

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL,  
COSTA MESA FINANCING AUTHORITY BOARD, COSTA MESA  
PUBLIC FINANCING AUTHORITY BOARD, AND SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY**

**SEPTEMBER 19, 2017**

**CALL TO ORDER**

The Closed Session was called to order by the Mayor at 4:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

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

Absent: Council Member Righeimer

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE**

The City Council recessed to Conference Room 5A at 4:05 p.m. for Closed Session to consider the following items:

**1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Tamara Letourneau, Assistant City Manager  
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

**2. 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.

**3. 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.

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code  
for 1 potential case.

The City Council reconvened at 6:15 p.m.

**CALL TO ORDER (00:00:04)**

The meeting was called to order by the Mayor at 6:15 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**NATIONAL ANTHEM (00:00:21)** The All American Boys Chorus

**PLEDGE OF ALLEGIANCE (00:06:59)** Mayor Pro Tem Genis

**MOMENT OF SOLEMN EXPRESSION (00:07:25)**

Pastor Rod Randall, Harbor Trinity Baptist Church

**ROLL CALL (00:09:00)**

Present: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley

Absent: Council Member Righeimer

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Building Official Issam Shahrouri, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:09:16) – NONE**

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - Mayor Foley spoke with the membership team regarding procedural matters. (00:09:22)

**ANNOUNCEMENTS (00:10:06)**

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:12:43)**

Ned McCune, Costa Mesa, spoke regarding problems with coyotes and reporting of the data. (00:13:06)

Linda Dean, Costa Mesa, spoke on gaining additional parking spaces on Coolidge Street. (00:15:53)

Wendy Leece, Costa Mesa, spoke on the Newport-Mesa Unified School District's hearings regarding redistricting. (00:17:02)

Bill McCarty, representing the Orange County Earth Stewards, showed photographs of the cleanup of the Santa Ana River Marsh during the Coastal Cleanup Day. (00:19:34)

Roberta Buchanan, Newport Beach, spoke regarding problems with coyotes and reporting of the data. (00:22:57)

Frank Chlarson, Costa Mesa, spoke regarding problems with coyotes and reporting of the data. (00:25:33)

Greg Thunell, Costa Mesa, spoke on the Costa Mesa Voting District Map and Measure EE. (00:28:18)

Karl Ahlf, Costa Mesa, spoke on Costa Mesa Connect. (00:31:22)

Speaker, spoke against the Small Lot Ordinance. (00:32:28)

Speaker, spoke against the Small Lot Ordinance; and spoke on the animal control shelter. (00:35:28)

Speaker, spoke against the Small Lot Ordinance. (00:38:29)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS  
(00:42:50)**

Mayor Pro Tem Genis reported on attendance at the California League of Cities conference in Sacramento; spoke on coyotes; the animal shelter; and an Animal Services committee. (00:42:55)

Council Member Stephens thanked the All American Boys Chorus; spoke on coyotes; and the animal shelter. (00:45:58)

Council Member Mansoor requested an update on the Coyote Cacher analysis and data; and recommended that the following items: the guardrail at Pacific Avenue and Fairview Park entrance and trails at Fairview Park, be referred to the Fairview Park Steering committee. (00:47:26)

Mayor Foley requested an update on the animal shelter and Coyote Management; spoke on the Small Lot Ordinance; and the September 28 Newport-Mesa Unified Board meeting on districts. (00:49:39)

## **CONSENT CALENDAR (00:53:00)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for 2, 4, 5, 6, 7, and 8.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

1. **READING FOLDER** Claims received by the City Clerk: Alberto Alvarez, James Davis, Kaori Hiravama, Gino Mascia, Robert McDougal, and Michael D. Smith.

**ACTION:**

City Council received and filed.

3. **ACCEPTANCE OF A \$150,000 GRANT FROM HOAG MEMORIAL HOSPITAL PRESBYTERIAN AND ALL ASSOCIATED BUDGET ADJUSTMENTS FOR FY 17/18 AND 18/19**

**ACTION:**

City Council accepted a \$150,000 grant from Hoag Memorial Hospital Presbyterian for the Senior Center Medical Transportation Program (MTP), for FY 17/18 and the first half of FY 18/19, and authorized a budget adjustment in the amount of \$150,000.

### **ITEMS REMOVED FROM THE CONSENT CALENDAR:**

2. **WARRANT RESOLUTION NO. 2583 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-16 "A" FOR \$1,3262.54 AND 17-17 FOR \$2,307,215.66; AND CITY OPERATING EXPENSES FOR \$2,621,106.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:53:41)**

Public Comments:

Speaker, spoke on legal fees; and Pinkley Park. (00:53:50)

Public Comments Closed.

**MOVED/SECOND:** Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council approved Warrant Resolution No. 2583.

**4. 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) (00:55:41)**

Public Comments:

Speaker, spoke against accepting grants. (00:55:47)

Public Comments Closed.

Sgt. Hoferitza clarified the purpose of the police department grants. (00:56:50)

Council Member Mansoor spoke in support of the item. (00:57:36)

**MOVED/SECOND:** Council Member Mansoor/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council adopted Resolution No. 17-58, which authorizes the execution of the Grant Agreement with the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorized the Police Chief to execute the Grant Agreement; and
2. Approved Budget Adjustment #18-007 in the total amount of \$290,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2017 OTS STEP Grant.

**5. STREET REHABILITATION PROJECT, CITY PROJECT NO. 15-05 (00:58:54)**

No public comments on this item.

**MOVED/SECOND:** Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council accepted the work performed by R.J. Noble Company, 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.

**6. WEST 19TH STREET BICYCLE TRAIL PROJECT (00:59:03)**

Raja Sethuraman, Public Services Director, presented the staff report. (01:00:00)

Public Comments:

Speaker, spoke against accepting grants. (01:06:44)

Karl Ahlf, Costa Mesa, spoke on the need for a bike trail. (01:07:36)

Public Comments Closed.

Mayor Pro Tem Genis spoke on the need for a bike trail. (01:11:00)

Discussion ensued on returning the remaining \$125,000 in project funding to the Capital Improvement Program account. (01:12:30)

Discussion ensued on working with the County and United States Fish & Wildlife Services; suspending consultant work; and moving forward with the project at staff level. (01:15:38)

**MOVED/SECOND:** Council Member Stephens/Mayor Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council suspended all environmental and design activities by third party consultants on the West 19<sup>th</sup> Street Bicycle Trail Project in Talbert Park; and
2. Authorized staff to work with the County of Orange on their Resource Management Plan for Talbert Nature Preserve.

**7. RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224, FOR THE REHIRE OF RETIRED SENIOR COMMUNICATIONS SUPERVISOR CHERIE PITTINGTON (01:18:21)**

No public comments on this item.

**MOVED/SECOND:** Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council adopted Resolution No. 17-59 for exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21224 to retain the services of retired Senior Communications Supervisor Cherie Pittington.

**8. RESOLUTION AMENDING THE 2017-18 BUDGET TO INCORPORATE A LIST OF PROJECTS FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT (01:20:11)**

Public Comments:

Speaker, spoke on the 23<sup>rd</sup> Street project. (01:20:23)

Public Comments Closed.

Raja Sethuraman, Public Services Director, spoke on the item. (01:21:35)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council adopted Resolution No. 17-60, amending the Fiscal Year 2017-18 Budget to incorporate a list of projects proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues; and
2. Approved Budget Adjustment No.18-009; and
3. Amended the Fiscal Year 2017-18 Capital Improvement Budget to include revised B-12 forms.

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

**ITEM #2 WAS CONSIDERED OUT OF ORDER.**

2. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA)**

**MOVED/SECOND:** Mayor Foley/Council Member Stephens

**MOTION:** To continue the item to the October 3, 2017 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council continued the item to the October 3, 2017 City Council meeting.



**1. 2017 LEASE REVENUE BONDS FOR LIONS PARK PROJECTS AND REFUNDING OF EXISTING 2007 CERTIFICATES OF PARTICIPATION (01:23:30)**

Tom Hatch, City Manager, spoke on the City receiving AA+ Bond rating. (01:23:42)

Stephen Dunivent, Interim Finance Director, presented the staff report. (01:25:20)

Anna Sarabian of Fieldman, Rolapp & Associates, provided an overview of the bonds. (01:28:38)

Mayor Pro Tem Genis spoke on an Audit committee for only the Library project. (01:36:14)

Public Hearing Opened:

Rich Russell, Costa Mesa, spoke in support of the project. (01:37:16)

Karl Ahlf, Costa Mesa, spoke on the project and public restrooms at Lions Park. (01:39:59)

Public Hearing Closed.

Mayor Pro Tem Genis spoke on Certificates of Participation; General Obligation Bonds; and forming an audit committee. (01:43:40)

Mayor Foley spoke in support of the motion. (01:45:58)

**MOVED/SECOND:** Council Member Stephens/Mayor Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

1. City Council adopted the City Council Resolution No. 17-61, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and

2. Costa Mesa Financing Authority adopted the Financing Authority Resolution No. FA 17-01, authorizing the issuance of the 2017 Lease Revenue Bonds by the Financing Authority, approving the form of certain documents in connection therewith and authorizing certain actions in connection therewith; and
3. Costa Mesa Public Financing Authority adopted the Public Financing Authority Resolution No. PFC 17-01, approving the form of certain documents in connection with the termination of lease documents related to the 2003 Certificates of Participation and 2007 Certificates of Participation, which are being prepaid.

**OLD BUSINESS:**

1. **SECOND READING OF ORDINANCE NO. 17-12, AN AMENDMENT TO TITLE 13 OF COSTA MESA MUNICIPAL CODE RELATED TO PLANNING AND SUBDIVISION APPLICATION REVIEW PROCESS TIME LIMITS (01:47:45)**

Public Comments:

Speaker, spoke on the development at Wilson and Harbor. (01:48:40)

Public Comments Closed.

Mayor Foley requested an update on the Harbor Boulevard and Wilson site. (01:50:45)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council gave second reading and adopted Ordinance 17-12 (Code Amendment CO-17-05), read by title only, and further reading waived, amending Title 13 of the Costa Mesa Municipal Code related to time extension of Planning and Subdivision applications.

**2. SECOND READING OF ORDINANCE NO. 17-13 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA TO ESTABLISH AN EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS IN ACCORDANCE WITH AB 1236 (01:52:17)**

No public comments on this item.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council gave second reading and adopted Ordinance No. 17-13, read by title only, and further reading waived, which sets forth an expedited, streamlined permitting process for electric vehicle charging stations, per the requirements of Assembly Bill 1236 (2015).

**NEW BUSINESS:**

**1. FIRST READING OF AN ORDINANCE OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS (01:52:55)**

Robert Sharpnack, Police Chief and Greg Scott, Lieutenant, provided the staff report. (01:53:20)

Public Comments:

Karl Ahlf, Costa Mesa, spoke in support of the item. (01:57:29)

Public Comments Closed.

**MOVED/SECOND:** Council Member Mansoor/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Righeimer

Motion carried: 4-0-1

**ACTION:**

City Council introduced and gave first reading to Ordinance 17-14, read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (02:02:20)**

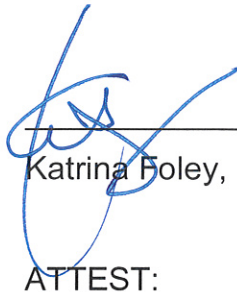
Mayor Pro Tem Genis spoke on avoiding cloth upholstered surfaces at the library.

**REPORT – CITY MANAGER (02:03:45) - NONE**

**REPORT – CITY ATTORNEY (02:03:46) - NONE**

**ADJOURNMENT (02:03:53) - The Mayor adjourned the meeting at 8:18 p.m.**

**Minutes adopted on this 17<sup>th</sup> day of October, 2017.**

  
\_\_\_\_\_  
Katrina Foley, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda Green, City Clerk