

**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, NOVEMBER 5, 2019  
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE  
CLOSED SESSION – 4:00 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 Closed Session was called to order by Mayor Foley at 4:01 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

**PUBLIC COMMENT: NONE**

The City Council recessed to Room 5A at 4:07 p.m. for Closed Session to consider the following items:

**FOR INFORMATIONAL PURPOSES ONLY**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

APN: 424-211-12; Property: 1885 Anaheim Street, Costa Mesa, CA 92627  
Pursuant to Section 54956.8, California Government Code  
Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;  
Cities in the Central Orange County Service Planning Area (SPA)  
Negotiation: Price and Terms of Payment

**2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

APN: 427-091-12; Property: 3175 Airway Avenue, Costa Mesa, CA 92627  
Pursuant to Section 54956.8, California Government Code  
Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)  
Negotiation: Price and Terms of Payment

**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 for the Central District of California – Southern Division, Case No. 8:18-cv-00155

**4. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

**5. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
SIGNIFICANT EXPOSURE TO LITIGATION – TWO POTENTIAL CASES**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

The City Council reconvened at 6:12 p.m.

**CALL TO ORDER**

The meeting was called to order by Mayor Foley at 6:12 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 (Arrived at 6:16 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

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

- 1. APPEAL OF THE DENIAL OF CONDITIONAL USE PERMIT PA-16-63 TO OPERATE A RESIDENTIAL FACILITY SERVING MENTALLY DISABLED PERSONS IN SIX UNITS HOUSING UP TO 30 RESIDENTS AS WELL AS THE DENIAL OF REASONABLE ACCOMMODATION RA-19-06 FOR RELIEF FROM CERTAIN REQUIREMENTS OF THE ZONING CODE; OPERATED BY NSIGHT PSYCHOLOGY AND ADDICTION AT 2641 SANTA ANA AVENUE, UNITS A THROUGH F**

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Marr

**MOTION:** Adopt a Resolution upholding the decision of the Planning Commission and deny Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06.

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

Abstain: None

Motion carried: 7-0

**Action:**

City Council adopted a Resolution upholding the decision of the Planning Commission and deny Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06.

City Council recessed into a break at 8:37 p.m.

City Council reconvened at 8:47 p.m.

- 2. 2019 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES**

**MOVED/SECOND:** Council Member Marr/Council Member Chavez

**MOTION:** Approve recommended actions.

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

Abstain: None

Motion carried: 7-0

**FOR INFORMATIONAL PURPOSES ONLY**

**Action:**

1. City Council adopted a resolution of the City Council of the City of Costa Mesa, California, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduced an ordinance for first reading and set for second reading and adoption at the Council's December 3, 2019, meeting. This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 16-01.

**CONSENT CALENDAR:**

**MOVED/SECOND:** Mayor Pro Tem Stephens /Council Member Marr

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 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: Benjamin Chan, Kara Marks, Sara Popovich, Amar Varma

**Action:**

City Council received and filed.

5. **APPROVE FISCAL YEAR 2018/19 YEAR END BUDGET ADJUSTMENTS AND TRANSFERS**

**Action:**

1. City Council approved Fiscal Year 2018-19 year end budget adjustments; and

**FOR INFORMATIONAL PURPOSES ONLY**

2. Approved interfund transfer from the General Fund to the Information Technology Replacement Fund totaling \$150,000.

**6. SB 2 PLANNING GRANT APPLICATION**

**Action:**

City Council adopted a resolution authorizing the City Manager (including his or her designee) to apply for the California Department of Housing and Community Development (HCD)'s SB 2 Planning Grants Program (PGP) in the amount of \$310,000 and, if awarded, authorize the City Manager to execute the standard agreement.

**7. RELEASE OF BONDS IN CONNECTION WITH VESTING TRACT MAP 17747 AT 1620 THROUGH 1644 WHITTIER AVENUE, COSTA MESA, CALIFORNIA**

**Action:**

City Council authorized the release of the Performance, and Labor and Material Bonds (Certificate No. 024060641) in the amount of \$407,498.00 each to Taylor Morrison of California, LLC, 100 Spectrum Center Drive, Suite 1450, Irvine, CA 92618.

**8. RELEASE OF BONDS IN CONNECTION WITH TRACT MAP 17981 AT 2626 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**

**Action:**

City Council authorized the release of the Performance, and Labor and Material Bonds (Certificate No. 651915S) in the amount of \$184,832.00 each, and Monumentation Bond in the amount of \$6,000.00 to SoCal Harbor, LLC, 1500 Willow Pass Court, Concord, CA 94520.

**9. 2021 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**

**Action:**

City Council adopted a resolution approving projects for inclusion in the Orange County Transportation Authority's (OCTA) Federal Transportation Improvement Program (FTIP) for Fiscal Years 2021/22 through 2025/26.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**4. PROPOSED CHANGES TO THE DECEMBER 2019 AND JANUARY 2020 CITY COUNCIL MEETING SCHEDULE AND MODIFICATIONS TO ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS**

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Marr

**MOTION:** Approve recommended action number one approving the meeting schedule changes for the months of December 2019 and January 2020, but not approving the changes to order of business.

The motion carried by the following roll call vote:

**FOR INFORMATIONAL PURPOSES ONLY**

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

**Action:**

1. City Council approved changing the City Council meeting schedule in the month of December to provide for one additional regular meeting on Tuesday, December 17, 2019 through the adoption of Resolution 19-67 and cancelling the regularly scheduled meeting on Tuesday, January 7, 2020.

3. **WARRANT RESOLUTION NO. 2629 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING Payroll register nos. 19-20 "A" for -\$410.44; 19-21 for \$2,784,747.28; and City operating expenses for \$3,796,249.52; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**MOVED/SECOND:** Council Member Reynolds/Council Member Marr

**MOTION:** Approve Warrant Resolution No. 2629.

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 Pro Tem Stephens.

Nays: None

Absent: None

Abstain: Mayor Foley

Motion carried: 6-0-0-1

**Action:**

City Council approved Warrant Resolution No. 2629.

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

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. **APPROVAL OF FINANCE DEPARTMENT STAFFING CHANGES AND CORRESPONDING RESOLUTIONS ADDING RELATED JOB CLASSIFICATIONS AND SALARY RANGES**

**MOVED/SECOND:** Council Member Chavez/Council Member Marr

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

**FOR INFORMATIONAL PURPOSES ONLY**

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

Abstain: None

Motion carried: 7-0

**Action:**

1. City Council approved a reclassification of the existing vacant Treasury Specialist position to a Financial Analyst position, and adopt Resolution No. 19-70, amending Resolution No. 17-14 by establishing a new classification represented by the Costa Mesa City Employee Association (CMCEA) and establishing the pay ranges for the new classification; and
2. Approved changing one vacant Accountant position bargaining unit from CMCEA to Confidential Employees Unit, and adopt corresponding proposed Resolution No. 19-71, amending Resolution No. 17-18 by establishing a new classification in the Confidential Employees Unit and establishing the pay ranges for the new classification; and
3. Reauthorized one full-time equivalent Budget and Purchasing Manager, previously titled Budget and Research Officer in the Costa Mesa Division Managers Association (CMDMA), and corresponding proposed Resolution No. 19-72, amending Resolution No. 17-27 by establishing a new classification in the Confidential Management Unit and establishing the pay ranges for the new classification; and
4. Approved a reclassification of the existing Management Analyst (Confidential) position to a Senior Management Analyst (Confidential) position.

**ADJOURNMENT** - Mayor Foley adjourned the meeting at 10:37 p.m. in honor of the one-year anniversary of Fire Captain Mike Kreza's passing.