

**ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, JULY 2, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 P.M.
REGULAR MEETING – 6:00 P.M.**

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

JOHN B. STEPHENS
Mayor Pro Tem

ANDREA MARR
Council Member

ARLIS REYNOLDS
Council Member

ALLAN R. MANSOOR
Council Member

SANDRA L. GENIS
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

CALL TO ORDER

The Special Closed Session was called to order by Mayor Foley at 4:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Room 5A at 4:32 p.m. for Closed Session to consider the following items:

1. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
2. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – EIGHT POTENTIAL CASES**
Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.
4. **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.

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:08 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

ACTION REPORT CONTINUED ON THE NEXT PAGE.

FOR INFORMATIONAL PURPOSES ONLY

MOVED/SECOND: Mayor Foley/Council Member Genis

MOTION: Advance Public Hearing item numbers 1-3 and consider the items prior to City Manager's Report.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, and Mayor Foley.

Nays: None

Absent: None

Abstain: Mayor Pro Tem Stephens

Motion carried: 6-0-0-1

ACTION:

City Council advanced Public Hearing item number 1-3 and agreed to consider the items prior to City Manager's Report.

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Continue Public Hearing item numbers 1-3 to a future Study Session and Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, and Mayor Foley.

Nays: None

Absent: None

Abstain: Mayor Pro Tem Stephens

Motion carried: 6-0-0-1

ACTION:

City Council continued the following Public Hearing item numbers 1-3 to a future Study Session and Council meeting:

1. **REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-31, 19-33 AND 19-35 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1772 ORIOLE DRIVE, 3007 COUNTRY CLUB DRIVE, AND 2926 CLUB HOUSE ROAD, RESPECTIVELY**

2. **REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATION 19-14 FOR A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL FACILITY ON TOP OF A REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED WITHIN PUBLIC STREET RIGHT-OF-WAY NEAR 400 ENCLAVE CIRCLE**

FOR INFORMATIONAL PURPOSES ONLY

- 3. REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-03, 19-04 AND 19-06 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1620 ELM AVENUE, 1641 LABRADOR DRIVE, AND 1300 ADAMS AVENUE, RESPECTIVELY**

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on the Study Session on Small Cell Sites; and wished everyone a happy and safe fourth of July.

REPORT – CITY ATTORNEY – Ms. Barlow spoke on illegal fireworks; and illegal marijuana dispensaries.

CONSENT CALENDAR:

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3 and 4.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

- 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 and Agency Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER**

Claims received by the City Clerk: State Farm, as subrogee for Susan Chingay.

ACTION:

City Council received and filed.

FOR INFORMATIONAL PURPOSES ONLY

5. PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF THE PERMANENT BRIDGE SHELTER FACILITY

ACTION:

1. City Council awarded a Professional Services Agreement (PSA) to Robert Borders & Associates, 1675 Scenic Avenue, Suite 210 Costa Mesa, California 92626, in an amount not-to-exceed \$375,000.00 for design services for the City's permanent Bridge Shelter facility; and
2. Authorized staff to negotiate the final scope of work, schedule, and fee within the previously approved not-to-exceed amount; and
3. Authorized the City Manager and City Clerk to execute the Professional Services Agreement and future contract amendments within Council authorized limits.

6. COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE PAVEMENT REHABILITATION OF MACARTHUR BOULEVARD FROM SANTA ANA RIVER TO HARBOR BOULEVARD

ACTION:

1. City Council approved the Cooperative Agreement between the City of Santa Ana and the City of Costa Mesa for the rehabilitation of MacArthur Boulevard from the Santa Ana River to Harbor Boulevard; and
2. Authorized the City Manager and the City Clerk to execute the Cooperative Agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR

3. WARRANT RESOLUTION NO. 2622 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-11 "A" FOR \$302.90; 19-12 FOR \$2,528,937.47 AND CITY OPERATING EXPENSES FOR \$3,361,064.13; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve Warrant Resolution No. 2622.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

City Council approved Warrant Resolution No. 2622.

4. ESTABLISHMENT OF THE NEW CLASSIFICATION OF ENERGY AND SUSTAINABILITY SERVICES MANAGER JOB DESCRIPTION

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Adopt Resolution No. 19-36.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

ACTION:

City Council adopted Resolution No. 19-36, which amends Resolution No. 17-26 establishing the new Energy and Sustainability Services Manager job classification; and corresponding salary range of \$8,630 - \$11,567 per month.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ADJOURNMENT – Mayor Foley adjourned the meeting at 7:28 p.m.