

**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."

*** CLOSED SESSION #5 HAS BEEN ADDED.**

**TUESDAY, SEPTEMBER 18, 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, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

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)

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2. 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 Association (CMPA)

3. 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.

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – ONE POTENTIAL CASE

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

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

The City Council reconvened at 6:18 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:18 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley (left at 10:34 p.m.), Council Member Righeimer, 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**

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CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 3, 5 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. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER**
Claims received by the City Clerk: Matthew Bays and Brandon Hargraves

ACTION:

City Council received and filed.

- 4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 4, 2018**

ACTION:

City Council approved the minutes of September 4, 2018.

- 6. RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS**

ACTION:

City Council adopted Resolution No. 18-58, approving the submittal of a grant application for transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2018-19 through 2020-21.

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ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2605 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-16 "A" FOR \$2,633,511.87; 18-17 FOR \$-504.40; 18-17 "A" FOR \$54.68; AND 18-18 FOR \$2,457,604.52; AND CITY OPERATING EXPENSES FOR \$5,093,638.87; 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. 2605.

5. **PROPOSED CHANGES TO THE NOVEMBER, DECEMBER AND JANUARY CITY COUNCIL MEETING SCHEDULE**

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

SUBSTITUTE MOTION:

1. City Council change the City Council meeting schedule in the months of November and January to provide for one regular meeting on the second Tuesday of November (November 13, 2018) rather than meetings on the first and third Tuesdays of the month and move the first meeting in January to the second Tuesday (January 8, 2019) and resume to regular schedule thereafter through the adoption of Resolution No.18-57; and
2. Agree to not hold the previously cancelled second City Council meeting in December (December 18, 2018) and continue to hold the regularly scheduled meeting on December 4, 2018; and
3. For the newly appointed Council to set the date for the City Council goal setting retreat for 2019.

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 changed the City Council meeting schedule in the months of November and January to provide for one regular meeting on the second Tuesday of November (November 13, 2018) rather than meetings on the first and third Tuesdays of the month and moved the first meeting in January to the second Tuesday (January 8, 2019) and resume to regular schedule thereafter through the adoption of Resolution No.18-57; and
2. Agreed to not hold the previously cancelled second City Council meeting in December (December 18, 2018) and continue to hold the regularly scheduled meeting on December 4, 2018; and
3. For the newly appointed Council to set the date for the City Council goal setting retreat for 2019.

7. TEMPORARY LOCATION FOR CITY COUNCIL MEETINGS

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 adopted Resolution No. 18-59, temporarily moving the meeting location of regular City Council meetings to the Costa Mesa Senior Center for the duration of the City Hall First Floor and City Council Chambers Improvement Project; and
2. Directed staff to bring back budget for the project for Council's consideration at a future City Council meeting; and
3. Authorized staff to determine the appropriate locations for other City commission and committee meetings ordinarily held in Council Chambers.

City Council recessed into a break at 8:12 p.m.

City Council reconvened at 8:29 p.m.

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OLD BUSINESS:

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

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: To approve the recommended actions.

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:

1. City Council approved the proposed Amendment Number One to Amended Retainer Agreement for City Attorney Services between Jones & Mayer and the City of Costa Mesa; and

2. Authorized the City Manager to execute the agreement and future amendments to the agreement.

2. **SECOND READING AND ADOPTION OF ORDINANCE NO. 18-10; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 2.5, CHAPTER V, OF TITLE 13 (ZONING CODE), RELATING TO SMALL LOT SUBDIVISIONS**

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: To approve the recommended action.

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

ACTION:

City Council gave second reading and adopted Ordinance No. 18-10, adopting Code Amendment CO-18-02 to amend the Costa Mesa Municipal Code.

FOR INFORMATIONAL PURPOSES ONLY

NEW BUSINESS:

1. NON-COMMERCIAL PORTABLE SIGNS

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: Provide direction to staff to not enforce the non-commercial portable signs regulations on private residential properties including commercial and industrial and to bring back to Council after the 2018 election revisions to the non-conforming portable sign ordinance.

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 provided direction to staff to not enforce the non-commercial portable signs regulations on private residential properties including commercial and industrial and to bring back to Council after the 2018 election revisions to the non-conforming portable sign ordinance.

2. RESOLUTION FOR TANAGER BICYCLE TRAIL EXTENSION

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

AMENDED SUBSTITUTE MOTION: To adopt Resolution No. 18-60 drafted by the resident (version 3) with all the recitals but removing the following paragraph 2 from the resolution: "The City Council will not entertain a proposal to construct such a bicycle or pedestrian trail until all of the above issues and objections have been addressed to the satisfaction of the majority of residents who live in the Upper Bird Streets and the majority of the residents who live on Tanager Drive".

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. 18-60 drafted by the resident (version 3) with all the recitals but removing the following paragraph 2 from the resolution: "The City Council will not entertain a proposal to construct such a bicycle or pedestrian trail until all of the above issues and objections have been addressed to the satisfaction of the majority of residents who live in the Upper Bird Streets and the majority of the residents who live on Tanager Drive".

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3. CAPITAL IMPROVEMENT FUNDING REALLOCATIONS AND LIONS PARK PLAYGROUND IMPROVEMENTS

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: Approve the recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Foley

Motion carried: 4-0-0-1

ACTION:

1. City Council authorized the cancellation of the Costa Mesa High School Stadium Bleachers Project with the remaining balance of \$660,000 (\$625,000 in the Capital Improvement Fund and \$35,000 in the Park Development Fund) and the Costa Mesa High School Football Field Project with the remaining balance of \$285,000 in the Capital Improvement Fund, and allocated these funds for the Lions Park Playground Improvements Project; and
2. Authorized transfer of \$1,100,000 from the allocated Capital Improvement Fund for Jack Hammett Field Improvements to the Lions Park Playground Improvements Project; and
3. Approved a budget adjustment transferring appropriations collectively amounting to \$2,045,000 to fund the design and construction of the Lions Park Playground Improvements Project.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor adjourned the meeting at 11:08 p.m. in memory of Costa Mesa Police Officer Oscar Reyes.