the grant funding. (06:13:55)

Council Member Foley spoke to amend her motion to reflect the Committee's alternative recommendations. (06:15:28)

Discussion ensued on the fiscal review of the project; access via the wetlands; and maintenance. (06:15:54)

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:

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)
(06:20:53)**

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To proceed with the ADA sidewalk for the restroom.

Mayor Genis spoke against the motion. (06:21:10)

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
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 (06:23:52)

Alma Reyes, Management Analyst, presented the staff report. (06:24:02)

No public comments on this item.

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.


ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS - NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT (06:25:51) - The Mayor adjourned the meeting at 12:36 a.m. in memory of Fire Captain David Rosa.

Minutes adopted on this 7th day of August, 2018.


Sandra L. Genis, Mayor

ATTEST:


Brenda Green, City Clerk