

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

**APRIL 16, 2019**

**CALL TO ORDER (00:00:11)**

The meeting was called to order by Mayor Foley at 6:02 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19<sup>th</sup> Street, Costa Mesa, California.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:01:07)**

Vanguard University Chamber Choir

**MOMENT OF SOLEMN EXPRESSION (00:03:20)**

Dr. Mike Decker, Palm Harvest Church

**ROLL CALL (00:06:40)**

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 Justin Martin, Assistant City Attorney Tarquin Preziosi, 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 – NO CLOSED SESSION HELD**

**PRESENTATIONS: NONE**

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: NONE**

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS  
(00:07:28)**

Council Member Marr spoke on shelter updates; reported on her attendance at the following: Urban Coyote Awareness meeting at City Hall; opening ceremony for the Vietnam Memorial Moving Wall that Heals; and networking luncheon for small businesses. (00:07:33)

Council Member Mansoor – No comments.

Council Member Genis reported on her attendance at the opening ceremony for the Vietnam Memorial Moving Wall that Heals and the Orange County Council of Governments Assembly. (00:11:45)

Council Member Reynolds spoke on the State of the City luncheon; City Council priorities; touring the Melinda Hoag Smith Center for Healthy Living; planting trees in Wilson Park on Earth Day, April 22<sup>nd</sup> from 8-12 p.m.; Urban Coyote Awareness meeting on April 23<sup>rd</sup>; Coffee with Assemblywoman Cottie Petrie-Norris on April 27<sup>th</sup>; Committee and Commission recruitments; purchasing from local vendors; and vehicle thefts. (00:13:40)

Council Member Chavez spoke on the Committee and Commission recruitment; the NMUSD Task Force meeting on April 17<sup>th</sup> regarding diversity; Urban Coyote Awareness meeting on April 23<sup>rd</sup>; and reported on his attendance at the opening ceremony for the Vietnam Memorial Moving Wall that Heals. (00:17:52)

Mayor Pro Tem Stephens spoke on the library tour; new library opening on May 24<sup>th</sup>; reported on his attendance at the Vietnam Memorial Moving Wall that Heals event; spoke on shelter updates; City Manager recruitment; Battle for the Bottles; and the Urban Coyote Awareness meeting on April 23<sup>rd</sup>.(00:20:07)

Mayor Foley reported on her attendance at an Olive Tree Initiative dinner and the opening ceremony for the Vietnam Memorial Moving Wall that Heals; thanked the Freedom Committee, Red Robin and Newport Rib Company; invited the public to the Board of Supervisors hearing regarding the airport expansion on April 23<sup>rd</sup> and to support the Council's resolution to support Alternative 3; spoke on the library tour; new library opening on May 24<sup>th</sup>; Earth Day on April 22<sup>nd</sup>; City Manager recruitment process; and thanked staff on homeless efforts. (00:23:37)

**REPORT – CITY MANAGER (00:28:53)**

Justin Martin, Acting City Manager, spoke on the Urban Coyote Awareness month; the grand opening of the new Donald Dungan library at Lions Park on May 24, 2019; and the temporary Bridge Shelter.

**REPORT – CITY ATTORNEY (00:31:14)**

Tarquin Preziosi, Assistant City Attorney, reported out that the Supreme Court denied Americare's Anti-trust claim against the City.

**CONSENT CALENDAR (00:31:57)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for 3, 4, 5, 6, 7 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: Arturo Garcia, Troy Johnson, Roelmer Sandoval, Silver Star Sound and Communications, and Debra Tozer.

**ACTION:**

City Council received and filed.

- 8. ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENTS FOR THE BRIDGE SHELTER**

**ACTION:**

1. City Council accepted the monetary donations from private donors and the Costa Mesa Sanitary District for the City's Bridge Shelter; and
2. Authorized a budget adjustment recognizing \$76,484.45 in donations and appropriating the funds to the City's Bridge Shelter budget.

- 9. BRISTOL STREET PROJECTS, FEDERAL PROJECT NOS. HSIPL-5312 (093) AND STPL-5132 (100) - CITY PROJECT NO. 16-20, PROJECTS A AND B**

**ACTION:**

1. City Council accepted the work performed by Sully-Miller Contracting Corporation for the subject projects, and authorized the City Clerk to file the Notice of Completion; and

2. Authorized the Acting City Manager to release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the six months warranty period; and release the retention monies immediately after the Notice of Completion filing date.

**10. BRISTOL STREET PROJECTS, CITY PROJECT NO. 16-20, PROJECTS C, D AND E**

**ACTION:**

1. City Council accepted the work performed by Sully-Miller Contracting Corporation for the subject projects, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the Acting City Manager to release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the six-month warranty period; and release the retention monies immediately after the Notice of Completion filing date.

**ITEMS PULLED FROM THE CONSENT CALENDAR (00:32:54)**

3. **WARRANT RESOLUTION NO. 2617 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL 19-07 FOR \$3,215,333.93 AND CITY OPERATING EXPENSES FOR \$2,804,712.34; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:32:59)**

Public Comments:

Speaker, spoke on the lawsuit filed by the City against manufacturers of opioids. (00:33:03)

Speaker, spoke on Sovereign Health. (00:34:27)

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

**MOTION:** Approve Warrant Resolution No. 2617.

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. 2617.

**4. AMENDMENTS TO THE PROFESSIONAL SERVICES AGREEMENTS FOR ANIMAL SHELTER AND ANIMAL ADOPTION SERVICES WITH NEWPORT CENTER ANIMAL HOSPITAL AND PRICELESS PET RESCUE (00:35:49)**

Mr. Martin presented the staff report. (00:36:03)

Council Member Genis spoke on the improved services; new law regarding pet shops; incoming animals receiving full health clearance, phone service at the shelter; and locating lost animals. (00:37:42)

Public Comments:

Lisa Price, representing Priceless Pet Rescue, spoke on addressing the issues and on the number of adoptions. (00:37:42)

Speaker, spoke on new grass for the dog park. (00:43:23)

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

**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 amendments to the existing Professional Services Agreements (PSA) with Newport Center Animal Hospital (NCAH) and Priceless Pet Rescue (PPR), for animal shelter and adoption services in the amounts of \$276,000 and \$31,200, respectively, per year; and
2. Authorized the Acting City Manager and City Clerk to execute the amendments and future amendments to the agreements with NCAH and PPR within Council authorized limits and allow up to an additional 10% contingency amounting to \$27,600 and \$3,120, respectively, per year, as needed for unforeseen costs.

**5. NEWPORT BOULEVARD WIDENING PROJECT (00:44:44)**

Jennifer Rosales, Transportation Services Manager, presented the staff report. (00:45:18)

Discussion ensued on the Transportation System Management (TSM) alternative; and funding on construction costs through Measure M grants. (00:50:15)

Council Member Marr spoke on community input; an additional community meeting; and walk and bike-ability. (00:54:34)

Discussion ensued on the cost and location for a right-of-way acquisition; collaborating with Caltrans; street parking; budget for the project; and Traffic Impact Fees. (00:56:51)

Mr. Sethuraman clarified the acquisition of property and will not be taking any business; purpose of the study; and the use of Traffic Impact Fees for active transportation. (01:04:11)

Mayor Foley spoke on adding walk and bike-ability to the scope; and requested for the Orange County Transportation Authority (OCTA) to do a presentation on the 55 terminus. (01:10:00)

Discussion ensued on parking; encroachment into sidewalk; landscape areas; reducing medians; and on the cut and cover technique. (01:13:04)

Public Comments:

Speaker, spoke against the project. (01:18:33)

Cynthia McDonald, Costa Mesa, spoke against the project. (01:22:00)

Speaker, spoke against the project. (01:25:02)

Ralph Taboada, Costa Mesa, spoke on the City Council needing more information before making the decision. (01:26:16)

Beth Refakes, Costa Mesa, spoke on concerns with the project. (01:28:18)

Speaker, spoke on concerns with the project. (01:31:18)

Robin Leffler, Costa Mesa, spoke against the project. (01:34:04)

Public Comments closed.

Mayor Foley clarified the item is for a Professional Services Agreement for the design of the project. (01:36:14)

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

**MOTION:** Approve recommended actions with the following modifications:

Direct staff to hold an additional public workshop at the beginning of the project; and include in the Professional Services Agreement that the Consultant shall incorporate active transportation plan improvements as part of the scope of work for the Newport Boulevard project. (01:39:00)

Council Member Marr spoke on the motion; and requested staff to bring back an RFP for design for improved parking and accommodations for businesses in the area. (01:40:14)

Council Member Genis spoke to supporting the motion. (01:43:50)

Discussion ensued regarding data on cut through traffic; timeline of the project; and the need for approval by June 30<sup>th</sup> or will lose the grant. (01:45:20)

Council Member Reynolds requested Council Member Marr (the maker of the motion) to also add that the design incorporates complete street elements and enhances safe routes to parks design concepts. Both the maker of the motion and the second (Council Member Genis) concurred. (01:55:00)

Council Member Reynolds requested Council Member Marr to add that in addition to the scope of work outlined that the staff will include a business and a resident meeting. Both Council Member Marr and Council Member Genis concurred. (01:55:53)

Council Member Reynolds requested Council Member Marr to add that the Economic Development Department will have input in the process to ensure the design will enhance the revitalization of the downtown district. Both Council Member Marr and Council Member Genis concurred. (01:57:18)

Council Member Chavez spoke to supporting the motion. (01:58:27)

Discussion ensued on the levels of traffic. (01:59:27)

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds  
**SUBSTITUTE MOTION:** Continue the item to the first City Council meeting in June and meet with the business owners. (02:00:34)

Mayor Pro Tem Stephens spoke on the substitute motion. (02:01:05)

Mayor Foley requested the maker of the motion to add to the scope of work an alternative that would contemplate increasing the capacity without widening. (02:02:34)

Mr. Sethuraman spoke on an alternative with no right-of-way impact. (02:05:55)

Council Member Genis suggested the following changes in the contract: change the wording from widening concept to improvement concept and add "including one improvement concept requiring no additional right-of-way". Both Council Member Marr and Council Member Genis concurred. (02:06:50)

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds  
**VOTE ON SUBSTITUTE MOTION:** Continue the item to the first City Council meeting in June and meet with the business owners.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Stephens and Council Member Chavez.

Nays: Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, and Mayor Foley.

Absent: None

Motion failed: 2-5

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

**ORIGINAL MOTION:** Approve recommended actions with the following modifications:

Direct staff to hold an additional public workshop at the beginning of the project and a business and a resident meeting; include in the Professional Services Agreement that the Consultant shall incorporate active transportation plan improvements as part of the scope of work for the project and the design incorporates complete street elements and enhances safe routes to parks design concepts; the Economic Development Department to have input in the process to ensure that the design will enhance the revitalization of the downtown district; change the wording "widening concept" on the contract to "improvement concept"; and add the inclusion of one improvement concept requiring no additional right-of-way.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, and Mayor Foley.

Nays: Mayor Pro Tem Stephens.

Absent: None

Motion carried: 6-1

**ACTION:**

1. City Council approved the Professional Services Agreement (PSA) with Onward Engineering for the design of the Newport Boulevard Widening Project in the amount of \$457,811; and
2. Authorized the Acting City Manager and the City Clerk to execute the PSA and future amendments to the agreement; and
3. Authorized an additional ten percent (10%) contingency totaling \$45,781 as needed for unforeseen costs; and
4. Approved the Cooperative Agreement between the City of Costa Mesa and the State of California Department of Transportation ("Caltrans") for the Newport Boulevard Widening Project; and
5. Authorized the Acting City Manager and the City Clerk to execute the Cooperative Agreement and any future amendments to the agreement; and



- ADDED** 6. Directed staff to hold an additional public workshop at the beginning of the project and a business and a resident meeting; and
- ADDED** 7. Directed staff to include in the Professional Services Agreement that the Consultant shall incorporate active transportation plan improvements as part of the scope of work for the project and the design incorporates complete street elements and enhances safe routes to parks design concepts; and
- ADDED** 8. Directed the Economic Development Department to have input in the process to ensure that the design will enhance the revitalization of the downtown district; and
- ADDED** 9. Directed staff to change the wording “widening concept” on the contract to “improvement concept” and also add the inclusion of one improvement concept requiring no additional right-of-way.

**6. SECOND READING AND ADOPTION OF ORDINANCE NO. 19-10 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 10-194 (SLEEPING IN MOTOR VEHICLES PROHIBITED) OF CHAPTER X (STOPPING, STANDING AND PARKING GENERALLY) OF TITLE 10 (MOTOR VEHICLES AND TRAFFIC), RELATING TO PROHIBITIONS AGAINST SLEEPING IN VEHICLES**

**SECOND READING AND ADOPTION ORDINANCE NO. 19-12 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 11-302 (DEFINITIONS) AND 11-304 (CAMPING IN PUBLIC AREAS PROHIBITED) OF CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES- MISCELLANEOUS), RELATING TO PROHIBITIONS AGAINST CAMPING IN PUBLIC AREAS (02:08:00)**

No public comments on this item.

**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 adopted Ordinance No. 19-10, by title only, Amending Section 10-194 (Sleeping in Motor Vehicles Prohibited) of Chapter X (Stopping, Standing and Parking Generally) of Title 10 (Motor Vehicles and Traffic), Relating to Prohibitions Against Sleeping in Vehicles; and

2. Adopted Ordinance No. 19-12, by title only, Amending Section 11-302(Definitions) and 11-304 (Camping in public areas prohibited-Penalties) of Chapter XIV (Camping and Storage of Personal Property in Public Areas) of Title 11 (Offenses- Miscellaneous), Relating to Prohibitions Against Camping in Public Areas.

**7. 2020 US CENSUS SUPPORT (02:09:11)**

Dan Inloes, Economic Development Administrator, presented the staff report. (02:09:25)

Council Member Chavez spoke on the item. (02:10:59)

Discussion ensued on the timeline; available census jobs; and the launch date. (02:12:30)

No public comments on this item.

**MOVED/SECOND:** Council Member Reynolds/Council Member Genis (02:17:25)  
**MOTION:** Approve Resolution No. 19-15 in support of the 2020 US Census.

Council Member Chavez requested Council Member Reynolds (the maker of the motion) to pursue a launch date for the census before school is out. Both Council Member Reynolds and Council Member Genis (the second) concurred. (02:17:43)

Council Member Genis spoke on the item. (02:18:50)

Mayor Foley spoke on the item. (02:20:31)

**MOVED/SECOND:** Council Member Reynolds/Council Member Genis  
**MOTION:** Approve Resolution No. 19-15 in support of the 2020 US Census and direct staff to pursue a launch date for the census before school is out.

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 Resolution No. 19-15 in support of the 2020 US Census and directed staff to pursue a launch date for the census before school is out.

**11. ACCEPTANCE OF A \$150,000 GRANT FROM STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR VERNAL POOL WATERSHED RESTORATION (02:21:30)**

No public comments on this item.

**MOVED/SECOND:** Mayor Pro Tem Stephens/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 a \$150,000 grant from the State of California Department of Parks and Recreation for restoration of the watersheds associated with vernal pools 4, 5, 6 and 7 in Fairview Park; and
2. Approved a budget adjustment recognizing \$150,000 in State grant funding and appropriating a total of \$300,000 to the Fairview Park Vernal Pool and Watershed Restoration Project; \$150,000 in State grant funding and \$150,000 in required matching funds collectively transferred from the following Fairview Park projects:
  - Capital Improvement Program - Fund 401:
    - \$31,158.19 from the Delineation Fencing (ORA58)
    - \$55,000 from the Parking Lot Rehab
    - \$60,000 from the Delineation Fencing (Vernal Pools)
  - Park Development Fees - Fund 208:
    - \$3,841.91 from the Emergency Bluff Repair; and
3. Approved filing a 20-year deed restriction on the restored parcels.

City Council recessed into a break at 8:25 p.m.

City Council reconvened from a break at 8:37 p.m.

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

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

**OLD BUSINESS: NONE**

**NEW BUSINESS (02:22:17)**

**1. JOINT POWERS AGREEMENT FOR PARTICIPATION IN THE ORANGE COUNTY HOUSING FINANCE TRUST (02:22:23)**

Mr. Curtis presented the staff report; and Allan Roeder and Dave Kiff representing the Association of California Cities-Orange County (ACC-OC), were present to answer questions. (02:22:35)

Council Member Genis spoke on the board structure. (02:29:58)

Discussion ensued on securing funds; the makeup of the board; bylaws; significance of membership on the board; and conflict rules. (02:31:26)

No public comments on this item.

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

**MOTION:** Approve recommended actions and aggressively mention, but not insist upon it as a condition to joining, that the City would like to change the by-laws. (02:40:45)

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

**SUBSTITUTE MOTION:** Approve recommended actions with one change to the Resolution: The City of Costa Mesa's contribution towards staffing for the Trust must be less than or equal to \$10,000 (adjusted by CPI). (02:41:31)

Council Member Genis spoke on the working group. (02:41:52)

Council Member Reynolds spoke on pursuing funds and addressing housing. (02:42:42)

Council Member Chavez spoke in support of the City joining the Trust. (02:44:35)

Mayor Pro Tem Stephens spoke to supporting the substitution motion; and clarified that if the Trust does not agree to change the bylaws then it will come back to Council. (02:45:29)

Discussion ensued on the board; and the makeup of the City Selection Committee. (02:47:40)

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

**VOTE ON SUBSTITUTE MOTION:** Approve recommended actions with one change to the Resolution: The City of Costa Mesa's contribution towards staffing for the Trust must be less than or equal to \$10,000 (adjusted by CPI).

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 found that this action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061 (b)(3) (General Rule exemption); and
2. Adopted Resolution No. 19-18 relating to the City of Costa Mesa participating in the Orange County Housing Finance Trust via the City's execution of the Joint Powers Agreement which implements the Trust's shared powers and activities with one change: The City of Costa Mesa's contribution towards staffing for the Trust must be less than or equal to \$10,000 (adjusted by CPI).

**2. CITY POSITIONS ON STATE LEGISLATION (02:49:40)**

Alberto Ruiz, Management Aide, presented the staff report. (02:50:04)

Council Member Mansoor expressed caution on taking action on some of the bills, to put on watch list and wait to see bill in final form. (02:59:11)

Council Member Genis brought up support for Senator Moorlach's bill SB 689; and spoke on legislation that calls for local control. (03:00:04)

Discussion ensued on the benefits of taking positions on bills; legal review on bills; and clarification on AB 920, AB 344 and AB 1530. (03:02:36)

Mayor Pro Tem Stephens requested to bring back and to take a position on AB 1273 relating to the toll roads. (03:09:12)

Discussion ensued on AB 1530. (03:09:40)

Mayor Foley spoke on AB 1530, AB 940 and AB 1779. (03:13:53)

Discussion ensued on AB 940 and AB 920. (03:15:19)

Council Member Mansoor spoke on the recommended City positions and League of Cities positions. (03:17:34)

Council Member Genis spoke on SB 689 and had requested this to come before Council for action. (03:20:15)

Public Comments:

Robin Leffler, Costa Mesa, spoke on transparency and clarification of topics; and spoke in support of SB 689 resolution. (03:25:38)

Beth Refakes, Costa Mesa, spoke on the bills. (03:29:22)

David McNeil, Athletic Trainer at Costa Mesa High School, spoke in support of AB 1592 pertaining to the licensure of Athletic Trainers. (03:31:27)

Public Comments Closed.

Mayor Foley spoke on the report and addressing each of the bills. (03:34:03)

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds  
**MOTION #1:** Adopt a watch position on AB 1530 related to unauthorized cannabis activity. (03:36:52)

Council Member Mansoor spoke on the League of California Cities; and adhering to Council policy. (03:37:17)

Mayor Pro Tem Stephens spoke on the motion. (03:38:17)

Mayor Foley spoke on the motion. (03:42:08)

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds  
**VOTE ON MOTION #1:** Adopt a watch position on AB 1530 related to unauthorized cannabis activity.

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:**

City Council adopted a watch position on AB 1530 related to unauthorized cannabis activity.

**MOVED/SECOND:** Council Member Reynolds/Council Member Marr  
**MOTION #2:** Adopt the recommended City Council position on the following Bills pertaining to Sober Living: support AB 919, support AB 920, support AB 940 if amended and support AB 1779 if amended. (03:45:12)

Council Member Mansoor requested Council Member Reynolds (the maker of the motion) to include in the motion a direction to staff to notify the Council of any major changes to the bills. Both Council Member Reynolds and Council Member Marr (the second) concurred. (03:47:02)

Council Member Reynolds spoke on the motion. (03:47:23)

Council Member Marr spoke to supporting the motion. (03:48:53)

Discussion ensued on the supporters and opponents of the bills. (03:48:53)

Council Member Genis clarified her vote on AB 1530. (03:50:09)

Mayor Foley spoke to supporting the motion. (03:51:05)

**MOVED/SECOND:** Council Member Reynolds/Council Member Marr  
**VOTE ON MOTION #2:** Adopt the recommended City Council position on the following Bills pertaining to Sober Living: support AB 919, support AB 920, support AB 940 if amended and support AB 1779 if amended and direct staff to notify the Council of any major changes to the bills.

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 adopted the recommended City Council position on the following Bills pertaining to Sober Living: support AB 919, support AB 920, support AB 940 if amended and support AB 1779 if amended and directed staff to notify the Council of any major changes to the bills.

Chief Stefano spoke on SCR-21 (Captain Kreza Memorial Highway). (03:54:57)

**MOVED/SECOND:** Council Member Reynolds/Council Member Genis  
**MOTION #3:** Adopt the recommended City Council position on the following Land-Use and Development Bills: support AB 1199 and AB 65; and the following Public Safety Bills: support AB 1327 and SB 689; and adopt Resolution No. 19-17, supporting SB 689. (03:56:02)

Council Member Reynolds spoke on the motion. (03:56:58)

Council Member Genis spoke to supporting the motion. (03:57:12)

**MOVED/SECOND:** Council Member Reynolds/Council Member Genis  
**VOTE ON MOTION #3:** Adopt the recommended City Council position on the following Land-Use and Development Bills: support AB 1199 and AB 65; and the following Public Safety Bills: support AB 1327 and SB 689; and adopt Resolution No. 19-17, supporting SB 689.

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: None

Absent: Council Member Mansoor.

Motion carried: 6-0-1

**ACTION:**

City Council adopted the recommended City Council position on the following Land-Use and Development Bills: support AB 1199 and AB 65; and the following Public Safety Bills: support AB 1327 and SB 689; and adopted Resolution No. 19-17, supporting SB 689.

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

**MOTION #4:** Adopt a watch position on AB 1592, AB 11 and AB 344. (04:00:04)

Council Member Reynolds spoke on the motion. (04:00:26)

Discussion ensued on the opponents and supporters of AB 1592. (04:01:19)

Council Member Marr stated she is inclined to supporting AB 1592. (04:02:21)

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

**SUBSTITUTE MOTION:** To separate AB 1592 from AB 11 and AB 344.

(04:02:30)

Mayor Foley spoke on the substitute motion. (04:02:40)

Discussion ensued on certification. (04:03:40)

Mayor Foley clarified the substitute motion to include support for AB 1592 regarding a California Board of Athletic Training. (04:08:35)

Mayor Pro Tem Stephens spoke to supporting the substitute motion. (04:09:10)

Mayor Foley spoke on writing a letter that will include a statement addressing the nurses' position pertaining to AB 1592. (04:09:45)



**MOVED/SECOND:** Mayor Foley/Council Member Chavez  
**VOTE ON SUBSTITUTE MOTION:** To separate AB 1592 from AB 11 and AB 344; and adopt a watch position on AB 11 and AB 344 and support for AB 1592.  
The motion carried by the following roll call vote:  
Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Mayor Pro Tem Stephens, and Mayor Foley.  
Nays: Council Member Reynolds  
Absent: None  
Motion carried: 6-1

**ACTION:**

City Council separated AB 1592 from AB 11 and AB 344; and adopted a watch position on AB 11 and AB 344 and support for AB 1592.

Discussion ensued on taking a position on the Resolution for the Captain Kreza Memorial Highway; and violation of the Brown Act. (04:10:16)

Council Member Genis spoke on changing the Council policy. (04:12:42)

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

**MOTION #5:** Direct staff to revise Council Policy 0.8 and include ACC OC positions and bring it back to a future City Council meeting and bring back SCR-21, a Resolution for the Captain Kreza Memorial Highway. (04:13:30)

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 directed staff to revise Council Policy 0.8 and include ACC OC positions and bring it back to a future City Council meeting and bring back SCR-21 a Resolution for the Captain Kreza Memorial Highway.

Council Member Reynolds spoke on the process; and the Council policy. (04:14:48)

City Council recessed into a break at 10:35 p.m.

City Council reconvened from a break at 10:45 p.m.

**3. FUNDING ALLOCATION FOR A COMMUNITY INDEPENDENCE DAY EVENT TO PROMOTE PUBLIC SAFETY AND RESPONSIBLE FIREWORK USE (04:18:28)**

Mayor Pro Tem Stephens presented the staff report. (04:18:47)

Discussion on reducing use of illegal fireworks; estimated attendance; contingency funding; staff time; revenue generation; participation by Council Members; High School groups participation; and organizing a formal volunteer committee. (04:23:32)

No public comments on this item.

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

**MOTION:** Approve recommended actions. (04:37:28)

Council Member Chavez spoke to supporting the motion. (04:37:51)

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

**SUBSTITUTE MOTION:** To support the Independence Day celebration event but not authorize \$10,000 contingency funding to cover event expenses. (04:39:25)

Council Member Mansoor spoke on fiscal concerns. (04:39:43)

Discussion ensued on lower noise impacts to animals. (04:39:59)

Council Member Genis spoke on expenditure concerns; and other neighborhood oriented events. (04:41:25)

Council Member Reynolds spoke on concerns regarding the allocation of monies and staff resources. (04:43:08)

Mayor Foley spoke to supporting the original motion. (04:45:18)

Mayor Pro Tem Stephens spoke in support of the event. (04:48:55)

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

**SUBSTITUTE MOTION:** To support the Independence Day celebration event but not authorize \$10,000 contingency funding to cover event expenses.

The motion failed by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor and Council Member Marr.

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

Absent: None

Motion failed: 3-4

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

**ORIGINAL MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Mansoor and Council Member Reynolds.

Absent: None

Motion carried: 4-3

**ACTION:**

1. City Council approved a centrally located City-sponsored Independence Day celebration on July 3, 2019 in partnership with the Hero's Hall Veterans Foundation, Travel Costa Mesa, and the Orange County Fair on location at the Orange County Fair and Event Center; and
2. Authorized \$10,000 in Fiscal Year 2018-2019 contingency funding to cover event expenses; and
3. Authorized the Acting City Manager to accept all monetary donations for this event and execute related budget adjustments recognizing and appropriating the donations for use towards this event; and
4. Authorized City staff to assist with the preparation and implementation of the July 3, 2019 event.

**4. APPROVAL OF A RESOLUTION PROHIBITING THE PURCHASE AND USE OF EXPANDED POLYSTYRENE PRODUCTS (STYROFOAM) AT CITY FACILITIES AND CITY-SPONSORED EVENTS (04:54:57)**

Alma Reyes, Senior Management Analyst, presented the staff report. (04:55:16)

Discussion ensued on the effective date of the new policy; limiting use at private parties; the exemption of the SeniorServ program; the Golf Course; and the costs to the SeniorServ program. (04:56:37)

Mayor Foley spoke on working with vendors. (05:02:40)

No public comments on this item.

**MOVED/SECOND:** Council Member Reynolds/Mayor Pro Tem Stephens  
**MOTION:** Adopt Resolution No. 19-16, which prohibits the purchase and use of expanded polystyrene food service products at City facilities and City-sponsored events; and direct staff to work with the SeniorServ Program to develop a plan in the future to eliminate the use of polystyrene. (05:03:58)

Council Member Marr requested Council Member Reynolds (the maker of the motion) to revise the resolution and have the provisions apply to the SeniorServ Program within the next year. (05:05:40)

Mr. Martin spoke on the impacts to the SeniorServ Program. (05:05:55)

Council Member Reynolds did not accept Council Member Marr's revision. (05:06:20)

Council Member Genis spoke in support of the motion. (05:06:47)

Council Member Chavez spoke in support of the motion. (05:07:00)

Mayor Foley spoke of not excluding the Homeless Shelter and the SeniorServ Program. (05:07:43)

**MOVED/SECOND:** Council Member Marr/Mayor Foley  
**SUBSTITUTE MOTION:** Adopt Resolution No. 19-16, which prohibits the purchase and use of expanded polystyrene food service products at City facilities and City-sponsored events with one change to the Resolution: The provisions of the Resolution shall not apply to the City's SeniorServ Program for up to one year upon adoption.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

**ACTION:**

City Council adopted Resolution No. 19-16, which prohibits the purchase and use of expanded polystyrene food service products at City facilities and City-sponsored events with one change to the Resolution: The provisions of the Resolution shall not apply to the City's SeniorServ Program for up to one year upon adoption.


**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:09:44)**

Council Member Genis spoke on stainless steel drinking straws. (05:10:06)

Council Member Reynolds requested a soft launch of the Census 2020 count with a group picture. ( 05:10:32)

**ADJOURNMENT** – Mayor Foley adjourned the meeting at 11:35 p.m.

**Minutes adopted on this 6<sup>th</sup> day of August, 2019.**



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Katrina Foley, Mayor

ATTEST:



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Brenda Green, City Clerk