

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

FEBRUARY 5, 2019

CALL TO ORDER

The Closed Session was called to order by Mayor Pro Tem Stephens at 4:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis (arrived at 4:10 p.m.), Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley (arrived at 4:01 p.m.)

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION: NONE

The City Council recessed to Room 102 at 4:04 p.m. for Closed Session to consider the following items:

1. 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.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. Clean Path Recovery, LLC, a California limited liability company; Lee Heligman, an individual; Lucy Lee Holdings, LLC, a California limited liability company; Pomona Associates CM, LLC, a California limited liability company, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01015745-CU-OR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. Casa Capri, LLC, a California limited liability corporation; Casa Capri Recovery Center, LLC, a California limited liability corporation; Irani Zackary, an individual; Timothy Carr, an individual; Melissa Holmes Goodmon, an individual; Jeremy Broderick, an individual, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01006156-CU-OR-CJC.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. SoCal Recovery, Inc., a California corporation; Darryl Shinder, an individual; Kenneth Norwood, an individual; Ian Grimley, an individual, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01022764-CU-OR-NJC.

6. 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.

7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR.

8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Pacific Shores, LLC, a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01170 JVS-PJW.

9. 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.

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Summit Coastal Living, Inc., a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01369-JVS-PJW.

11. 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.

**12. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
INITIATION OF LITIGATION – SIX POTENTIAL CASES**

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

13. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3175 Airway Ave., Costa Mesa, CA 92627
APN: 427-091-12

Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Tamara Letourneau, Acting City Manager and Dale Camera, Lee & Associates and Steve Millen, Owner.
Negotiation: Price and Terms of Payment.

The City Council reconvened at 6:11 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by Mayor Foley at 6:11 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:55)

Ms. Daisy Avila, Costa Mesa High School student and SOY (Save Our Youth) member and Mariachi Nueva Illusion.

MOMENT OF SOLEMN EXPRESSION (00:03:01)

Pastor Jordan Hansen, Newport Mesa Church, Costa Mesa

ROLL CALL (00:04:12)

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

Officials Present: Acting City Manager Tamara Letourneau, City Attorney Kimberly Hall Barlow, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, Finance Director Kelly Telford and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:04:28) – No reportable action.

PRESENTATIONS: NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:04:38)

Flo Martin, Costa Mesa, spoke in support of banning polystyrene. (00:05:03)

Speaker, spoke in support of banning polystyrene; spoke on street lights that are out; and National Women’s Health Month. (00:08:07)

Janet Krochman, Costa Mesa, thanked staff for their hard work. (00:10:05)

Speaker, Costa Mesa, spoke on a violation of notice he received from Code Enforcement. (00:11:18)

Speaker, spoke in support of a gift ban. (00:13:12)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:15:44)

Council Member Marr praised City staff for their hard work; spoke on sustainability as a priority; requested to adjourn the meeting in memory of Garden Grove Fire Chief Tom Schultz; and spoke on the former City Manager’s salary. (00:15:55)

Council Member Mansoor spoke on the grand opening of the Library; ideas for the playground; and showed a video by the City of Lakewood for the grand opening of their new playground. (00:17:27)

Council Member Genis spoke in support of banning polystyrene; spoke on mosquito issues; and in support of an ex-parte ordinance and a gift ban. (00:21:36)

Council Member Reynolds spoke on the airplane park; thanked staff for their hard work; spoke on a community meeting regarding improvements to West 19th Street specifically bike lanes; reported on her attendance at a Special Districts meeting; spoke on sustainability and not using plastic water bottles; Early Childhood education; League of Cities Academy; and meeting with Congressman Rouda on environmental issues. (00:25:25)

Council Member Chavez invited all to the Tet Festival on February 8th – February 10th at the Orange County Fairgrounds; spoke on the community meeting regarding the shelter; and collaborating with other cities. (00:29:44)

Mayor Pro Tem Stephens invited all to the Coffee with the Cops on February 9th at Shirley's Bagels on 17th Street; spoke on banning polystyrene; meeting with Congressman Rouda and networking with elected officials; the City of Anaheim's opening of their temporary shelter; airplane park; Lunar Year; and Dog Adoption day on February 9th. (00:31:32)

Mayor Foley spoke on the trip to Washington D.C. with other local officials to discuss various issues; spoke on a meeting with the business and property owners that were adjacent to the proposed permanent shelter; reported on her attendance at the Lunar New Year celebration at South Coast Plaza, Travel Costa Mesa meeting, and Harrassment Training by ACC-OC; spoke on a FPPC Behested Payment Reports; implementing a new conflict checks on Development agreements; and the Mayor's office meetings. (00:34:18)

REPORT – CITY MANAGER (00:38:29) – Ms. Letourneau congratulated the Public Services Department on receiving the American Society of Civil Engineers Orange County Environmental Project of the Year for the Arlington Drive Bioswale Project; and provided an update on the I-405 project.

REPORT – CITY ATTORNEY (00:39:46) – Ms. Barlow spoke on briefing the City Council on all litigation matters; and reported that the plaintiffs in the Orange County Needle Exchange program have filed an appeal.

CONSENT CALENDAR (00:40:47)

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for 3, 6, 8, 9 and 11.

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: Karin Barela, Sally Davenport, Patricia Ferguson, William Hart, Robert Hewlett, Stephanie Keefer, De'Arna Kilekas, Dean Lob, Justin Nissel, Ann Parker, Donna Patterson, Brenda Rojas, Debra Von Trapp.

ACTION:

City Council received and filed.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 8, 2019**

ACTION:

City Council approved the minutes of January 8, 2019.

5. **ACTING CITY MANAGER PAY**

ACTION:

City Council approved Acting Pay for the Assistant City Manager compensating her in her capacity as Acting City Manager retroactive to November 13, 2018 when she was appointed and continuing until a new City Manager is hired per the City's Personnel Rules & Regulations.

7. **SAFE TRANSIT STOPS PROGRAM APPLICATIONS**

ACTION:

City Council adopted Resolution No. 19-07, approving the submittal of grant funding applications for three (3) bus stop improvement projects under the Orange County Transportation Authority's (OCTA) Measure M2 Project W - Safe Transit Stops Program.

10. **SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 2-165 OF ARTICLE 2 OF CHAPTER V OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EXEMPTIONS FROM BIDDING PROCEDURES**

ACTION:

City Council gave second reading and adopted Ordinance No. 19-01, amending Section 2-165 (Bidding required; exceptions) of Article 2 (Purchasing) of Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code.

ITEMS PULLED FROM THE CONSENT CALENDAR (00:41:58)

3. **WARRANT RESOLUTION NO. 2612 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-26 "A" FOR \$1,103.19 AND 19-01 FOR \$2,815,714.89; AND CITY OPERATING EXPENSES FOR \$4,995,707.51; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:42:02)**

Public Comment:

Speaker, spoke on City staff filling a pot hole; and West Coast Arborist. (00:42:08)

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

MOTION: Approve Warrant Resolution No. 2612.

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

ACTION:

City Council approved Warrant Resolution No. 2612.

6. **SECOND READING OF THE ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS (00:44:48)**

Tamara Letourneau, Acting City Manager, presented the staff report. (00:45:08)

Public Comments:

Speaker, requested clarification on urgency; and spoke on transparency. (00:47:42)

Speaker, spoke on transparency and accountability. (00:48:47)

Public Comments closed.

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

MOTION: Give second reading and adopt Ordinance No. 19-04.

Council Member Mansoor spoke against the motion. (00:50:28)

Council Genis spoke against the motion. (00:51:50)

Council Member Reynolds spoke in support of the motion. (00:53:00)

Council Member Chavez spoke in support of the motion. (00:55:43)

Mayor Pro Tem Stephens spoke in support of the motion. (00:56:25)

Ms. Letourneau spoke on issues with CRONEY. (00:59:52)

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

MOTION: Give second reading and adopt Ordinance No. 19-04.

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 gave second reading and adopted Ordinance No. 19-04 repealing Article 2 (Civic Openness in Negotiations) of Chapter VI (Personnel) of Title 2 (Administration) of the Costa Mesa Municipal Code.

8. **AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES FOR THE LIONS PARK PLAYGROUND IMPROVEMENTS** (01:01:38)

Raja Sethuraman, Public Services Director, presented the staff report. (01:01:52)

Discussion ensued on including the remodeling of the bathrooms; the March 9th Community meeting; receiving input from the youth; focus groups; and a survey. (01:03:20)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of the item; and spoke on the Fish Fry. (01:08:43)

Beth Refakes, Costa Mesa, spoke to supporting the playground as an airplane park. (01:12:00)

Speaker, spoke to supporting the playground as an airplane park; and keeping the name Lions Park. (01:14:22)

Speaker, spoke on the high costs for a park; and spoke on the homeless in the park. (01:15:01)

Janet Krochman, Costa Mesa, clarified the name of Lions Park; and spoke on the Lions Club and Fairview Park. (01:17:20)

MOVED/SECOND: Council Member Reynolds/Council Member Marr
MOTION: Approve recommended actions.

Council Member Reynolds spoke in support of the motion. (01:18:48)

Council Member Marr spoke in support of the motion. (01:19:35)

Council Member Mansoor spoke in support of the motion. (01:20:25)

Council Member Genis clarified the issue at Fairview Park; and spoke on including a component for the teens. (01:20:55)

Mayor Pro Tem Stephens spoke on reaching out to very young children; and spoke on Early Childhood Education program. (01:22:42)

Mayor Foley spoke in support of the motion. (01:24:53)

MOVED/SECOND: Council Member Reynolds/Council Member Marr
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

Motion carried: 7-0

ACTION:

1. City Council approved Amendment No. 1 to the existing Professional Services Agreement with David Volz Design Landscape Architects, Inc., 151 Kalmus Drive, Ste. M8, Costa Mesa, CA for the design of playground improvements at Lions Park, increasing the compensation by \$207,122.20; and
2. Authorized the Acting City Manager and City Clerk to execute the Professional Services Agreement and future authorized amendments to the Agreement.

9. **AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING, YOCCA, CARLSON & RAUTH FOR SPECIAL COUNSEL LEGAL SERVICES (01:26:41)**

Kelly Telford, Finance Director, presented the staff report. (01:27:07)

Discussion ensued on an open-ended contract; and CPI increase. (01:27:55)

Public Comments:

Speaker, spoke on the contract. (01:29:51)

MOVED/SECOND: Council Member Reynolds/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

Motion carried: 7-0

ACTION:

1. City Council approved the proposed Amendment No. 5 to the Professional Services Agreement with Stradling Yocca Carlson & Rauth, PC ("Stradling firm") for special counsel legal services; and
2. Authorized the Acting City Manager and City Clerk to execute the proposed amendment and future amendments to the agreement.

11. **FUNDING FOR EMERGENCY REPAIRS TO FAIRVIEW PARK BLUFFS**

(01:30:51)

Justin Martin, Parks and Community Services Director and Cynthia D'Agosta, Fairview Park Administrator, spoke on the item and showed photographs of the bluffs. (01:31:05)

Discussion ensued on the erosion by vernal pool; and the emergency repairs. (01:33:20)

Public Comments:

Andy Campbell, Costa Mesa, spoke in support of the project. (01:40:47)

Kim Hendricks, Costa Mesa, spoke on the process; the contractor doing the work; and the need for an overall restoration plan. (01:41:49)

Ralph Taboada, Costa Mesa, spoke in support of the project; and expressed concern on the funds coming from the Park Development project. (01:44:53)

Public Comments closed.

MOVED/SECOND: Council Member Genis/Council Member Reynolds

MOTION: Approve recommended actions.

Council Member Genis, spoke on a comprehensive restoration plan for Fairview Park. (01:46:40)

Council Member Reynolds spoke on a restoration plan for Fairview park; and spoke in support of the motion. (01:47:00)

Council Member Marr spoke in support of the motion. (01:48:48)

Council Member Chavez spoke in support of the motion. (01:49:10)

Discussion ensued on the Capital Project Funds. (01:49:20)

Mayor Foley spoke in support of the motion. (01:50:30)

MOVED/SECOND: Council Member Genis/Council Member Reynolds

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

Motion carried: 7-0

ACTION:

1. City Council approved a budget adjustment in the amount of \$200,000 from unassigned fund balance in the Park Fees Fund to pay for necessary emergency repairs to the bluffs (cliffs) at Fairview Park; and
2. Authorized the City Manager to enter into a contract to complete the emergency work.

City Council recessed into a break at 8:00 p.m. (01:50:49)

City Council reconvened at 8:12 p.m. (01:51:16)

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE

OLD BUSINESS: NONE

NEW BUSINESS (01:51:17)

1. **[AUTHORIZATION OF BIDDING EXEMPTION UNDER SECTION 2-165 OF THE COSTA MESA MUNICIPAL CODE AND AWARD OF BRIDGE SHELTER OPERATOR PROFESSIONAL SERVICES AGREEMENT \(01:51:30\)](#)**

Justin Martin, Parks and Community Services Director, presented the staff report. (01:51:46)

Discussion ensued on Case Management and assignments of staff; occupancy rate expectancy; the timeline to hire an operator; a comprehensive security plan at the site; Mercy House Transition plan; philanthropy process; contract terms and termination; reducing response time; analysis of costs; and timing of start of the operations. (01:57:58)

Public Comments:

Lynn Redman, Costa Mesa, spoke on the cost per person to taxpayers related to homeless. (02:19:32)

Janet Krochman, Costa Mesa, spoke on the charities available to assist with costs. (02:20:49)

Wendly Leece, Costa Mesa, spoke in support of Larry Haynes and Mercy House; and spoke on security issues. (02:23:15)

Speaker, spoke in support of Salvation Army; and spoke on sober living homes. (02:26:17)

Ralph Taboada, Costa Mesa, spoke on reserve funding; and the mid-year budget review. (02:28:31)

Beth Refakes, Costa Mesa, spoke on the operator; drop-off and pick-up sites; and bidding process for permanent shelter. (02:30:12)

Speaker, expressed concern on timing and the selection of Mercy House; drop-off points; operation of lighthouse; spoke on funding sources; and spoke in support of Salvation Army. (02:32:34)

Robin Leffler, Costa Mesa, spoke on the finances; expressed concern on the timing; and spoke in support of Salvation Army. (02:35:34)

Speaker, spoke on shifting the burden to sober living. (02:36:39)

Phil Eyskens, Pastor of the Lighthouse Church, spoke on services at the Lighthouse Church. (02:39:43)

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (02:42:13)

MOTION #1: Approve recommended action number 1.

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (02:42:47)

MOTION #2: Approve recommended action number 2.

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (02:43:11)

MOTION #3: Approve recommended action number 3.

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (02:43:42)

MOTION #4: Approve recommended action number 4.

Mayor Pro Tem Stephens spoke on not receiving a bid from the Salvation Army and in support of the motions. (02:44:24)

Mayor Foley spoke in support of the motions. (02:48:58)

Council Marr spoke in support of the motions. (02:52:40)

Council Member Genis requested the maker of the motions to include that it will be exempt from the Municipal Code's formal bidding requirements due to the need to move homeless individuals off the streets and to meet federal court deadlines. Mayor Pro Tem Stephens (the maker of the motions) and Mayor Foley (the second) both concurred. (02:54:45)

Council Member Genis clarified the motion for the Professional Services Agreement included the term is for a period of two years and the contractor must provide the City 180 days written notice prior to termination. Mayor Pro Tem Stephens and Mayor Foley both concurred. (02:55:35)

Council Member Genis expressed concern on the 7-day bid turnaround; and spoke on finding other funding. (02:55:53)

Council Member Reynolds spoke on her expectations of the operator; and spoke in support of the motions. (02:58:46)

Council Member Chavez spoke in support of the motions. (03:04:35)

Mayor Pro Tem Stephens spoke on the County participation. (03:07:55)

Mayor Foley spoke on the fund balance. (03:09:56)

VOTE ON MOTION #1

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

ACTION:

1. City Council determined that compliance with the bidding requirements and procedures of the Costa Mesa Municipal Code for the procurement of a shelter operator for the City's temporary interim and long-term bridge shelter facilities is not in the best interest of the City, such that the procurement of the shelter operator will be exempt from the Municipal Code's formal bidding requirements due to the need to move homeless individuals off the streets and to meet federal court deadlines.

VOTE ON MOTION #2

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

ACTION:

2. City Council awarded a Professional Services Agreement to Mercy House Living Centers in the amount of \$1,457,000 as the City's interim and long-term bridge shelter operator.

VOTE ON MOTION #3

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

ACTION:

3. City Council authorized the Acting City Manager and City Clerk to execute the proposed agreement and future authorized changes and amendments to the agreement and allow up to an additional ten percent (10%) contingency totaling \$145,700 as needed for unforeseen costs.

VOTE ON MOTION #4

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: None

Motion carried: 6-1

ACTION:

4. City Council authorized a budget adjustment totaling \$509,950.00 for bridge shelter operator services from unassigned fund balance in the General Fund.

City Council recessed into a break at 9:40 p.m. (03:15:00)

City Council reconvened at 9:45 p.m. (03:15:16)

2. URBAN MASTER PLAN SCREENING REQUEST (UMP-17-01) FOR A MIXED-USE DEVELOPMENT IN THE SOUTH BRISTOL ENTERTAINMENT AND CULTURAL ARTS (SOBECA) URBAN PLAN AREA CALLED “CAMP OUT” AT 2944 AND 2948 RANDOLPH AVENUE (03:16:30)

Dan Inloes, Economic Development Administrator, presented the staff report. (03:16:34)

Chris Benett, representing LAB Holding, provided a presentation on the project. (03:24:20)

Discussion ensued on the parking study; parking spot for rideshare; open space data; changes in the operational characteristics of onsite businesses; timelines of parking studies; landscaping requirements; pathway to the CAMP and the conditional use permit; parking options; Randolph restriping plan and cost; and scootability and timelines. (03:27:40)

Public Comments:

Robin Leffler, Costa Mesa, spoke on parking concerns. (03:53:54)

Jay Humphrey, Costa Mesa, spoke on parking concerns and suggested parking meters. (03:54:20)

Public Comments closed.

City Council provided feedback to accept for processing the development plans for a proposed Urban Master Plan for a mixed-use development within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan area:

Council Member Marr spoke on the need to update flexible parking standards; parking concerns; and calculating trips generated. (03:57:09)

Council Member Mansoor spoke on parking concerns. (04:01:05)

Council Member Genis spoke on parking concerns; and regulation of scooters. (04:02:08)

Council Member Reynolds spoke on parking concerns; spoke in support of the re-use of the building, integration with the CAMP and coffee shops opening late; and spoke on parking meters and parking solutions. (04:07:00)

Council Member Chavez spoke on parking concerns and options. (04:10:26)

Mayor Pro Tem Stephens spoke on the Bootlegger Brewery; uber; scooters; and bikes. (04:12:05)

Mayor Foley spoke on the need to have places to gather, socialize and build community; parking study; and taking alternative transportation. (04:16:33)

3. **APPOINTMENTS TO THE PLANNING COMMISSION, PARKS AND RECREATION COMMISSION AND SENIOR COMMISSION** (04:23:24)

Brenda Green, City Clerk, presented the staff report. (04:23:35)

Justin Martin, Parks and Community Services Director, spoke on the Senior Commission; and adding liaisons. (04:26:40)

Yvette Aguilar, Recreation Manager, spoke on the previous advisory committee. (04:34:20)

Public Comments:

Charlene Ashendorf, Costa Mesa, spoke in support of the re-organization. (04:36:52)

Gary Parkin, Costa Mesa, spoke in support of the reorganization. (04:39:40)

Robin Leffler, Costa Mesa, spoke on the Recreation Plan; not diluting the Parks and Recreation Commission; and suggested a Senior Committee. (04:40:38)

Derek DeCicco, Costa Mesa, spoke on wanting to serve on the Parks and Recreation Commission. (04:42:20)

PLANNING COMMISSION

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Stephens (04:44:29)

MOTION #1: City Council direct staff to bring back an ordinance that would expand the Planning Commission from five (5) to seven (7) seats with one Planning Commissioner for each electoral district of the City and one at-large member. The Council Member for each electoral district will nominate the planning commission member for his or her district and the Mayor will nominate the at-large member. All appointments will be subject to approval of a majority vote of the entire council.

Mayor Pro Tem Stephens spoke in support of the motion. (04:46:00)

Discussion ensued on expanding the Planning Commission. (04:46:46)

Council Member Genis spoke against the motion. (04:47:35)

Council Member Reynolds spoke in support of the motion. (04:49:15)

Council Member Chavez encouraged individuals from District 4 to apply. (04:50:56)

Mayor Foley spoke on the recruitment process. (04:51:55)

Mayor Pro Tem Stephens spoke on a group of balanced community members with diverse backgrounds. (04:52:40)

VOTE ON MOTION #1

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 directed staff to bring back an ordinance that would expand the Planning Commission from five (5) to seven (7) seats with one Planning Commissioner for each electoral district of the City and one at-large member. The Council Member for each electoral district will nominate the planning commission member for his or her district and the Mayor will nominate the at-large member. All appointments will be subject to approval of a majority vote of the entire council.

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr (04:54:41)

MOTION #2: Appoint Kedarious O. Colbert (District 2), Carla Navarro Woods (District 3) and Jonathan Zich (District 1) to the Planning Commission with a term expiration of February 2023.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor.

Absent: None

Motion carried: 6-1

ACTION:

City Council appointed Kedarious O. Colbert, Carla Navarro Woods and Jonathan Zich to the Planning Commission with a term expiration of February 2023.

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Stephens (04:56:19)

MOTION #3: Following the adoption of the ordinance, direct staff to begin recruitment for Districts 4 and 5.

Council Member Genis spoke against the motion. (04:58:00)

VOTE ON MOTION #3

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:

Following the adoption of the ordinance, directed staff to begin recruitment for Districts 4 and 5.

SENIOR COMMISSION AND PARKS AND RECREATION COMMISSION

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION #4: Direct staff to bring back ordinances to:

- a) Dissolve the Senior Commission; and
- b) Rename the Parks and Recreation Commission to the Parks and Community Services Commission; and
- c) Expand the Parks and Community Services Commission from five (5) to seven (7) seats, with one member designated as the liaison for the Senior Center and one to serve as the liaison to arts and cultural related initiatives in the City.

Council Member Chavez spoke in support of the motion. (05:01:45)

Discussion ensued on how the liaisons will be selected. (05:02:02)

Council Member Reynolds spoke on district representation on the Parks and Recreation Commission. (05:06:00)

Mayor Pro Tem Stephens requested a listing of the parks within the 5 park districts and within the 6 voting districts. (05:07:50)

Mayor Foley requested the maker of the motion to rename the Parks and Recreation Commission to the Parks, Arts, and Community Services Commission. Council Member Marr (the maker of the motion) and Council Member Chavez (the second) concurred. (05:08:36)

Mayor Foley spoke on the recruitment to be more targeted. (05:09:25)

VOTE ON MOTION #4:

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

ACTION:

City Council directed staff to bring back ordinances to:

- a) Dissolve the Senior Commission; and
- b) Rename the Parks and Recreation Commission to the Parks, Arts, and Community Services Commission; and
- c) Expand the Parks, Arts and Community Services Commission from five (5) to seven (7) seats, with one member designated as the liaison for the Senior Center and one to serve as the liaison to arts and cultural related initiatives in the City.

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr (05:11:10)

MOTION #5: Appoint Derek DeCicco, Sara J. Fahy and Cassius A. Rutherford to the Parks and Recreation Commission with a term expiration of February 2023.

Council Member Stephens spoke on the motion. (05:11:20)

Council Member Marr spoke in support of the motion. (05:11:58)

MOVED/SECOND: Council Member Genis/Council Member Mansoor (05:12:22)

SUBSTITUTE MOTION: Appoint Kristina Bogner, Darrell Neft and Lynn Redman to the Parks and Recreation Commission with a term expiration of February 2023.

The motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Mansoor.

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

Absent: None

Motion failed: 2-5

Council Member Reynolds spoke in support of Carina Lavin. (05:13:14)

VOTE ON MOTION #5

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 appointed Derek DeCicco, Sara J. Fahy and Cassius A. Rutherford to the Parks and Recreation Commission with a term expiration of February 2023.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:18:10)

Council Member Marr spoke on the Costa Mesa Senior prom on March 29th at 5 p.m.

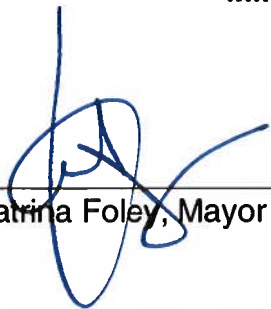
Council Member Genis reminded all about the Pet adoption event on February 9th.

Council Member Reynolds requested an active committee list and mission statements.

Mayor Pro Tem Stephens praised Ms. Letourneau.

ADJOURNMENT (05:22:02) – Mayor Foley adjourned the meeting at 11:50 p.m. in memory of Garden Grove Fire Chief Tom Schultz and Ventura County Sheriff's Department search and rescue team member Jeff Dye.

Minutes adopted on this 19th day of March, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk