

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

OCTOBER 15, 2019

CALL TO ORDER

The Special Closed Session was called to order by Mayor Foley at 5:00 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 Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: Council Member Mansoor

PUBLIC COMMENT: NONE

The City Council recessed to Room 5A at 5:03 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 424-211-12

Property: 1885 Anaheim Street, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;

Cities in the Central Orange County Service Planning Area (SPA)

Negotiation: Price and Terms of Payment

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 427-091-12

Property: 3175 Airway Avenue, Costa Mesa, CA 92627

Pursuant to Section 54956.8, California Government Code

Agency Negotiator: Justin Martin, Acting Assistant City Manager

Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)

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: 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 for the Central District of California – Southern Division, Case No. 8:18-cv-00155

**4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

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

The City Council reconvened at 6:23 p.m.

CALL TO ORDER (00:00:11)

The meeting was called to order by Mayor Foley at 6:23 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:13)

Nick St. Royal – California Elementary School

MOMENT OF SOLEMN EXPRESSION (00:02:50)

Fr. George Okusi, St. John the Divine Episcopal Church

ROLL CALL (00:05:52)

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

Absent: Council Member Mansoor

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 (00:05:59) - No Reportable Action.

PRESENTATIONS: NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:06:11)

Speaker, spoke on parking problems on Hamilton St.; and spoke on the beauty of Fairview Park. (00:06:33)

Holly Tillson and Gay Royer representing the Lions Club thanked the City and employees for efforts on the Fish Fry. (00:09:51)

Representative from the TCA Transportation Corridor Agency spoke on the new stickers replacing transponders. (00:11:14)

Steven Chan, Costa Mesa, spoke on Newport Harbor Football team and the marching band; spoke on the temporary homeless shelter; modifications to the small lot ordinance; and the ABC license for Smart n Final. (00:13:37)

Al Melone, Costa Mesa, spoke on problems at the small dog park. (00:16:47)

Karl Ahlf, Costa Mesa, spoke on the upcoming Scarecrow Festival. (00:19:56)

Speaker, Costa Mesa, spoke on a sober living home still operating after denial of the permit. (00:21:05)

Representatives from Assembly Woman Cottie Petrie Norris office spoke on future events and provided a legislative update. (00:25:54)

Speaker spoke on sober living home problems; and attending a Newport Beach meeting on the homeless shelter. (00:27:55)

Ralph Taboada, Costa Mesa, requested an update on the Costa Mesa Motor Inn property. (00:30:50)

Speaker, spoke on maintenance issues at the dog park. (00:31:39)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:34:47)

Council Member Genis thanked St. John the Devine for the blessing of the animals; spoke on mosquito problems and marking parking spots. (00:35:01)

Council Member Reynolds spoke on attending Girls Inc. International Day event; Boys & Girls Club Grand Opening; Early Childhood Coalition; Friends of Library Musical Instrument; spoke on housing needs; Breast Cancer awareness month and Domestic Violence awareness month; the vegan festival at OC Marketplace; and a community bike ride on October 20th. (00:37:31)

Council Member Chavez spoke on attending the open house at Fire Station 4 and “close before you doze”; attending SOY night at the MET; and requested adjourning in memory of Jesus Carillo Reyes. (00:41:56)

Council Member Marr thanked Council Member Reynolds for organizing Hispanic Heritage month; requested an update on the Costa Mesa Motor Inn; and expressed concerns on short term rentals; (00:44:43)

Mayor Pro Tem Stephens spoke on Hispanic History month; spoke on the Taste of Costa Mesa; spoke on the screening of a movie called “No Small Matter” and the importance of early childhood development; attendance at the Sanitation District 75th anniversary event; and spoke on cannabis business issues and tax rate. (00:46:43)

Mayor Foley spoke on attending the Boys and Girls Club grand opening and Assembly Woman Cottie Petrie Norris hearing on addiction reform; spoke on illegal cannabis shops in the City; congratulated Social on their five-year anniversary; spoke on the Women’s Club Art Show; and requested an update on the dog park. (00:50:32)

REPORT – CITY MANAGER – Ms. Farrell Harrison provided an update on the Bridge Shelter and thanked staff for their efforts; spoke on the upcoming Scarecrow Festival; and the Great California Shake Out on October 17th and on emergency preparedness. (00:54:54)

REPORT – CITY ATTORNEY – Ms. Hall Barlow spoke on enforcement of sober living homes. (01:00:23)

CONSENT CALENDAR: (01:01:06)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 3,4,5, and 7.

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

- 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: Yesenia Garcia, Kathy S. Leung

Action:

City Council received and filed.

6. PINKLEY PARK PLAYGROUND RENOVATION PROJECT

Action:

1. City Council accepted the work performed by Playcore Wisconsin, Inc., dba Game Time, for the Pinkley Park Playground Renovation 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 one year after the filing date and to release the Faithful Performance Bond at the conclusion of the one-year warranty period.

ITEMS PULLED FROM THE CONSENT CALENDAR

4. PROFESSIONAL SERVICES AGREEMENT WITH GLENN LUKOS ASSOCIATES FOR THE RESTORATION AND LONG-TERM MAINTENANCE AND MONITORING OF FAIRVIEW PARK VERNAL POOLS 5, 6 AND 7 (01:02:29)

Staff presentation by Ms. D'Agosta, Fairview Park Administrator

Public Comments:

Karl Ahlf, Costa Mesa, spoke on protecting the vernal pools. (01:04:01)

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 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:

1. City Council approved and authorized the City Manager to sign the Justification for Single Source Request for Glen Lukos Associates for restoration and biological monitoring services; and

2. Approved the proposed Professional Services Agreement (PSA) with Glenn Lukos Associates for the restoration and biological monitoring of vernal pools 5, 6, and 7 within Fairview Park for a total not-to exceed amount of \$126,046; and
 3. Approved a contract term of six (6) years, commencing October 15, 2019 and ending on October 14, 2025; and
 4. Approved a ten (10) percent contingency, if needed, in the amount of \$12,600; and
 5. Authorized the City Manager and City Clerk to execute the proposed agreement and future amendments to the agreement within City Council authorized limits.
5. **RESOLUTION APPROVING THE APPLICATION FOR SPECIFIED GRANT FUNDS FROM THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (01:05:08)**

Staff presentation by Mr. Sethuraman, Public Services Director

Public Comments:

Speaker, spoke on the metal arbor at Pinkley Park. (01:06:19)

Public Comments closed.

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Adopt the proposed resolution.

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 resolution approving the application for specified grant funds from the California Department of Parks and Recreation.

7. AMENDMENT NUMBER THREE TO PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS (01:09:53)

Staff presentation by Ms. Reyes, Acting Assistant to the City Manager

Public Comments:

Corrie Williams, Senior Director, Townsend Public Affairs spoke on the grants secured to date for the City, spoke on the Fairview Developmental Center, and Sober Living Homes legislation.

Public Comments closed.

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

Nays: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

Action:

1. City Council approved Amendment Number Three to the Professional Services Agreement (PSA) with Townsend Public Affairs, Inc. to add legislative advocacy and strategy services to the scope of services and increase the annual compensation by \$24,000, for a total annual not-to-exceed amount of \$74,000; and
 2. Approved a ten (10) percent contingency totaling \$2,400, if necessary; and
 3. Authorized the City Manager and City Clerk to execute the amendment and future amendments within Council-authorized limits.
- 3. WARRANT RESOLUTION NO. 2628 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-19 "A" FOR \$0; 19-20 FOR \$2,662,783.52; AND CITY OPERATING EXPENSES FOR \$1,688,418.54; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:22:35)**

Public Comments:

Speaker, spoke on sober living costs. (01:22:44)

Public Comments closed.

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve Warrant Resolution No. 2628

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Mansoor

Abstain: Mayor Foley

Motion carried: 5-0-1-1

Action:

City Council approved Warrant Resolution No. 2628.

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

City Council recessed into break at 7:49 p.m.

City Council reconvened at 7:59 p.m.

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

1. **SPECIAL USE PERMIT SL-16-0014 TO OPERATE A SOBER LIVING HOME (THE FELLOWSHIP HOUSE), SERVING TEN PERSONS AND ONE HOUSE MANAGER, AT 2412 ORANGE AVENUE (01:26:19)**

Staff presentation by Ms. Bouwens-Killeen, Zoning Administrator.

City Council recessed at 8:13 p.m. for staff to consider the applicant's questions.

City Council Reconvened at 8:23 p.m.

The applicant withdrew their application in order to submit a revised application to the Planning Department.

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

MOTION: Upon submittal of a new application the Planning Director will have review authority.

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:

The applicant withdrew their application. Upon submittal of a new application the Planning Director will have review authority.

2. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 9-125 (BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS REQUIRING A PERMIT UNDER THE PROVISIONS OF THIS CHAPTER) AND 9-128 (BUSINESSES WHERE THE DIRECTOR OF FINANCE MAY ISSUE PERMITS IN CASE OF NO OBJECTION) OF ARTICLE 1 (GENERALLY) AND ARTICLE 9 (PUSHCART AND OTHER SIDEWALK VENDORS), OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATION) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO SIDEWALK VENDING (01:43:16)

Staff presentation by Mr. Preziosi, Assistant City Attorney

Discussion ensued regarding, proximity of schools, drive up services, sales of weapons, not restricting competition, vending during the Orange County Fair, clear access and travel, the code being compliant with the State, permit and licensing processes, and health and safety.

Public Comments: None

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

SUBSTITUTE MOVED/SECOND: Mayor Foley/ Council Member Reynolds
MOTION: Staff to bring back a new Ordinance that allows for more opportunity for small business vending in the city, for staff to receive council member's feedback, and to add language to prohibit the sale of weapons.

Council Member Genis spoke on the hours of operation.

Council Member Chavez and Mayor Pro Tem Stephens spoke on supporting the substitute motion.

Mayor Foley requested staff to look at the following items: advertising on the vending carts, hours of operation being on a case by case basis, vending at capital facilities including City Hall, vending near schools during special events, and how certain regulations would affect Lions Park.

The substitute 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 directed staff to bring back a revised Ordinance with Council Members changes.

OLD BUSINESS: NONE

NEW BUSINESS:

**1. ONE APPOINTMENT TO THE PLANNING COMMISSION, DISTRICT 3
(02:32:43)**

Staff presentation by Ms. Green, City Clerk

Public Comments:

Wendy Leece, Costa Mesa, expressed support for Florence Martin. (02:33:51)

Cynthia McDonald, Costa Mesa, expressed support for Florence Martin.
(02:35:00)

Rick Huffman, Costa Mesa, expressed support for Florence Martin. (02:37:57)

Speaker, Costa Mesa, expressed support for Florence Martin. (02:40:10)

Public Comments closed.

MOVED/SECOND: Council Member Marr/Mayor Pro Tem Stephens
MOTION: Appoint Mr. De Arakal as Planning Commissioner for District 3

Council Members Marr, Genis, Reynolds, Chavez and Mayor Pro Tem Stephens praised Carla Navarro Woods and spoke on the motion and the applicants.

Mayor Foley, spoke on supporting the motion

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 appointed Mr. De Arakal as Planning Commissioner for District 3 with the term expiring January, 2023.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Reynolds encouraged walking and biking and spoke on the Costa Mesa Alliance for Better Streets workshop on Safe Routes to School.

Council Member Genis spoke on badges being sold by the Police Department in support of Breast Cancer awareness month and spoke on affordable housing.

Mayor Pro Tem Stephens thanked Council Member Reynolds for clarifying the screening of the "No Small Matter" movie.

ADJOURNMENT - Mayor Foley adjourned the meeting at 9:34 p.m. in memory of Jesus Carillo Reyes. (02:53:02)

Minutes adopted on this 21st day of July, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk