

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

**SEPTEMBER 3, 2019**

**CALL TO ORDER**

The Closed Session was called to order by Mayor Foley at 4:04 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (arrived at 4:06 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

The City Council recessed to Room 5A at 4:06 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: Yellowstone Women’s First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

**2. 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.

**3. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager, and Justin Martin, Acting Assistant City Manager  
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

**4. PUBLIC EMPLOYMENT, REQUEST FOR SPECIAL LEAVE OF ABSENCE**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code

**CALL TO ORDER (00:00:30)**

The meeting was called to order by Mayor Foley at 6:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:42)**

Ms. Vita Muccia

**MOMENT OF SOLEMN EXPRESSION (00:02:56)**

Pastor David Manne, Calvary Chapel, Costa Mesa

**ROLL CALL (00:04:24)**

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: City Manager Lori Ann Farrell Harrison, 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 (00:04:45)** – Ms. Barlow stated there was reportable action taken on Closed Session Item Number 4, in which the Council approved a special leave of absence for a City employee on a unanimous vote with motion made by Mayor Foley and seconded by Mayor Pro Tem Stephens.

**PRESENTATIONS: (00:05:17)**

1. Mayor's Award – Rebekah Robeck, CMHS student/founder of "Let's Be Kind Day"

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:16:59)**

Liz McNabb, District Coordinator for Cottie Petrie Norris, thanked the City of Costa Mesa, United Way, and the United Methodist Church for Public Art Mural unveiling; provided an update on legislation; and spoke on upcoming Art Venture event. (00:17:23)

Al Melone, Costa Mesa, spoke on code enforcement issues and group homes. (00:19:06)

Jeffery Holt, Project Independence, invited Council and public to tenth annual walkathon at TeWinkle Park. (00:21:30)

Hank Castignetti, spoke on new Model Engineers train equipment and invited Council members and staff to unveiling and fundraising event. (00:23:13)

Kevin RuoRock, Costa Mesa, spoke on parking issues on Monrovia around Victoria St. and Federal. (00:25:54)

DeeDee RuoRock, Costa Mesa, spoke on parking issues in Freedom Homes area. (00:28:28)

Brian Pruitt, Costa Mesa, spoke on parking issues in neighborhood on Monrovia. (00:31:32)

David Ramirez, Costa Mesa, spoke on parking issues in neighborhood on Victoria St. (00:32:25)

Mark Curondo, Costa Mesa, spoke about a lack of access to Lions Park and surrounding open space. (00:33:34)

Olga Reynolds, Costa Mesa, spoke on barriers causing problems for bicyclists, and concern for lack of access to Lions Park. (00:35:06)

Robin Leffler, Costa Mesa, expressed concern on the amount of the reserves. (00:36:27)

### **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:37:38)**

Council Member Chavez, spoke on a District 4 tour, and on parking problems and parks. (00:37:51)

Council Member Marr, spoke on the Art Venture event and encouraged attendance, spoke on safety issues and to call the police non-emergency line, spoke on parking problems, and on housing numbers (RHNA). (00:40:52)

Council Member Mansoor, spoke on parking problems and impacts. (00:45:33)

Council Member Genis, spoke on West Nile Virus and mosquito safety, parking problems and disclosure, and spoke on housing numbers (RHNA). (00:46:26)

Council Member Reynolds, spoke on painting crosswalks, pleased to see officers on bikes and crosswalk safety demonstrations, spoke on water efficiency measures, thanked Boy Scout Troop 339 who learned about local government, spoke on Bike & Walkability Committee update, Fairview Park Committee update, and Shelter Advisory Committee update, and spoke on the 4th bike ride she will be hosting. (00:50:30)

Mayor Pro Tem Stephens, spoke on Lions Parks and homelessness issues, spoke on the City reserves and the policy being reviewed by the FIPAC Committee, spoke on addressing parking problems, and encouraged attendance at Art Venture. (00:54:50)

Mayor Foley, spoke on recognizing Labor Day, encouraged taking the bus to the beach, spoke on budget issues and encouraged shopping in Costa Mesa, spoke on roundtable discussion with Chapman University on housing, spoke on completing Lions Parks as soon as possible, spoke on September 30<sup>th</sup> golf tournament for Lions Club Fish Fry, spoke on an update on sober living home litigation, and on adjourning the meeting in memory of retired Costa Mesa Fire Chief John Petruzzello. (00:58:41)

**REPORT – CITY MANAGER** - Ms. Farrell Harrison spoke on September as National Preparedness Month and that public employees are disaster service workers. (01:02:50)

**REPORT – CITY ATTORNEY** - Ms. Hall Barlow reported that the Federal District Court issued its ruling on the SoCal Recovery vs. City of Costa Mesa case, denying the request to preliminarily enjoin the City’s ordinances relating to sober living homes in single family residence and multi-family neighborhoods. (01:06:19)

**CONSENT CALENDAR:**

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

**MOTION:** Move Consent Calendar Item No. 12 to before Public Hearing Items, and to move the remaining Consent Calendar Items to after Public Hearings.

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

**12. ASSOCIATE MEMBERSHIP IN CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (CEDA) (01:08:14)**

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

**MOTION:** Adopt Resolution No. 19-58, approving an Associate Membership Agreement between the City of Costa Mesa and the California Enterprise Development Authority (CEDA).

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 Resolution No. 19-58, approving an Associate Membership Agreement between the City of Costa Mesa and the California Enterprise Development Authority (CEDA).

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

**1. PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 1903 SANTA ANA AVENUE (01:13:06)**

Mr. Mejia, City Engineer, presented this item.

Discussion ensued on systematically doing street vacations instead of on a case by case basis.

Public Comments: None.

**MOVED/SECOND:** Council Member Mansoor/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 adopted proposed Resolution No. 19-50, ordering the vacation of a portion of a right-of-way at 1903 Santa Ana Avenue; and
2. Authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

**2. CONDUCT TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) HEARING AND ADOPT A RESOLUTION APPROVING THE ISSUANCE OF NOT TO EXCEED \$75,000,000 OF CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY REVENUE OBLIGATIONS FOR THE BENEFIT OF ORANGE COUNTY MUSEUM OF ART (OCMA) (01:20:48)**

Mr. Inloes, Economic Development Administrator, presented this item.

Public Comments: None.

**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 conducted a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to receive comments relating to the issuance by the California Enterprise Development Authority (CEDA) (the "Authority") of not to exceed \$75,000,000 of the Authority's Revenue Obligations (the "Obligations") for the benefit of Orange County Museum of Art, a California nonprofit public benefit corporation (the "Borrower"); and
2. Adopted Resolution No.19-59, approving the issuance of the Obligations by the Authority to finance and refinance the Facilities for the benefit of the Borrower.

**3. CITY COUNCIL REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION 19-12, A MASTER PLAN FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE (01:24:28)**

Mr. Lee, Senior Planner, presented the item.

Discussion ensued on patio variances, parking, dancing and live entertainment, air shafts, lot line configuration, and condition #42.

**Public Comments:**

Jay Humphrey, Costa Mesa, spoke on setting precedents and providing seating in open areas. (01:38:10)

Robin Leffler, Costa Mesa, spoke in support of consolidating the lot and expressed concerns on parking. (01:40:18)

Cynthia McDonald, Costa Mesa, spoke on the lot line issue, and setbacks, and in support of the project. (01:42:06)

Speaker, Costa Mesa, spoke on parking concerns and impacts to surrounding businesses. (01:45:06)

Public Comments closed.

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

**MOTION:** Uphold the Planning Commission's decision to approve Planning Application 19-12 by adoption of Resolution No. 19-60 with the following revision to Code Requirement Number 42:

42. Prior to issuance of building permits, the applicant shall record a Lot Line Adjustment for the consolidation of the Lots 2, 3, and 4, subject to approval by City staff. The Applicant shall record a deed restriction specifying that Lots 1 and 2 cannot be sold separately until either the existing building straddling the lot lines is demolished, or the location of the lot line is otherwise resolved in a

manner that conforms to both the applicable provisions of the Costa Mesa Municipal Code and the Subdivision Map Act.

Mayor Pro Tem Stephens and Council Member Chavez spoke in support of the project.

Council Member Mansoor spoke to not supporting the motion due to reduced parking standards and traffic trips generated.

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 upheld the Planning Commission's decision to approve Planning Application 19-12 by adoption of Resolution No. 19-60 with the following revision to Code Requirement Number 42:

42. Prior to issuance of building permits, the applicant shall record a Lot Line Adjustment for the consolidation of the Lots 2, 3, and 4, subject to approval by City staff. The Applicant shall record a deed restriction specifying that Lots 1 and 2 cannot be sold separately until either the existing building straddling the lot lines is demolished, or the location of the lot line is otherwise resolved in a manner that conforms to both the applicable provisions of the Costa Mesa Municipal Code and the Subdivision Map Act.

City Council recessed into a break at 8:59 p.m.

City Council reconvened at 9:08 p.m.

**4. CITY COUNCIL REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION 19-05 FOR A RESTAURANT EXPANSION WITH LIVE ENTERTAINMENT AT 1749 AND 1763 NEWPORT BOULEVARD (01:59:06)**

Staff presentation by Mr. Lee, Senior Planner.

Discussion ensued on location of patio and variances, parking, live entertainment permit, bike racks, shared parking agreements, and parking enforcement.

Public Comments:

Anthony Caravellis, spoke on parking problems.

Speaker, spoke on capacity and parking problems.

Sid Crosley, spoke on parking and noise problems.

Cindy Black, spoke on parking and noise problems, and closing time.

Speaker, spoke on parking and noise problems.

John Marconi, spoke on parking problems.

Gary Monahan, Costa Mesa, spoke in support of the project.

John Martino, spoke on parking enforcement.

Speaker, spoke on the project.

Speaker, spoke on parking and noise concerns.

The applicants spoke on the project and responded to questions.

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

**MOTION:** Uphold the Planning Commission's decision to approve Planning Application 19-05 by adoption of Resolution No. 19-61 with the following changes: 1) Remove condition #15 regarding surveillance cameras; 2) change the ending times for live music to 10:00 p.m. Sunday – Wednesday, and 12:00 midnight Thursday – Saturday; and 3) No electronic music allowed at the site.

Discussion ensued on employee parking and an overall parking plan for the entire center.

Council Member Chavez requested no electronic bass music. The maker of the motion and second agreed.

Council Member Marr spoke on parking and enforcement and supporting the motion.

Council Member Reynolds requested a provision for a bike rack. The maker of the motion and second agreed.

Discussion ensued on the removal of trees, and enforcement.

Council Member Reynolds requested condition #5 to be updated for a 2<sup>nd</sup> offense to be changed from 30 minutes to 1 hour earlier. The maker of the motion and the second agreed.

Discussion ensued on offenses in a 60-day period and to change wording to first confirmed violation.



Council Member Genis requested a change in the findings in support for the variance that other businesses have been allowed to use the parking lot. The maker of the motion and the second agreed.

The City Manager clarified that staff will begin a parking plan analysis, greater enforcement, look into meters, shared parking agreements, and potential outlet on 18<sup>th</sup> St.

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 upheld, with changes, the Planning Commission's decision to approve Planning Application 19-05 by adoption of Resolution No. 19-61.

City Council recessed into a break at 10:17 p.m.

City Council reconvened at 10:24 p.m.

5. **CODE AMENDMENT CO-19-01 TO AMEND THE CITYWIDE LAND USE MATRIX TO ALLOW EMERGENCY SHELTERS TO BE LOCATED IN THE INDUSTRIAL PARK (MP) ZONE AND THE EMERGENCY SHELTER DEVELOPMENT STANDARDS IN THE SPECIAL LAND USE REGULATIONS IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AND APPROVAL OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROPOSED EMERGENCY SHELTER AT 3175 AIRWAY AVENUE (04:07:49)**

Mr. Curtis, Director of Economic and Development Services, presented the item.

Public Comments:

Speaker, spoke on Newport Beach putting a homeless shelter on Placentia and W. 16th St, requests City Council to reach out to Newport Beach.

Ralph Taboada, Costa Mesa, spoke on Costa Mesa looking at potentially consolidating services with Newport Beach.

Speaker, Costa Mesa, spoke on joining forces and a dialogue with Newport Beach.

Olga Reynolds, Costa Mesa, spoke on residents need to rally to prevent Newport Beach putting a homeless shelter on 16<sup>th</sup> street.

Public Comments closed.

**MOVED/SECOND:** Council Member Chavez/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. As recommended by the Planning Commission and as contingently approved by the Orange County Airport Land Use Commission, approve Code Amendment 19-01, by taking the following actions:
  - a. Approved Resolution No. 19-62, adopting an Initial Study/Mitigated Negative Declaration (IS/MND), including the Mitigation Monitoring and Reporting Program, for the proposed project. This document analyzes the environmental impacts of the proposed project. Environmental impacts are mitigated to below a level of significance.
  - b. Introduced Ordinance No. 19-15 for first reading, read by title only, which amends Title 13, Chapter IV and IX of Costa Mesa Municipal Code as follows:
    - 1) amend the Citywide Land Use Matrix to allow an emergency shelter to locate in the Industrial Park (MP) zone subject to a conditional use permit and add Footnote 10 to the Citywide Land Use Matrix to state that shelters located on sites owned, controlled, and/or operated by the City in the MP or PDI zones would be a permitted use and that standards in subsections (1), (2), (4), (8), (10) and (13) of section 13-200.79 would not apply to such use; and
    - 2) revise four existing Development Standards to clarify intent; add a new standard to require shelter operators to patrol the area within one-half mile of a shelter site to ensure that shelter clients and other individuals are not congregating in the area around a shelter; and a new standard to require that the procedures of the Public Utilities Code calling for compatibility with the John Wayne Airport Environs Land Use Plan apply to all emergency shelters located in the MP Industrial Park Zone that are also located in an area that is subject to the jurisdiction of the Orange County Airport Land Use Commission, excepting only those owned and/or operated by the City.

**CONSENT CALENDAR: (04:23:14)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 13 except for 3, 5, 7, 8, 9, 12, and 13.

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: Anthony Kyle Brogles, Jaret Brown, Odulio Garcia, Lea Gibbs, Brad Prescott, Ashley Blundell-Sanders and John Robert Sanders, and Joshua Robert Smith.

**ACTION:**

City Council received and filed.

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

**ACTION:**

City Council approved the minutes of June 4, 2019.

- 6. DAVIS FIELD PARKWAY RENOVATION PROJECT, CITY PROJECT NO. 19-02**

**ACTION:**

1. City Council accepted the work performed by BrightView Landscape Services, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the 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.

**10. FISCAL YEAR 2016 COMPLEX COORDINATED TERRORIST ATTACK GRANT PROGRAM FUNDING**

**ACTION:**

1. City Council authorized the City Manager, or designee, to execute the Transfer Agreement for the FY 2016 Complex Coordinated Terrorist Attacks (CCTA) Grant; and
2. Adopted Resolution No. 19-56 authorizing the application for, and acceptance of, grant funds under the CCTA Grant Program; and
3. Authorized a budget adjustment recognizing \$14,307.00 from the CCTA Grant Program funds and appropriating \$14,307.00 in the Police Department budget for the specified purposes.

**11. 2019 HAZARD MITIGATION GRANT PROGRAM FUNDING**

**ACTION:**

1. City Council adopted Resolution No. 19-57, which authorizes the acceptance of funds under the Hazard Mitigation Grant Program (HMGP); and
2. Authorized a budget adjustment recognizing \$149,990.25 from the HMGP funds and appropriating \$149,990.25 in the Police Department budget for the specified purposes.

**ITEMS PULLED FROM THE CONSENT CALENDAR:**

- 3. WARRANT RESOLUTION NO. 2625 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-14 "A" FOR \$-88.27; 19-15 FOR \$2,836,896.81; 19-16 FOR \$2,728,172.87; 19-16 "A" \$155.77; 19-17 FOR \$2,786,224.45 AND CITY OPERATING EXPENSES FOR \$5,270,135.26; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (04:25:58)**

Public Comment:

Speaker, spoke on legal costs associated with sober living homes. (04:26:04)

Public Comment closed.

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

**MOTION:** Approve Warrant Resolution No. 2625.

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 Pro Tem Stephens.

Nays: None

Absent: None  
Abstain: Mayor Foley  
Motion carried: 6-0-0-1

**ACTION:**

City Council approved Warrant Resolution No. 2625.

**13. APPROVE THE MAINTENANCE SERVICES AGREEMENT FOR TREE MAINTENANCE SERVICES AND TREE CARE WITH WEST COAST ARBORISTS, INC. (04:28:49)**

Public Comments: None.

**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, and Mayor Pro Tem Stephens.

Nays: None

Absent: None

Abstain: Mayor Foley

Motion carried: 6-0-0-1

**ACTION:**

1. City Council approved the Maintenance Services Agreement with West Coast Arborists, Inc., for tree maintenance services and tree care in the annual amount of \$616,352.00, based upon pricing provided through a cooperative agreement with the City of Encinitas, for an initial term ending November 30, 2021, with the option to extend the agreement for one successive two (2) year period, contingent upon the duration of the City of Encinitas's agreement with West Coast Arborists, Inc. If the extension option is exercised, the prices would be subject to increases based upon the Consumer Price Index (CPI) during such extension period; and
2. Authorized an annual ten (10) percent contingency to address unforeseen and emergency costs, which would increase proportionately with CPI; and
3. Authorized the City Manager and City Clerk to execute the agreements and future authorized amendments to the agreements.

**5. SECOND READING OF ORDINANCE NO. 19-13 FOR AMENDMENT TO TITLE 13, CHAPTER IX AND TABLE 13-30 OF CHAPTER IV OF THE COSTA MESA MUNICIPAL CODE RELATED TO NEEDLE AND SYRINGE EXCHANGE PROGRAMS (04:32:14)**

Public Comment:

Speaker, spoke against a needle exchange program. (04:32:54)

Public Comments closed.

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

**MOTION:** Adopt Ordinance No. 19-13 (Code Amendment CO-19-02), read by title only, amending Title 13 of the Costa Mesa Municipal Code related to needle and syringe exchange programs in all zoning districts in the City.

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 Ordinance No. 19-13 (Code Amendment CO-19-02), read by title only, amending Title 13 of the Costa Mesa Municipal Code related to needle and syringe exchange programs in all zoning districts in the City.

**7. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY (04:34:26)**

Public Comments:

Speaker, requested the purpose of opening negotiations so early, spoke on fiscal review and requested an estimate. (04:34:56)

Speaker, requested the purpose of opening negotiations so early, spoke on fiscal review and requested an estimate. (04:37:00)

Public Comments closed.

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

**MOTION:** Approve recommended actions.

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:**

1. City Council designated Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager, and Justin Martin, Acting Assistant City Manager, as the City's representatives in negotiations with the CMFA; and
2. Authorized staff to have the independent fiscal analysis of the current CMFA 2017-2021 Memorandum of Understanding (MOU) completed per the requirements of the Transparency in Labor Negotiations Council Policy.

**8. APPROVAL OF RESOLUTIONS FOR THE APPLICATION OF PROPOSITION 68 GRANT FUNDS FROM THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM (04:43:45)**

Public Comments: None

**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 adopted the following resolutions, authorizing staff to submit applications for future funding opportunities for Statewide Park Program (SPP)/Proposition 68 grant funding for the following City projects:
  - a. Acquisition of Properties in Westside and Eastside Costa Mesa for Park Development – Resolution No. 19-51
  - b. TeWinkle Park Master Plan Improvements – Resolution No. 19-52
  - c. Park Development in Surplus Open Space Areas in the City – Resolution No. 19-53
  - d. Costa Mesa Skate Park Expansion – Resolution No. 19-54
  - e. Newport Mesa Unified School District (NMUSD) Athletic Field improvements – Resolution No. 19-55

**9. SANTA ANA DELHI CHANNEL DIVERSION PIPELINE PROJECT PHASE II, CITY PROJECT NO. 19-13 (04:51:08)**

Mr. Mejia, City Engineer, presented this item.

Public Comments: None.

**MOVED/SECOND:** Mayor Pro Tem Stephens/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 Amendment No.1 to the Cooperative Agreement with the City of Santa Ana, clarifying the use of Costa Mesa's \$600,000 contribution towards the Santa Ana Delhi Channel Diversion Project; and
2. Approved Amendment No. 2 to the Cooperative Agreement with the City of Santa Ana authorizing an additional contribution from Santa Ana of \$148,500.00, for a revised total contribution of \$1,248,500.00 towards this project; and
3. Authorized the City Manager to execute the amendments and future amendments to the Cooperative Agreement within Council authorized limits; and
4. Authorized a budget adjustment recognizing and appropriating \$148,500.00 from the City of Santa Ana for the Santa Ana Delhi Channel Diversion Pipeline Project; and
5. Adopted plans, specifications, and working details for the Santa Ana Delhi Channel Diversion Pipeline Project Phase II, City Project No. 19-13; and
6. Awarded a construction contract to Gwinco Incorporated dba Gwinco Construction & Engineering Inc., 2131 S. Grove Avenue, Suite A, Ontario, CA 91761, in the amount of \$627,277.00; and
7. Authorized the City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the City Manager to execute future contract amendments within Council authorized limits; and
8. Authorized an additional \$62,723.00 as needed for unforeseen costs; and



9. Authorized the City Manager to accept the work when completed and authorize the City Clerk to file the Notice of Completion upon such acceptance; authorize release of the retention monies 35 days after the Notice of Completion is filed; authorize release of the Labor and Material Bond one year after the Notice of Completion is filed; and authorized release of the Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

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

**OLD BUSINESS: NONE**

**NEW BUSINESS: (05:01:52)**

**1. FORMATION OF AD HOC COMMITTEE OF THE COUNCIL TO ADDRESS THE UPCOMING CLOSURE AND POTENTIAL FUTURE USES OF FAIRVIEW DEVELOPMENTAL CENTER (05:01:57)**

Ms. Farrell Harrison, City Manager, presented this item.

Discussion ensued to clarify the purpose of the Ad Hoc Committee and on keeping the rest of City Council informed.

Public Comment:

Robin Leffler, Costa Mesa, expressed concern about transparency as the community needs to be engaged, requested minutes, agendas, and that the public should be able to attend. (05:23:20)

Public Comment closed.

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

**MOTION:** Appoint Mayor Foley, Mayor Pro Tem Stephens, and Council Member Marr for the three-member Ad Hoc Committee, to discuss matters relating to the upcoming closure of Fairview Developmental Center by the State of California.

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 Mayor Foley, Mayor Pro Tem Stephens, and Council Member Marr for the three-member Ad Hoc Committee, to discuss matters relating to the upcoming closure of Fairview Developmental Center by the State of California.

**2. AN ORDINANCE AMENDING CHAPTER I OF TITLE 1 OF THE COSTA MESA MUNICIPAL CODE RELATING TO LATE PENALTIES, INTEREST, AND COLLECTION OF UNPAID FEES (05:30:31)**

Ms. Telford, Finance Director, presented this item.

Public Comments: None.

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

**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:**

City Council introduced and gave first reading to Ordinance No. 19-16, read by title only, amending Chapter I of Title 1 of the Costa Mesa Municipal Code relating to the collection of unpaid fines and fees.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:34:33) - NONE**

**ADJOURNMENT** - Mayor Foley adjourned the meeting at 11:52 p.m. in memory of retired Costa Mesa Fire Chief John Petruzziello. (05:34:46)

**Minutes adopted on this 16<sup>th</sup> day of June, 2020.**

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

ATTEST:

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