

**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, SEPTEMBER 4, 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 4:09 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 – 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.

5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – TWO POTENTIAL CASES

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

The City Council reconvened at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:00 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

CITY ATTORNEY CLOSED SESSION REPORT – City Attorney Duarte reported on Closed Session Item No. 5, in which the City Council, on a vote of 5-0, directed the City Attorney's office to file an action, and the defendants will be identified once the action is filed.

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 Stephens

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3, 6, 8, 11 and 12.

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: Nicholas Patrick and Andrew Rutledge

ACTION:

City Council received and filed.

- 4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JULY 17, 2018 AND AUGUST 7, 2018 AND SPECIAL CLOSED SESSION OF AUGUST 3, 2018**

ACTION:

City Council approved the minutes of July 17, 2018, August 3, 2018 and August 7, 2018.

- 5. ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENTS FOR YOUTH RUNNING CLUB AND SMART CAMP PROGRAMS**

ACTION:

1. City Council accepted two (2) monetary donations for youth programs; and
2. Authorized a budget adjustment recognizing \$3,333.52 in donations and appropriating \$3,333.52 to the Parks and Community Services Department budget for the specified purposes.

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7. REPLACEMENT OF PEDESTRIAN BRIDGES AT TEWINKLE PARK PROJECT - CITY PROJECT NO. 17-12

ACTION:

1. City Council accepted the work performed by R.E. Shultz Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond one (1) year after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

9. CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM 18TH STREET TO 19TH STREET, CITY PROJECT NO. 18-02

ACTION:

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

10. APPROVAL OF THE LICENSE AGREEMENT WITH THE ORANGE COUNTY MODEL ENGINEERS FOR THE USE OF A PORTION OF FAIRVIEW PARK

ACTION:

1. City Council approved the license agreement with the Orange County Model Engineers, Inc. (OCME) for the use of a portion of the eastside of Fairview Park to operate and maintain a model railroad facility for a period of twenty years, ending on September 9, 2038, with the option to extend the term for two (2) additional five-year periods; and
2. Authorized the City Manager to execute the license agreement and any future amendments to the agreement.

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ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2604 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-14 "A" FOR \$154.83; 18-15 FOR \$2,685,935.08; 18-15 "A" FOR \$5,522.80; AND 18-16 FOR \$2,651,956.85; AND CITY OPERATING EXPENSES FOR \$5,727,916.63; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Mayor Pro Tem Mansoor/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. 2604.

6. **AMENDMENT NUMBER TWO TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL, LLC**

MOVED/SECOND: Council Member Stephens/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 approved Amendment Number Two to the existing Professional Services Agreement (PSA) with Sagecrest Planning and Environmental, LLC authorizing an additional amount of \$30,000 for consultant staff services; and
2. Authorized the City Manager to execute the amendment and future amendments to this Agreement.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)

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

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. 18-56, which authorizes the application for, and acceptance of, a grant award from the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the Police Chief to execute the Grant Agreement; and
2. Approved a budget adjustment in the total amount of \$225,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2018 OTS STEP Grant.

11. SPECTRUM ENTERPRISE SERVICE AGREEMENT

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:

1. City Council approved the five-year Spectrum Enterprise Service Agreement between the City of Costa Mesa and Charter Communications, Inc. (Spectrum), for the establishment of network connections between City Hall and all of the remote sites of the City commencing on October 23, 2018 through October 22, 2023; and
2. Approved the Customer Service Order in the current annual amount of \$189,792 (paid in monthly installments of \$15,816). The annual amount is subject to adjustment if the City decides to increase its bandwidth depending on its future needs; and
3. Authorized the City Manager and the City Clerk to execute the agreement; and

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4. Authorized the City Manager and the City Clerk to accept and execute future amendments to the agreement; and
5. Authorized a budget adjustment appropriating \$94,896 in the Information Technology Department budget to be funded from fiscal year 2017-18 surpluses.

12. AUTHORIZE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT (FFE) AND SITE FURNISHINGS TOTALING \$799,590.04 FOR PHASE 1 OF LIONS PARK PROJECTS

MOVED/SECOND: Mayor Pro Tem Mansoor/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 authorized the City Manager to execute contracts and purchase orders relating to the purchase and installation of furniture, fixtures and equipment and site furnishings in the amount of \$799,590.04 for Phase 1 of the Lions Park Projects.

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

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

1. EXTENSION OF AN URGENCY ORDINANCE NO. 18-07 AS AN INTERIM MEASURE TO PROHIBIT THE ESTABLISHMENT OF NEEDLE EXCHANGE PROGRAMS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA

MOVED/SECOND: Mayor Pro Tem Mansoor/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 issued the Report of the City Council: Extension of Urgency Ordinance No. 18-07, which describes the measures taken to alleviate the conditions which led to the adoption of the moratorium; and

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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

2. Introduced and adopted Urgency Ordinance No. 18-08 to extend Urgency Ordinance No. 18-07 prohibiting the establishment and/or operation of hypodermic needle and syringe exchanges within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858, for a period of 10 months and 15 days.

2. A RESOLUTION ADOPTING SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES AND APPROVING AN ORDINANCE (CODE AMENDMENT CO-18-03) AMENDING COSTA MESA MUNICIPAL CODE SECTION 19-15 TO REFERENCE THE PROPOSED DESIGN GUIDELINES

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To continue the item to the October 2, 2018 City Council meeting and staying all application approvals and continuing any pending items to the meeting following the adoption of the design guidelines.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens, and Mayor Genis.

Nays: Mayor Pro Tem Mansoor

Absent: None

Abstain: Council Member Righeimer

Motion carried: 3-1-0-1

ACTION:

City Council continued the item to the October 2, 2018 City Council meeting and agreed staying all application approvals and continuing any pending items to the meeting following the adoption of the design guidelines.

3. ORDINANCE 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: Mayor Genis/Mayor Pro Tem Mansoor

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

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ACTION:

1. City Council found that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
2. As recommended by the Planning Commission, City Council gave first reading to Ordinance No. 18-10, approval of Code Amendment CO-18-02 for the following amendments to Title 13, Chapter V, Article 2.5 of the Costa Mesa Municipal Code, related to Small Lot Subdivisions, eliminating the the Planning Commission's proposed new minimum lot size standard of 7,260 square feet for the development lot to the Small Lot Development Standards and adding final conditions as follows:
 - a) Revise the 30 percent minimum open space requirement to 35 percent; and
 - b) Revise the minimum rear yard setback from 10 feet to 15 feet for both first and second floors; and
 - c) Revise the parking standards to require two garage spaces and one open parking for two bedroom units; and
 - d) Revise the Small Lot Ordinance Standards to require a minimum 16-foot-wide driveway for flag lots, a minimum eight feet wide pedestrian access from a public street for an alley lot and prohibit units fully fronting on a public alley; and
 - e) Revise the minimum distance between buildings to six feet; and
 - f) Revise the Zoning Code to prohibit applying SLO standards in conjunction with the Urban Plan standards; and
 - g) Allow five percent of the required open space to be used for independently accessible guest parking.

OLD BUSINESS:

1. **SECOND READING AND ADOPTION OF ORDINANCE NO. 18-06 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT) RELATING TO NOTICING FOR PUBLIC HEARINGS**

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

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ACTION:

City Council gave second reading and adopted Ordinance No. 18-06, adopting Code Amendment CO-17-04 to expand the Public Notice provided for zoning matters per Section 13-29(d) of the Costa Mesa Municipal Code to include both owners and occupants of properties within 500 feet of a project site.

NEW BUSINESS:

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

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

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 received and filed independent auditor's report regarding the proposed Amendment Number One to Amended Retainer Agreement for City Attorney Services between Jones & Mayer and the City of Costa Mesa.

2. SERVICES AGREEMENT FOR PUBLIC SAFETY HELICOPTER SUPPORT BETWEEN THE CITY OF HUNTINGTON BEACH AND THE CITY OF COSTA MESA

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:

City Council received and filed independent auditor's report regarding the proposed public safety helicopter support services contract between the City of Huntington Beach and the City of Costa Mesa.

3. URBAN MASTER PLAN SCREENING REQUEST (UMP-18-01) FOR A MIXED-USE DEVELOPMENT IN THE 19 WEST URBAN PLAN OVERLAY AT 752 AND 756 W. 19TH STREET

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

MOTION: To continue the meeting past midnight.

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 meeting past midnight.

NO VOTE NEEDED:

City Council provided feedback on a proposed Urban Master Plan Request (UMP-18-01) for a mixed use development within the 19 West Urban Plan Overlay at 752 and 756 W. 19th Street.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT – Mayor Genis adjourned the meeting at 12:18 a.m.