

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

FEBRUARY 19, 2019

CALL TO ORDER

The Closed Session was called to order by Mayor Foley 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 4:45 p.m.), Council Member Mansoor (arrived at 4:02 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION: NONE

The City Council recessed to Room 102 at 4:02 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 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.

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. 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.

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. 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.

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. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

The City Council reconvened at 6:01 p.m.

CALL TO ORDER (00:00:08)

The meeting was called to order by Mayor Foley at 6:01 p.m. in Grand Hall 1 of the
Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

NATIONAL ANTHEM (00:00:43) St. John the Baptist Catholic School Chamber singers

PLEDGE OF ALLEGIANCE (00:02:47)

MOMENT OF SOLEMN EXPRESSION (00:03:08)

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

ROLL CALL (00:04:45)

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 (00:05:04) – NONE

PRESENTATIONS (00:05:11)

1. Presentation on California's Balanced Energy Strategy by Ms. Lanae O'Sheilds,
Public Affairs Manager for Southern California Gas Company. (00:05:28)
2. Presentation on the Bikeway and Walkability Committee Annual Report by Chair
Cynthia McDonald. (00:10:42)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:24:28)

Flo Martin, Costa Mesa, spoke on offering free copies of the Mother Jones magazine for the City Hall lobby; and spoke on Epoch Times newspaper. (00:25:00)

Gary Parkin, Costa Mesa and Chair of the Historical Preservation Committee, spoke on the Adobe Dedication and a plaque presented by the OC Historical Commission. (00:28:32)

Richard Mehren, Costa Mesa and President of the Fairview Park Preservation Alliance, read a letter received from the Department of the U.S. Fish and Wildlife; and spoke on Fairview Park and disturbing endangered species. (00:29:54)

Bryan Estrada, Costa Mesa, spoke against small cell 5g wireless towers. (00:33:24)

Ashley Estrada, Costa Mesa, spoke against small cell 5g wireless towers and submitted a petition. (00:36:51)

Kim Hendricks, Costa Mesa, read a letter received from the Department of the U.S. Fish and Wildlife; spoke on Fairview Park and disturbing endangered species. (00:40:00)

Speaker, spoke on a bush growing around a telephone enclosure on Trinity and Paularino; and requested a no turn on red signal sign off 73 onto Bear Street and a yield sign on Trinity and Yellowstone. (00:43:13)

John Sanderson, Costa Mesa, spoke on Grant Boys being vacant. (00:45:12)

Speaker, spoke in support of the distribution of the micro cell system; spoke on his bobcat machine; and an unlicensed marijuana shop. (00:45:34)

Robin Leffler, Costa Mesa, spoke on the Bikeway and Walkability Committee presentation; and Council Members asking questions. (00:48:25)

Speaker, spoke against the Planning Commission's decision regarding a project on 17th and Westminster. (00:49:32)

Speaker, spoke against cell tower sites. (00:52:39)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:54:06)

Council Member Mansoor – No comments. (00:54:18)

Council Member Genis spoke on Orange County Vector Control and control of typhus; treating pets for fleas; regulation of cell phone antennas and the FCC; and turning off automatic sprinklers during the rain. (00:54:20)

Council Member Reynolds spoke on the Newport Mesa Arts Commission; reported on her attendance at the Costa Mesa Chamber of Commerce luncheon and a Ribbon Cutting for Working Wardrobes; spoke on Human Options; Assemblywoman Cottie Petrie-Norris Town Hall meeting; Fire Department CERT Training; Political Comedy called "God Help Us"; and Committee recruitments. (00:57:49)

Council Member Chavez spoke on meeting with residents and getting involved with Committees. (01:01:21)

Council Member Marr spoke on the SoCal Gas presentation and on fossil fuels; spoke on 5g small cell towers; smart cities; sustainability; and Heroes Hall opening on Prisoners of War. (01:02:15)

Mayor Pro Tem Stephens praised Mayor Foley; spoke on meeting with Judge Carter; requested to adjourn the meeting in memory of Bob Stern; reported on his attendance at the Diego Sepulveda Adobe Plaque Dedication and the student-run Tet Festival; spoke on the CAMP; and Congressman Harley Rouda's Town Hall meeting. (01:06:23)

Mayor Foley thanked Mercy House and the City Attorney's office; spoke on Committee recruitments; reported on her attendance at the Tet Festival and Pacific Symphony Requiem; working with Senator Feinstein's office on Sober Living Home reforms; spoke on burrowing owls at Fairview Park; moving the Fish Fry to Lions Park; and her open office hours. (01:10:13)

REPORT – CITY MANAGER – Ms. Letourneau invited all to a neighborhood meeting on the Lions Park Playground Improvements Project on Saturday, March 9 from 10:00-12:00 p.m. at the Costa Mesa Senior Center and spoke on a new web page, online survey, and mailers regarding the project; provided I-405 updates on the City website; and spoke on the City Manager recruitment. (01:13:59)

REPORT – CITY ATTORNEY – Ms. Barlow spoke on the new laws for sober living homes and bringing forward amendments to the ordinance; and the FPPC's recent rule change regarding real properties and Council Members recusing themselves from participation in certain decisions. (01:15:56)

CONSENT CALENDAR (01:19:10)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 3, 5, 6 and 7.

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: Dean Lob/Statefarm Insurance, Ann Parker and Tracie Todd.

ACTION:

City Council received and filed.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 15, 2019**

ACTION:

City Council approved the minutes of January 15, 2019.

ITEMS PULLED FROM THE CONSENT CALENDAR (01:20:05)

3. **WARRANT RESOLUTION NO. 2613 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL 19-01 "A" FOR \$6,168.95; 19-02 FOR \$2,507,712.38; 19-02 "A" FOR \$-4,892.30; 19-03 FOR \$2,635,598.81; AND CITY OPERATING EXPENSES FOR \$1,761,533.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:20:10)**

Public Comment:

Speaker spoke on legal fees and sober living homes. (01:20:13)

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve Warrant Resolution No. 2613.

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. 2613.

5. ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENT FOR LIONS PARK PROJECTS (01:22:05)

Tamara Letourneau, Acting City Manager, presented the staff report. (01:22:13)

Discussion ensued on donations. (01:23:58)

No public comments on this item.

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 accepted the ten monetary donations for the Lions Park Projects from the Costa Mesa Community Foundation; and
2. Authorized a budget adjustment recognizing \$254,860 in donations and appropriating the funds to the Lions Park Projects capital budget for the specified purposes.

6. CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM 16TH STREET TO 18TH STREET, CITY PROJECT NO. 18-03 (01:24:38)

Council Member Chavez spoke in support of the project. (01:25:15)

Bart Mejia, City Engineer, spoke on the project. (01:25:44)

No public comments on this item.

MOVED/SECOND: Council Member Chavez/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 accepted the work performed by Copp Contracting, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the Acting City Manager to release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

7. APPROVE RESOLUTION TO REPAY REMAINDER OF LOAN BETWEEN GENERAL FUND AND PARK DEVELOPMENT FEE FUND AND EARMARK FOR REPLACEMENT OF ERP AND LMS SYSTEMS (01:26:26)

Kelly Telford, Finance Director, presented the staff report. (01:26:47)

Public Comment:

Ralph Taboada, Costa Mesa, spoke in support of the transfers and to establish terms for repayment. (01:33:47)

Public Comment closed.

Council Member Genis spoke in support of utilization of park development fees for this item. (01:36:38)

Council Member Reynolds spoke on grants for additional park land. (01:38:44)

Council Member Chavez spoke in support of the item. (01:39:11)

MOVED/SECOND: Mayor Pro Tem Stephens/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 Resolution No. 19-08, authorizing repayment of the remainder of the 2007 loan from the General Fund to the Park Development Fees Fund, which has a remaining balance as of January 31, 2019 of \$1,731,074; and

2. To facilitate the repayment of the loan, authorized the following budget adjustments:
 - a) Appropriate \$1,731,074 from restricted fund balance in the Park Development Fees Fund for the repayment of the loan from the General Fund;
 - b) Increase budgeted revenues by \$1,731,074 in the General Fund; and
 - c) Transfer \$1,731,074 from the General Fund to the IT Replacement Fund and commit it for the replacement of the land management system (LMS) and enterprise resource planning (ERP) systems; and
3. Directed staff to return at a later date to recommend contractors for the purchase and implementation of the LMS and ERP systems.

City Council recessed into a break at 7:41 p.m.

City Council reconvened at 7:55 p.m.

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

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

1. CITY COUNCIL REVIEW OF PLANNING APPLICATION PA-17-11, A MASTER PLAN FOR THE FUTURE EXPANSION OF VANGUARD UNIVERSITY AT 55 FAIR DRIVE (01:42:36)

Mel Lee, Senior Planner, presented the staff report. (01:42:59)

Discussion ensued on a speed survey; setbacks; noise generating activities; construction vehicle activity impacts; safety response times; and the Master plan. (01:55:40)

Dr. Michael J. Beals, applicant, provided a power point presentation on the project. (02:09:40)

Council Member Reynolds inquired on the height of the poles; noise activities; and the cardboard compactor. (02:20:05)

Tim Young, Vice-President of the Student Affairs, spoke on the design process. (02:22:38)

Council Member Chavez inquired on the M & O Building in the parking structure; cost concerns; logistical problems with an offsite location; and noise impacts. (02:24:30)

Council Member Marr inquired on the pathways for the golf courts; site views from Newport Landing; and the list of equipment in the facility. (02:29:13)

Mayor Pro Tem Stephens inquired on the building height; and setback requirements. (02:31:40)

Megan Gaunce, architect, spoke on building mass to shield noise; mitigation efforts; and green space. (02:36:20)

Mayor Foley spoke on requiring the cardboard compactor to be enclosed. (02:41:15)

Public Hearing opened:

Leanne Brown, Costa Mesa, spoke against the proposed location of the M & O facility. (02:42:05)

Speaker, spoke against the proposed location of the M & O facility. (02:45:12)

Speaker, spoke in support of the Master Plan. (02:47:57)

Kayla Kelly, Costa Mesa, spoke in support of the Master Plan. (02:50:21)

Tara Serven, Costa Mesa, spoke in support of the Master Plan. (02:52:28)

Speaker, spoke in support of the Master Plan. (02:55:35)

Amanda Lebrecht, spoke in support of the Master Plan. (02:57:16)

Nate Harrison, Costa Mesa, spoke against the proposed location of the M & O facility. (03:00:08)

Chris Coldiron, Costa Mesa, spoke on traffic concerns on Vanguard Way. (03:00:49)

Michael Biagi, Costa Mesa, spoke against the proposed location of the M & O facility. (03:03:20)

Flo Martin, Costa Mesa, spoke on delivery trucks parked on the streets. (03:04:57)

Lyndsey Leer, Costa Mesa, spoke against the proposed location of the M & O facility. (03:06:04)

Bill Mitchell, Costa Mesa, spoke on traffic concerns on Vanguard Way. (03:08:22)

Speaker, spoke against the proposed location of the M & O facility. (03:10:01)

Denise Cutler Boyd, Costa Mesa, spoke on traffic concerns on Newport Boulevard. (03:12:47)

Robin Leffler, Costa Mesa, spoke on mitigation. (03:15:46)

Public Hearing closed.

Dr. Beals addressed the issues raised by the public speakers. (03:18:00)

Discussion ensued on the residential building height; speed monitoring study; general plan designation of the area; and the list of equipment. (03:23:35)

Barry Curtis, Economic and Development Services Director, spoke on the CEQA document; and noise standards. (03:33:03)

Discussion ensued on a condition of approval regarding semi-truck deliveries; trash compactor; traffic and safety concerns; a black box and a motorcycle officer to track speed; a no construction entrance; and traffic calming solutions. (03:35:03)

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Mansoor
MOTION: Modify the Planning Commission's decision to approve Planning Application 17-11 with changes to the Conditions of Approval. (03:50:00)

Council Member Genis requested Mayor Pro Tem Stephens (the maker of the motion) to alter Condition of Approval #9 to state that trash compacting activities shall be contained within an enclosed structure. Mayor Pro Tem Stephens and Council Member Mansoor (the second) both concurred. (03:51:56)

Mayor Pro Tem Stephens spoke on the motion. (03:54:43)

Council Member Mansoor spoke in support of the motion. (03:56:35)

Council Member Genis spoke in support of the motion. (03:57:30)

Council Member Reynolds spoke on the motion. (04:00:35)

Council Member Chavez spoke in support of the motion. (04:09:27)

Council Member Marr spoke against the motion. (04:11:20)

Mayor Foley requested Mayor Pro Tem Stephens (the maker of the motion) to agree to the following Conditions of Approval: the driveway leading into the M & O building must be gated and signed for employees only; the mechanical equipment shall be placed so as to be on the portion of the roof furthest from abutting residential properties; and no delivery trucks shall park or idle in the median or on the side of the road. Mayor Pro Tem Stephens and Council Member Mansoor (the second) both concurred. (04:13:22)

Mayor Foley spoke in support of the motion. (04:15:28)

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

MOTION: Modify the Planning Commission's decision to approve Planning Application 17-11 with changes to the Conditions of Approval.

The motion carried by the following roll call vote:

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

Nays: Council Member Marr, Council Member Reynolds.

Absent: None

Motion carried: 5-2

ACTION:

City Council modified the Planning Commission's decision to approve PA-17-11 with the following changes to the Conditions of Approval:

(a) The driveway leading to the maintenance facilities off of Vanguard Way shall be posted with a sign stating "Access for Vanguard Employees and Deliveries Only".

(b) Noise-generating work at the Maintenance and Operations/Warehousing area shall be conducted outside the building only between the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday. Compactors shall be fully enclosed for sound attenuation. If noise complaints are received, additional measures shall be implemented to further reduce noise. Such measures may include but are not limited to, the use of machinery inside the building only with the roll-up doors in a closed position.

(c) The new driveway approach on Vanguard Way for the Maintenance and Operation/Warehouse Facility (Project C) shall not be used for construction vehicle access for any phases of the Master Plan.

(d) No more than two (2) semi-truck deliveries to the Maintenance and Operation/Warehouse Facility (Project C) shall be allowed per week. Hours of semi-truck deliveries shall be limited to between the hours of 10:00 a.m. and 3:00 p.m.

(e) All loading and unloading of delivery vehicles for the Maintenance and Operation/Warehouse Facility (Project C) shall be done on site. No loading, unloading, or idling of delivery vehicles shall occur on Vanguard Way.

(f) Roof-mounted mechanical equipment for the Maintenance and Operation/Warehouse Facility (Project C) shall be placed so as to be on the portion of the roof furthest from abutting residential properties.

(g) Final design of the Maintenance and Operation/Warehouse Facility (Project C) shall be forwarded to the Planning Commission for consideration and approval (public hearing required).

City Council recessed into a break at 10:30 p.m.

City Council reconvened at 10:40 p.m.

OLD BUSINESS: NONE

NEW BUSINESS:

1. APPROVAL OF A LEASE AGREEMENT WITH THE COSTA MESA LIGHTHOUSE CHURCH OF THE NAZARENE FOR USE OF A PORTION OF EXISTING PROPERTY TO BE UTILIZED AS THE CITY'S TEMPORARY BRIDGE SHELTER (04:19:30)

Justin Martin, Parks and Community Services Director, presented the staff report. (04:19:57)

Kimberly Hall Barlow, City Attorney, spoke on the updates to the lease agreement and the addendum. (04:24:00)

Discussion ensued on a transitional shelter; parking concerns; a 6-month notice of termination; and the terms of the lease. (04:31:40)

Public Comments:

Speaker, spoke on the Mercy House drivers. (04:45:33)

Phil Eyskens, Lighthouse Church Pastor, spoke on the trailers for sleeping and use of the parking lot. (04:48:42)

Discussion ensued on the shuttle stop; and religious images. (04:43:07)

Public Comments closed.

Mr. Martin spoke on the Temporary Bridge Shelter site layout. (04:50:46)

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (04:53:58)

MOTION: Approve recommended actions with the following changes to Addendum 1 (Lease):

(a) Change the terms to April 15, 2019 or the date of occupancy, whichever is earlier;

(b) Include a 6-month termination notice provision by the Lighthouse church;

Discussion ensued on the changes to the location of beds; and the configuration of the modulers. (04:55:10)

Ms. Barlow spoke on including the following to the motion (04:57:09)

(c) Exhibit B of the addendum, which references Temporary Trailers, may be modified as needed;

(d) Allow the Acting City Manager/City Manager to approve minor changes with the concurrence of the City Attorney and consistent with the City Council's direction.

Both Mayor Pro Tem Stephens (the maker of the motion) and Mayor Foley (the second) concurred. (04:57:58)

Mayor Pro Tem Stephens spoke on the motion. (04:58:02)

Council Member Genis spoke to continuing the item. (04:59:52)

MOVED/SECOND: Council Member Genis/None (05:01:16)

SUBSTITUTE MOTION: To continue the item to the February 26, 2019 meeting. Motion died due to lack of a second.

Council Member Reynolds spoke in support of the motion. (05:03:50)

Council Member Chavez spoke in support of the motion. (05:04:38)

Council Member Marr spoke in support of the motion. (05:04:43)

Mayor Foley spoke in support of the motion. (05:05:05)

Council Member Genis spoke on the issue. (05:07:55)

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley (04:53:58)

MOTION: Approve recommended actions with the following changes to Addendum 1 (Lease):

(a) Change the terms to April 15, 2019 or the date of occupancy, whichever is earlier;

(b) Include a 6-month termination notice provision by the Lighthouse church;

(c) Exhibit B of the addendum, which references Temporary Trailers, may be modified as needed;

(d) Allow the Acting City Manager/City Manager to approve minor changes with the concurrence of the City Attorney and consistent with the City Council's direction.

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:

1. City Council approved the Commercial Lease Agreement and Addendum 1 (Lease) between the City of Costa Mesa and the Costa Mesa Lighthouse Church of the Nazarene (Property Owner) to allow the City to utilize a portion of the existing property for a temporary bridge shelter for those experiencing homelessness with the following changes to Addendum 1 (Lease):
 - (a) Change the terms to April 15, 2019 or the date of occupancy, whichever is earlier;
 - (b) Include a 6-month termination notice provision by the Lighthouse church;
 - (c) Exhibit B of the addendum, which references Temporary Trailers, may be modified as needed;
 - (d) Allow the Acting City Manager/City Manager to approve minor changes with the concurrence of the City Attorney and consistent with the City Council's direction.
2. Authorized the Acting City Manager and City Clerk to execute the proposed Lease and future authorized changes and amendments to the agreement; and
3. Authorized the creation of an escrow account for the lease payments from the City to the Property Owner; and
4. Authorized a budget adjustment from unassigned fund balance in the General Fund in the amount of \$480,000 to fund the lease payments, modular trailer rentals and additional equipment and furniture that will eventually be moved to the permanent bridge shelter.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:09:34)

Council Member Reynolds thanked staff for the community outreach. (05:09:45)

Council Member Genis spoke regarding idling on red curbs. (05:10:25)

ADJOURNMENT – The Mayor adjourned the meeting at 11:32 p.m. in memory of Council Member Stephens' friend, Bob Stern.

Minutes adopted on this 7th day of May, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk