

**ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, APRIL 16, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. NONE
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

JOHN B. STEPHENS
Mayor Pro Tem

ANDREA MARR
Council Member

ARLIS REYNOLDS
Council Member

ALLAN R. MANSOOR
Council Member

SANDRA L. GENIS
Council Member

City Attorney
Kimberly Hall Barlow

Acting City Manager
Tamara S. Letourneau

CALL TO ORDER

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. 19th Street, Costa Mesa, California.

ROLL CALL

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

REPORT – CITY MANAGER – 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.

FOR INFORMATIONAL PURPOSES ONLY

REPORT – CITY ATTORNEY – Tarquin Preziosi, Assistant City Attorney, reported out that the Supreme Court denied Americare’s Anti-trust claim against the City.

CONSENT CALENDAR:

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.

FOR INFORMATIONAL PURPOSES ONLY

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

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

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

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

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

FOR INFORMATIONAL PURPOSES ONLY

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

FOR INFORMATIONAL PURPOSES ONLY

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

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.

FOR INFORMATIONAL PURPOSES ONLY

11. ACCEPTANCE OF A \$150,000 GRANT FROM STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR VERNAL POOL WATERSHED RESTORATION

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:

1. JOINT POWERS AGREEMENT FOR PARTICIPATION IN THE ORANGE COUNTY HOUSING FINANCE TRUST

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).

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

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

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.

FOR INFORMATIONAL PURPOSES ONLY

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.

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.

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.

MOVED/SECOND: Mayor Foley/Council Member Chavez

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

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.

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

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

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

FOR INFORMATIONAL PURPOSES ONLY

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.

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