

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

OCTOBER 2, 2018

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:10 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley (arrived at 4:20 p.m.), Council Member Rigueimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION

Arlis Reynolds, Costa Mesa, spoke on Closed Session Item Number 4; and high traffic area for students.

The City Council recessed to Conference Room 5A at 4:15 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – ONE POTENTIAL CASE

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3505 Cadillac Ave Building O, 103-203, 104-204

APN: 139-662-21

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Project Independence

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3505 Cadillac Ave, Building N, Suite 4

APN: 139-662-01

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Ping Jia

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1040 West 17th Street

APN: 424-351-07

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Ssms Investments LLC

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 270 E. Baker Street, Ste. 200

APN: 936-790-37

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Baker Redhill G P

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1967 Newport Boulevard

APN: 419-212-03

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Leader Venture Inc

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2656 Newport Boulevard

APN: 439-081-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Reigerslaan 40 Corp

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2750 Bristol Street

APN: 418-182-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Choong Soon Kang

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Vacant Site next to 2750 Bristol Street
APN: 418-182-05
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Theofanis Teazis
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Vacant site at 2029 Charle Street
APN: 422-092-11
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Dorothy Bayliss
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1626 Ohms Way
APN: 424-121-27
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Kim D Harding
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1634 Ohms Way
APN: 424-121-26
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Allen C K
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3115 Redhill Avenue
APN: 427-023-05
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Blackmon Invest LLC
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3597 Harbor Boulevard
APN: 415-041-06
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and CAL-WESTERN HARBOR, MACARTHUR DEV PARTNERS
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1775 & 1781 Monrovia Avenue
APN: 424-361-20 & 424-361-21
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and Jean E Hidden
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1540 Superior Avenue

APN: 425-351-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Benedict Shelley R Living Trust

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 642 Baker Street

APN: 418-222-07

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and JSN Investment LLC

Under Negotiation: Price and Terms

The City Council reconvened at 6:30 p.m.

CALL TO ORDER (00:00:01)

The meeting was called to order by Mayor Genis at 6:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:16) Mayor Pro Tem Mansoor

MOMENT OF SOLEMN EXPRESSION (00:00:39)

Minister Jerry Hollobaugh, Police Department Chaplain

ROLL CALL (00:01:58)

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:10) – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - NONE

ANNOUNCEMENTS (00:02:13): "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:05:25)

Mr. Jeff Mills, OCTA, provided a powerpoint presentation on the Interstate 405 Improvement Project Update.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:14:20)

Donna Stapleton, President of the Friends of the Library, spoke on the Childs Play Music. (00:14:46)

Al Melone, Costa Mesa, read an e-mail he received regarding trees at the dog park. (00:19:57)

Jay Humphrey, Costa Mesa, spoke on Fairview Park; Measure AA; and safety issues. (00:23:03)

Tamar Goldmann, Costa Mesa, spoke on urban coyote issues. (00:24:56)

Robin Leffler, Costa Mesa, spoke on the Mesa Verde Community Inc. Candidate Forum on October 4 at 6 p.m. at the Crossing Church. (00:28:12)

Phil Marsh, Costa Mesa, President of the Lions Club, spoke on the Fish Fry event. (00:29:37)

Kim Hendricks, Costa Mesa, spoke on Fairview Park and moving the Fish Fry event; plants dying at Fairview Park and restoration; and spoke in memory of Gilbert Collins. (00:31:43)

Andrea Marr, Costa Mesa, spoke on urban coyote issues; sightings reported via Next Door.com; and the Coyote Cacher. (00:34:53)

Sue Lester, member of the Lions Club, spoke on the Fish Fry event; city staff onsite; and praised efforts to protect Fairview Park. (00:37:01)

Frank Chlarson, Costa Mesa, spoke on urban coyote issues and requested an aggregate data plan for coyote management. (00:40:31)

Terry Koken, Costa Mesa, spoke on Council Member Katrina Foley. (00:43:31)

Ralph Taboada, Costa Mesa, invited everyone to the Finance and Pension Advisory Committee meeting on October 10, in which Senator Moorlach will be speaking on pensions. (00:46:34)

Cindy Black, Costa Mesa, thanked Mayor Genis for efforts on saving Banning Ranch; and efforts for Measure AA. (00:48:33)

Speaker, thanked Council Member Katrina Foley. (00:50:09)

Beth Refakes, Costa Mesa, spoke on the fire station grand opening; and signal preemption on Newport Boulevard. (00:50:25)

Speaker, thanked Mayor Genis for efforts on Measure Y; and on planning issues. (00:51:59)

Speaker, thanked Council Member Foley for efforts on sober living issues. (00:54:01)

Speaker, spoke on various issues. (00:56:27)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:59:51)

Mayor Pro Tem Mansoor spoke on urban coyote issues and requested a follow-up on any actions taken at College park; and spoke on data and the Coyote Cacher. (01:00:05)

Council Member Foley spoke on meeting pertaining to coyote issues; requested an update on the Fairview Park restoration plan; requested a city approved bike rack at Fire Station 1; requested an update on the CIP budget and project review; summary of traffic review meeting; reported on attending the State of School breakfast and Travel Costa Mesa Board meeting. (01:02:25)

Mayor Genis spoke on coyote issues and data; Fairview Park deed restrictions and requested research on uses; spoke on sober living; and adjourning the meeting in memory of Mr. Collins. (01:06:36)

Council Member Stephens spoke on Fairview Park and requesting the item to be agendized for the October 16th meeting. (01:10:15)

Discussion ensued on agendizing the item; and legal considerations. (01:12:10)

Council Member Righeimer spoke on the CAN ordinance and paying for the new fire station; Fairview Park; and urban coyote issues and a management plan. (01:16:19)

CONSENT CALENDAR (01:20:10)

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for 3, 4, 10 and 11.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

- 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: Antonio Bevacqua, Carrin A. Leaman, Joseph Riordan and Taggert Peebles.**

ACTION:

City Council received and filed.

- 5. CDBG PROJECT: OUTDOOR PATIO INSTALLATION AT SENIOR CENTER CITY PROJECT NO. 17-16**

ACTION:

1. City Council accepted the work performed by R.E. Shultz Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the release of the Labor and Material Bond one year after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

- 6. AWARD THE PURCHASE OF ONE (1) NEW 2019 VACTOR HXX PARADIGM VACUUM EXCAVATOR MOUNTED ON A 2019 FREIGHTLINER M2 106 4X2 SBA CHASSIS**

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for the purchase of one (1) new 2019 Vactor HXX Paradigm Vacuum Excavator from Haaker Equipment Company 2070 North White Avenue, La Verne, California 91750 through the Sourcewell (formerly NJPA) awarded contract #122017-FSC in the amount of \$298,077.36.

- 7. FINAL PAYMENT FOR PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS**

ACTION:

1. City Council approved Amendment No. 4 to the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, California 92649, increasing the maximum compensation by \$64,760.76, to cover final payment for Project/Construction Management and Public Works Inspection Services for various Council-approved CIP projects; and

2. Authorized the City Manager to execute the Amendment.

8. NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 292 E. 19TH STREET

ACTION:

1. City Council scheduled a public hearing on November 13, 2018 at the Costa Mesa Senior Center, 695 W. 19th Street, for the vacation of a portion of a Right-of-Way at 292 E. 19th Street; and
2. Adopted Resolution No. 18-61 of intent to vacate Right-of-Way.

9. REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON KNOWELL PLACE BETWEEN MEYER PLACE AND MAPLE AVENUE

ACTION:

City Council adopted Resolution No. 18-62, approving the implementation of a “Resident Only” parking restriction on Knowell Place between Meyer Place and Maple Avenue and authorizing the Transportation Services Manager to extend the restriction within a 1,000-foot radius as needed, based on a qualifying petition from affected residents and meeting Council-adopted guidelines.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. WARRANT RESOLUTION NO. 2606 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-18 “A” FOR \$723.26 AND 18-19 FOR \$2,568,696.84; AND CITY OPERATING EXPENSES FOR \$2,454,366.25; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:21:35)

Public Comments:

Speaker, spoke on legal issues. (01:21:40)

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

MOTION: To approve the recommended action.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2606.

4. AMENDMENT NUMBER ONE TO PROFESSIONAL SERVICES AGREEMENT (PSA) WITH ENDEMIC ENVIRONMENTAL SERVICES, INC. (01:24:06)

Council Member Stephens spoke on the item. (01:24:25)

Discussion ensued on the amount of funding; terms of the PSA; and Fairview Park Steering Committee review. (01:25:10)

Raja Sethuraman, Public Services Director, spoke on the cancellation clause. (01:28:46)

Mayor Genis clarified the contract pertains to wetlands and current restoration. (01:29:10)

Justin Martin, Parks & Community Services Director, spoke on the contract for clearing of ponds. (01:31:45)

Cynthia D'Agosta, Fairview Park Administrator, spoke on the steps of the scope of work; keeping the maintenance program; and approvals by regulatory agencies on annual maintenance schedules. (01:32:39)

Public Comments:

Cindy Black, Costa Mesa, spoke on the amount of money being excessive; spoke against Barry Nerhus due to affiliation with the Banning Ranch developers; and requested looking at other consultants. (01:35:12)

Speaker, spoke against the agreement. (01:36:39)

Kim Hendricks, Costa Mesa, requested the contract be reviewed by the Fairview Park Steering Committee (FPSC); and spoke against the contract. (01:38:01)

Robin Leffler, Costa Mesa, suggested the contract be reviewed by the FPSC and Finance and Pension Advisory Committee. (01:41:09)

Speaker, spoke against the agreement. (01:41:34)

Public Comments closed.

Council Member Righeimer spoke against sending to a committee; and spoke in support of moving forward with the contract. (01:45:04)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To approve the recommended action.

Mayor Pro Tem Mansoor spoke in support of the motion. (01:47:46)

Discussion ensued on the Biological monitoring outside Fairview Park; nesting surveys; Fairview Park Improvement fund; and restoration plan by the FPSC. (01:49:00)

Council Member Stephens spoke against the motion. (01:52:00)

Discussion ensued on the Fairview Park Improvement and Capital Improvement Project funds; a work plan for the FPSC; and the Bikeway and Walkability Committee. (01:54:43)

Council Member Foley spoke in support of the motion. (02:01:18)

Ms. D'Agosta spoke on the work plan; and the Master Plan. (02:01:25)

SUBSTITUTE MOTION/SECOND: Council Member Stephens/Council Member Foley (02:03:00)

SUBSTITUTE MOTION: To direct the FPSC to evaluate the quality of the services of Endemic Environmental Services, Inc. and report back to City Council; and fund Endemic's work through that report.

Mayor Pro Tem Mansoor spoke against the substitute motion. (02:03:54)

Council Member Righeimer spoke against the substitute motion. (02:04:07)

Mr. Martin spoke on the current scope of the committee; and the original scope of the RFP for the services. (02:05:46)

Mayor Genis spoke on the scope of services. (02:06:23)

Ms. D'Agosta spoke on the quarterly analysis and maintenance on the wetlands; and the independent review by the professionals. (02:07:25)

Mayor Pro Tem Mansoor thanked staff for their work. (02:10:14)

Council Member Foley spoke on evaluating consultants work. (02:11:20)

SUBSTITUTE MOTION/SECOND: Council Member Stephens/Council Member Foley

SUBSTITUTE MOTION: To direct the FPSC to evaluate the quality of the services of Endemic Environmental Services, Inc. and report back to City Council; and fund Endemic's work through that report. (02:03:00)

The motion failed by the following roll call vote:

Ayes: Council Member Foley and Council Member Stephens.

Nays: Council Member Righeimer, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

Motion failed: 2-3

Mayor Genis spoke on concerns regarding restoration. (02:14:13)

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

ORIGINAL MOTION: To approve the recommended action. (02:15:02)

The motion carried by the following roll call vote:

Ayes: Council Member Righeimer, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: Council Member Foley and Council Member Stephens.

Absent: None

Motion carried: 3-2

ACTION:

1. City Council approved Amendment Number One to the existing Professional Services Agreement (PSA) with Endemic Environmental Services Inc. (Endemic), authorizing an additional amount of \$552,360.00 for consultant services; and
2. Authorized the City Manager to execute the amendment and future amendments to the PSA.

10. REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON HAMILTON STREET BETWEEN THURIN STREET AND THE EAST END OF THE STREET (02:15:12)

No public comments on this item.

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: To approve the recommended action.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 18-63, approving the implementation of a “Resident Only” parking restriction on Hamilton Street between Thurin Street and the east end of the street and authorizing the Transportation Services Manager to extend the restriction within a 1,000-foot radius as needed, based on a qualifying petition from affected residents and meeting Council-adopted guidelines.

11. PROFESSIONAL SERVICES AGREEMENT WITH DUDEK CORPORATION FOR A COMPREHENSIVE PERFORMANCE EVALUATION OF THE FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT (02:16:26)

Discussion ensued on an environmental attorney to work with the consultant. (02:16:38)

Public Comments:

Cindy Black, Costa Mesa, spoke against the contractor due to affiliation with Banning Ranch developers. (02:17:45)

Jay Humphrey, Costa Mesa, spoke on the certificate of insurance and scope of work not being available. (02:19:52)

Public Comments closed.

Mayor Genis spoke on receiving one proposal for the Request for Proposal (RFP). (02:21:20)

Council Member Foley requested an itemization of the Fairview Park fund. (02:25:38)

Mayor Genis requested information on funding for ongoing monitoring and maintenance. (02:26:36)

Discussion ensued on funding; and grants. (02:26:36)

MOVED/SECOND: Council Member Stephens/Council Member Foley

MOTION: Approve the recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved the Professional Services Agreement with Dudek Corporation for a comprehensive performance evaluation of the Fairview Park wetlands and riparian habitat project in the amount of \$78,000.00; and
2. Authorized the City Manager to execute the agreement and any future amendments to the agreement.

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

NEW BUSINESS ITEM NO. 2 WAS CONTINUED TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING.

2. REQUEST TO ADOPT A RESOLUTION TO OPPOSE NEW LEASES FOR OIL AND GAS ACTIVITIES OFF THE COAST OF CALIFORNIA AND OPPOSE EXECUTIVE ORDER 13795

MOVED/SECOND: Council Member Foley/Council Member Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council continued the item to the October 16, 2018 City Council meeting.

City Council recessed into a break at 9:03 p.m.

City Council reconvened at 9:16 p.m.

CITY COUNCIL CONSIDERED OLD BUSINESS ITEM NO. 1 AND NEW BUSINESS ITEM NO. 1 PRIOR TO PUBLIC HEARING.

OLD BUSINESS (02:44:45)

1. SERVICES AGREEMENT FOR PUBLIC SAFETY HELICOPTER SUPPORT BETWEEN THE CITY OF HUNTINGTON BEACH AND THE CITY OF COSTA MESA (02:44:45)

No public comments on this item.

MOVED/SECOND: Council Member Foley/Mayor Genis

MOTION: To approve the recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved the Services Agreement for Public Safety Helicopter Support Services between the City of Huntington Beach and the City of Costa Mesa; and

2. Authorized the City Manager to execute the agreement and future amendments to the agreement.

NEW BUSINESS (02:45:51)

1. REQUEST TO ESTABLISH A COMMITTEE TO ADDRESS ISSUES AND CONCERNS RELATED TO COSTA MESA MOBILE HOME PARKS (02:45:53)

Mayor Genis spoke in support of a committee. (02:46:06)

Council Member Foley spoke in support of a committee. (02:47:24)

Public Comments:

Wanda Garro, Costa Mesa, spoke in support of a committee. (02:48:30)

Leslie Chaney, secretary of Playport Mobile Home and member of the Costa Mesa Mobile Home Coalition, spoke in support of a committee. (02:51:40)

Tony Dougher, spoke in support of a committee. (02:54:43)

Mary Jo Baretich, representing Golden State Manufactured-Home Owners League, spoke in support of a committee. (02:57:27)

Julie Culley, representing Western Manufactured Housing Community Association, spoke against a committee; and suggested an ad hoc committee with a sunset date and consisting of four park owners or representatives and four tenants, if Council decides to move forward. (03:00:06)

Sandy Johnson, Costa Mesa, spoke in support of a committee and an ordinance. (03:03:04)

Jay Humphrey, Costa Mesa, spoke in support of a committee. (03:06:10)

Terry Koken, Costa Mesa, spoke in support of a committee. (03:08:43)

Robin Leffler, Costa Mesa, spoke in support of a committee. (03:10:24)

Speaker, spoke in support of a committee. (03:11:06)

Beth Refakes, Costa Mesa, spoke in support of a committee; and including rights of residents in case of conversion. (03:12:36)

Vickie Talley, Executive Director of the Manufactured Housing Educational Trust, spoke against a committee; spoke on education and cooperation for problem solving; and Rental Assistance Program. (03:15:29)

Wendy Leece, Costa Mesa, spoke in support of a committee. (03:17:45)

Public Comments closed.

Mayor Pro Tem Mansoor spoke on fiscal issues; and an ad hoc committee with 3 owners, 3 residents and 2 at-large. (03:19:45)

Council Member Stephens spoke in support of a committee as recommended in the staff report. (03:22:29)

MOVED/SECOND: Council Member Stephens/Council Member Foley
MOTION: To approve the recommendation as stated in the staff report:
The committee shall consist of a council liaison and 9 members with representatives from each of the following groups: 2 mobile home park owners, 5 mobile home resident owners, and 2 independent citizens at-large who have no affiliation or relationship with mobile home parks. They shall meet at least quarterly. Staff utilization and participation will be allocated appropriately to accommodate the activities of the committee. (03:24:13)

Council Member Foley requested to amend the motion to include mobile home park owners or their representatives. Council Member Stephens (the second) concurred. (03:24:21)

Council Member Righeimer spoke on rent control. (03:24:55)

SUBSTITUTE MOTION/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
SUBSTITUTE MOTION: To establish an ad-hoc committee with 3 owners, 3 residents and 2 at-large and with the provision that there will be no rent control items discussed at the committee meetings. (03:27:30)

Mayor Genis spoke on rent control; and a committee with 2 owners, 3 residents and 2 at-large. (03:28:48)

Discussion ensued on the makeup of the committee. (03:30:40)

Council Member Stephens spoke in support of 5 residents. (03:31:29)

Mayor Pro Tem Mansoor spoke in support of 3 owners, 4 residents and 2 at-large. (03:32:52)

Council Member Foley spoke against an ad-hoc committee. (03:33:30)

Discussion ensued on ad-hoc committees. (03:33:51)

SUBSTITUTE SUBSTITUTE MOTION/SECOND: Council Member Foley/Mayor Genis

SUBSTITUTE SUBSTITUTE MOTION: To establish a committee to address mobile home park issues and concerns in Costa Mesa with a representation of three (3) park owners or their representatives, four (4) mobile home resident owners, and two (2) independent citizens at-large who have no affiliations or relationships with mobile home parks. The committee will meet quarterly and staff utilization and participation will be allocated appropriately to accommodate their activities. In addition, provide direction to staff that if committee would like to discuss rent control, it would have to go before City Council for approval.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council established a committee to address mobile home park issues and concerns in Costa Mesa with a representation of three (3) park owners or their representatives, four (4) mobile home resident owners, and two (2) independent citizens at-large who have no affiliations or relationships with mobile home parks. The committee will meet quarterly and staff utilization and participation will be allocated appropriately to accommodate their activities. City Council also directed staff that if committee would like to discuss rent control, it would have to go before City Council for approval.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (03:40:17)

- 1. A RESOLUTION ADOPTING SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES AND APPROVING AN ORDINANCE (CODE AMENDMENT CO-18-03) AMENDING COSTA MESA MUNICIPAL CODE SECTION 19-15 TO REFERENCE THE PROPOSED DESIGN GUIDELINES (03:40:22)**

Council Member Righeimer recused himself, stepped down from the dais and left the Council Chambers as he owns cell towers and is a landlord to some of the cell companies. (03:40:46)

Johnwilly Aglupos, Assistant Planner, presented the staff report. (03:41:06)

Discussion ensued on the analysis of the cost for processing applications. (03:51:30)

Public Hearing opened:

Diane McClellan, representing Verizon Wireless, spoke on a high powered design; spoke in support of a 325' residential setback; and deploying 5g technology. (03:52:45)

Dan Vozenilek, representing AT & T, spoke in support of a 325' residential setback; and spoke on the issue. (03:56:08)

Speaker, spoke on the issue. (03:57:41)

Public Hearing closed.

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To approve recommended action number 1.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

ACTION:

1. City Council found that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3)(General Rule exemption).

MOVED/SECOND: Council Member Foley/Mayor Genis

MOTION: To approve recommended action number 2.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

2. City Council introduced for first reading Ordinance No. 18-09, adopting Code Amendment 18- 03 to revise Title 19, Article 4, Section 19-15 of the Municipal Code with respect to wireless telecommunications services in the public right-of-way and approve design guidelines for Small Cell Telecommunications Facilities by adoption of Resolution No. 18-64.

City Council recessed into a break at 10:38 p.m.

City Council reconvened at 10:50 p.m.

2. GENERAL PLAN AMENDMENT 18-02, REZONE 18-01, MASTER PLAN PA-18-05 AND VESTING TENTATIVE TRACT MAP NO. 18156 AND VACATION OF A PORTION OF FORD ROAD FOR DEVELOPMENT OF A 38-UNIT THREE-STORY CONDOMINIUM DEVELOPMENT LOCATED AT 390 FORD ROAD AND 1957 NEWPORT BOULEVARD (04:17:50)

Minoo Ashabi, Senior Planner, presented the staff report. (04:18:29)

Public Hearing opened:

Veronica Tachias, spoke on behalf of Rolling Homes and Panderosa Mobile Home Park regarding concerns retaining access in order to protect the value of their communities. (05:02:55)

Joe Winkler, Costa Mesa, spoke in support of the project. (05:06:35)

Devyn Higgins, Costa Mesa, spoke in support of the project. (05:07:17)

Justin Sand, Costa Mesa, spoke in support of the project. (05:08:06)

Speaker, Costa Mesa, spoke in support of the project. (05:09:10)

Francie Coleman, Costa Mesa, spoke on issues related to their homes facing the back. (05:09:25)

Karen Catellano, Manager of Rolling Homes and Panderosa Mobile Estates, requested a designated turning lane. (05:12:18)

Speaker, Costa Mesa, spoke in support of the project. (05:14:09)

Brandon Waylon, spoke in support of the project. (05:16:20)

Speaker, representing the Orange County People for Housing, spoke in support of the project. (05:17:51)

Elizabeth Handsberg, Founder of People for Housing Orange County, spoke in support of the project. (05:19:05)

Adam Wood, representing the Building Industry Association, spoke in support of the project. (05:20:49)

Walker Wood, Costa Mesa, spoke in support of the project. (05:21:34)

George Tulloh, Costa Mesa, spoke in support of the project. (05:23:02)

Robin Leffler, Costa Mesa, spoke on keeping the road and no street vacation. (05:24:55)

Cynthia McDonald, Chair of the Bikeway and Walkability Committee, spoke on the pedestrian gate; and the need for an open space. (05:27:07)

Beth Refakes, Costa Mesa, spoke on the need for an open space and public vacation of Ford Road. (05:29:28)

Speaker, spoke against the project. (05:31:55)

Speaker, spoke against the project. (05:34:40)

Public Hearing closed.

Council Member Righeimer spoke to approving the project and including the 100 square foot with regards to the open space. (05:37:45)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens
MOTION: To approve recommended action number 1 with the following changes to the balcony condition number 18 in Resolution No. 18-69: The project shall provide a minimum of 40 percent open space with a maximum of six percent provided as balconies. All units shall be provided with a minimum 100 square foot balcony directly connected to the living areas (except Plan 1, which may provide a minimum of 67 SF per plan).

Discussion ensued on the designated merging lane; and easement for the road. (05:40:43)

Mayor Pro Tem Mansoor spoke in support of the motion. (05:45:16)

Mayor Genis spoke on the issue. (05:45:55)

Discussion ensued on the balcony condition number 18; and adding to the findings that there is no living area on the first floor. (05:48:04)

Council Member Foley spoke in support of the motion; spoke on adding the finding of the lots that are irregular in shape and deviation; requested mature trees; and working with the neighbors regarding window placements. (05:50:30)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens
MOTION: To approve recommended action number 1 with the following changes to the balcony condition number 18 in Resolution No. 18-69: The project shall provide a minimum of 40 percent open space with a maximum of six percent provided as balconies. All units shall be provided with a minimum 100 square foot balcony directly connected to the living areas (except Plan 1, which may provide a minimum of 67 SF per plan).

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. As recommended by the Planning Commission, the City Council adopted Resolution No. 18-69 with the following changes to the balcony condition number 18: The project shall provide a minimum of 40 percent open space with a maximum of six percent provided as balconies. All units shall be provided with a minimum 100 square foot balcony directly connected to the living areas (except Plan 1, which may provide a minimum of 67 SF per plan); and approved the project by the following actions:

- a. Adopted 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; and
- b. Approved a General Plan Amendment to change the site's land use designation from General Commercial (GC) to High Density Residential (HDR) with a site-specific density of 20.4 du/acre; and
- c. Approved a Master Plan for site and building design for 38 attached townhome units including a deviation from the minimum open space requirement (42-percent required, 40-percent proposed including balconies) and a deviation related to providing open guest parking as carports (seven of 19 required open guest parking spaces are proposed as carports; in total, nine additional parking spaces are provided in excess of the required number of spaces); and
- d. Approved Vesting Tentative Tract Map for the subdivision of the 1.86-acre site into a 38-unit condominium development for home ownership.

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: To approve recommended action number 2.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

2. As recommended by the Planning Commission, the City Council gave first reading to Ordinance No. 18-11 approving Rezone 18-01 to change the site's zoning from General Business District (C-2) to Planned Development Residential - High Density (PDR-HD) with a site-specific density of 20.4 du/acre.

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: To approve recommended action number 3.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

3. As recommended by the Planning Commission and the City's Bikeway and Walkability Committee, the City Council took the following actions for the vacation of Ford Road:

- a. Scheduled a public hearing on November 13, 2018 at the Costa Mesa Senior Center, 695 W. 19th Street, for the vacation of a portion of Ford Road Right-of-Way and (2) City Public Utility easements and (1) City sidewalk easement at 390 Ford Road; and
- b. Adopted Resolution No. 18-65 of intent to vacate Right-of-Way; and
- c. Adopted Resolution Nos. 18-66 and 18-67 of intent to vacate Utility easements at 1957 Newport Boulevard and 390 Ford Road; and Resolution No. 18-68 of intent to vacate City sidewalk easement at 390 Ford Road.

THIS ITEM WAS CONTINUED TO THE OCTOBER 16, 2018 CITY COUNCIL MEETING.

3. **GENERAL PLAN AMENDMENT 18-03 TO AMEND THE CITY'S GENERAL PLAN LAND USE ELEMENT TO REMOVE THE RESIDENTIAL OVERLAY LAND USE AREAS AND CODE AMENDMENT 18-04 AMENDING THE ZONING CODE TO REMOVE ALL REFERENCES TO THE RESIDENTIAL INCENTIVE OVERLAYS INCLUDED IN TITLE 13, CHAPTER V, ARTICLE 12, OF THE COSTA MESA MUNICIPAL CODE**

MOVED/SECOND: Council Member Stephens/Council Member Foley

MOTION: To continue the item to the October 16, 2018 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens and Mayor Genis.

Nays: Council Member Righeimer and Mayor Pro Tem Mansoor.

Absent: None

Motion carried: 3-2

ACTION:

City Council continued the item to the October 16, 2018 City Council meeting.


ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – Mayor Genis adjourned the meeting at 12:30 am in memory of Gil Collins.

Minutes adopted on this 13th day of November, 2018.



Sandra L. Genis, Mayor

ATTEST:



Brenda Green, City Clerk