

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

APRIL 2, 2019

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 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

PUBLIC COMMENTS ON CLOSED SESSION:

Speaker, spoke on the sober living cases.

The City Council recessed to Room 102 at 4:05 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION INITIATION OF LITIGATION – ELEVEN POTENTIAL CASES

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

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Clean Path Recovery, LLC, a California limited liability company; Lee Heligman, an individual; Lucy Lee Holdings, LLC, a California limited liability company; Pomona Associates CM, LLC, a California limited liability company, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01015745-CU-OR-CJC.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Casa Capri, LLC, a California limited liability corporation; Casa Capri Recovery Center, LLC, a California limited liability corporation; Irani Zackary, an individual; Timothy Carr, an individual; Melissa Holmes Goodmon, an individual; Jeremy Broderick, an individual, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01006156-CU-OR-CJC.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa v. SoCal Recovery, Inc., a California corporation; Darryl Shinder, an individual; Kenneth Norwood, an individual; Ian Grimley, an individual, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01022764-CU-OR-NJC.

6. 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.

7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR.

8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Pacific Shores, LLC, a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01170 JVS-PJW.

9. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Summit Coastal Living, Inc., a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01369-JVS-PJW.

11. 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.

The City Council reconvened at 6:00 p.m.

CALL TO ORDER (00:00:11)

The meeting was called to order by Mayor Foley at 6:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:46)

Mariners Middle School

MOMENT OF SOLEMN EXPRESSION (00:02:27)

Pastor Sarah Heath, First United Methodist Church of Costa Mesa

ROLL CALL (00:03:11)

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

Absent: None

Officials Present: Acting City Manager Tamara Letourneau, 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 (00:03:27) – Ms. Barlow stated there were no reportable actions taken in Closed Session but direction was given to staff.

PRESENTATIONS (00:03:40)

1. Boys and Girls Club Presentation – Mr. Robert Santana, Chief Executive Officer of the Boys and Girls Club of Central Orange Coast, presented the Annual Report. (00:03:48)
2. Animal Services Committee Annual Report – Jay Litvak, Chair, presented the Annual Report. (00:13:20)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:24:09)

Margaret Wolf, Seal Beach, requested a toaster and a new microwave at the Senior Center. (00:24:34)

Jay Humphrey, Costa Mesa, spoke on Fairview Park. (00:25:38)

Robin Leffler, Costa Mesa, spoke on Municode Section 2-68 regarding Disqualification on Conflict of Interest; and campaign donations from Tom Arnold. (00:28:58)

Ms. Barlow addressed Municode Section 2-68 and clarified it is not a conflict for purposes of Committee and Commission appointments.(00:31:36)

Speaker, spoke on clarifying Municode Section 2-68 on donations and appointments to committees. (00:32:45)

Speaker, spoke on opioid issues and overdoses. (00:34:26)

Speaker, requested the 2018 Fourth of July After-Action Report. (00:36:52)

Speaker, thanked Raja Sethuraman; and requested grass at the dog park. (00:38:02)

Al Melone, Costa Mesa, spoke on urban coyotes. (00:39:58)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:42:38)

Council Member Chavez reported on his attendance at the following events: a tour of the Costa Mesa Sanitary District; American Little League series with special needs children; Newport-Mesa Unified School District's (NMUSD) Human Relations Task Force; and Volunteer Training for Mercy House; spoke on Fairview Park; and DMV overflow parking on the streets. (00:42:50)

Council Member Marr reported on her attendance at a tour of the Costa Mesa Sanitary District and the Senior Center prom; spoke on parking citations; and Homeless Shelter opening on April 5th. (00:46:46)

Council Member Mansoor – no comments.

Council Member Genis spoke on The Traveling Wall Vietnam Memorial coming to Costa Mesa at Balearic Park from April 11-14; the Orange County Council of Governments meeting on April 12; and grass at the dog park. (00:48:34)

Council Member Reynolds spoke on Committee meetings; Beauty and the Beast play by Arts and Learning Conservatory; NMUSD Human Relations Task Force; United Ways Annual event; homeless issues; Chamber of Commerce event for local non-profits at Ikea on April 3rd; Regional Economic Outlook at UCI on April 3rd; Town Hall meeting on April 6th regarding John Wayne Airport; requested a resolution to fly a flag in honor of pride month; and for staff to look into improving the upkeep and aesthetics of vacant lots in the City. (00:50:43)

Mayor Pro Tem Stephens spoke on the American Little League series with special needs children; spoke on citizens age 24-35; microbreweries in Costa Mesa; SOS fundraiser event on April 4th; reported on his attendance at the Travel Costa Mesa Annual Board meeting; and spoke on the Homeless Shelter opening on April 5th. (00:53:55)

Mayor Foley spoke on being in court on homeless issues; the Homeless Shelter opening on April 5th; Talbert park encampments; League of Cities presentation regarding the shelter; spoke on attending a ceremony and receipt of a check from Stonyfield Organics for organic pesticides; College Hospital meeting on crisis stabilization unit program; Illumination Foundation tour; the planetarium opening at Orange Coast College; Costa Mesa Sanitary District donation for the homeless shelter restrooms; and new legislations by Assemblywoman Cottie Petrie-Norris. (00:58:22)

REPORT – CITY MANAGER – Ms. Letourneau provided an update on the Council Chambers remodel; spoke on a photo contest by the Parks and Community Services department; and Mr. Martin spoke on the challenges of growing grass in the dog park.

REPORT – CITY ATTORNEY – Ms. Barlow spoke on the Emergency Appeal filed on behalf of the Orange County Needle Exchange program and the Court dismissing the petition.

CONSENT CALENDAR (01:06:39)

MOVED/SECOND: Council Member Genis/Council Member Chavez

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for 3, 4, 6, 8 and 10.

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: Luke Thomas Fangel, Marie Grecco, Kenneth Jackson, Nancy Marcus, Eric McVey, George Tfaye and Albert**

ACTION:

City Council received and filed.

- 5. SECOND READING OF AN ORDINANCE DELETING TIME LIMITS FOR CERTAIN TEMPORARY SIGNS PERMITTED IN RESIDENTIAL ZONES**

ACTION:

City Council gave second reading by title only, and adopted Ordinance No. 19-08 (Code Amendment CO-18-05), amending Title 13 of the Costa Mesa Municipal Code related to time periods for placement and display of non-commercial portable signs on private residentially-zoned properties.

- 7. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

ACTION:

City Council adopted Resolution No. 19-13, adopting a list of projects for Fiscal Year (FY) 2019-20 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

- 9. HYLAND AVENUE AT MACARTHUR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 19-01**

ACTION:

City Council adopted plans, specifications, and working details for Hyland Avenue at MacArthur Boulevard Intersection Improvements, City Project No. 19-01; and

1. Awarded a construction contract to Black Rock Construction Company, 929 Mariner Street, Brea, CA, 92821, in the amount of \$370,500.00; and
2. Authorized the Acting City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the Acting City Manager to execute future contract amendments within Council authorized limits; and

3. Authorized an additional ten percent (10%) contingency totaling \$37,050.00 as needed for unforeseen costs; and
4. Approved a budget adjustment recognizing \$405,734.00 in Measure M2 grant funds and appropriating a total of \$507,167.00 to the Hyland Avenue at MacArthur Boulevard Intersection Improvements Project; \$405,734.00 in Measure M2 grant funds and \$101,433.00 from unassigned fund balance in the Traffic Impact Fees Fund; and
5. Authorized the City Manager to accept the work when completed and authorized the City Clerk to file the Notice of Completion upon such acceptance; authorized release of the retention monies 35 days after the Notice of Completion is filed; authorized 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.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2616 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL 19-06 FOR \$2,584,031.95 AND CITY OPERATING EXPENSES FOR \$3,789,087.79; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:08:58)**

Public Comments:

Speaker, spoke on Jones-Mayer invoices. (01:09:01)

Speaker, spoke on assisting with the planting of grass at the dog park. (01:11:21)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve Warrant Resolution No. 2616.

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. 2616.

4. SECOND READING OF ORDINANCES INCREASING THE NUMBER OF MEMBERS OF THE PLANNING AND PARKS AND RECREATION COMMISSIONS, RENAMING THE PARKS AND RECREATION COMMISSION, AND DISSOLVING THE SENIOR COMMISSION (01:12:32)

Council Member Mansoor spoke on not supporting the item. (01:13:00)

Public Comments:

Speaker, spoke in support of the item. (01:13:15)

Public Comments closed.

Council Member Genis spoke on not supporting the item. (01:13:53)

MOVED/SECOND: Council Member Chavez/Council Member Reynolds
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 gave second reading by title only, and adopted Ordinance No. 19-05 of the City Council of the City of Costa Mesa, California, amending Section 13-10 (Planning Commission) of Article 3 (Review Authorities) of Chapter I (In General) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code; and
2. Changed the terms of Planning Commissioners currently residing in Districts 1 and 2, to expire in January 2021; and
3. Gave second reading by title only, and adopted Ordinance No. 19-06 of the City Council of the City of Costa Mesa, California, amending Chapter III (Parks and Recreation Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code; and
4. Gave second reading by title only, and adopted Ordinance No. 19-07 of the City Council of the City of Costa Mesa, California, dissolving the Senior Commission and repealing Chapter IV (Senior Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code.

6. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2019 REGIONAL CONFERENCE AND GENERAL ASSEMBLY (01:14:24)

Council Member Genis encouraged Council to attend the General Assembly. (01:14:54)

Public Comments:

Speaker, spoke in support of Council Member Marr. (01:16:55)

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

MOTION: Designate Council Member Marr as the delegate for the upcoming 2019 Annual Southern California Association of Governments (SCAG) Regional Conference & General Assembly.

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 designated Council Member Marr as the delegate for the upcoming 2019 Annual Southern California Association of Governments (SCAG) Regional Conference & General Assembly.

8. JOHN WAYNE AIRPORT GENERAL AVIATION IMPROVEMENT PROGRAM DRAFT ENVIRONMENTAL IMPACT REPORT (01:18:13)

Minoo Ashabi, Principal Planner, presented the staff report. (01:18:38)

Discussion ensued on Jet Blue retrofitting jets to decrease noise. (01:24:11)

Public Comments:

Robin Leffler, Costa Mesa, spoke on the increase of private jets flying to and from John Wayne Airport. (01:25:06)

Speaker, spoke on traffic patterns over Costa Mesa; pollution; and noise. (01:26:05)

Beth Refakes, Costa Mesa, spoke on traffic patterns over Costa Mesa; pollution; and noise. (01:27:37)

Public Comments closed.

Council Member Marr spoke on reporting noise complaints. (01:32:11)

Council Member Genis spoke on the major litigation regarding John Wayne Airport; and the history of the issue including deregulation. (01:32:37)

Council Member Reynolds spoke in support of the letter to the Orange County Board of Supervisors; and on residents sending in their input. (01:37:38)

MOVED/SECOND: Mayor Foley/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:

- a) City Council determined this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Authorized the Mayor to send a letter to the Orange County Board of Supervisors requesting the Supervisors to adopt Alternative 3, which is described as follows per the draft Environmental Impact Report for the John Wayne Airport (JWA) General Aviation Improvement to correct non-standard conditions:
 - Relocate the Vehicle Service Road (also known as Perimeter Road) along Taxiway A to comply with FAA clearance standard dimensions for Group V aircraft
 - Remove obstructions (two community hangars from the Full Service Southeast FBO) to comply with FAA height restrictions
 - Remove 31 transient aircraft apron parking spaces from within the extended object-free area ("OFA") in the approach to Runway 2L

10. ADOPTING PRIORITIES FOR 2019-20 (01:38:47)

Tamara Letourneau, Acting City Manager, presented the staff report. (01:38:56)

Discussion ensued on infrastructure priorities within districts. (01:44:43)

Mayor Pro Tem Stephens spoke on improving the Golf Course as it is a revenue generator. (01:46:30)

Council Member Mansoor spoke on concerns with statements that imply a potential increase in taxes. (01:48:48)

Mayor Foley spoke on Goal # 3 pertaining to revenues. (01:49:39)

Discussion ensued on the process. (01:51:26)

Council Member Genis spoke on the workshop notes and the Goals and Priorities list. (01:55:00)

Discussion on the preparation of the staff report and resolution. (01:58:09)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on public participation. (02:02:15)

Robin Leffler, Costa Mesa, spoke on recording the meeting; and requested to postpone consideration of the item. (02:05:11)

Beth Refakes, Costa Mesa, spoke on concerns with infrastructure priorities initiated by districts; and revising some of the wording on the Goals and Priorities. (02:08:10)

John Merrill, Costa Mesa, commended Council on setting goals; spoke on public participation; and recording the meeting. (02:10:15)

Speaker, spoke on the meeting. (02:11:57)

Speaker, spoke on the meeting and public participation. (02:13:27)

Public Comments closed.

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

MOTION: Adopt Resolution No. 19-12, adopting the City Council Goals and Priorities for 2019.

Mayor Pro Tem Stephens spoke on the motion; and recording future meetings. (02:15:55)

Council Member Reynolds spoke in support of the motion. (02:18:37)

Council Member Chavez suggested to have future meeting on a weekend; and spoke in support of the motion. (02:19:46)

Council Member Marr spoke on the Council motivation; and requested Mayor Pro Tem Stephens (the maker of the motion) to change Goal #2f to read: Provide opportunity for district initiated input on infrastructure priorities. Mayor Pro Tem Stephens and Council Member Reynolds (the second) both concurred. (02:22:50)

Council Member Mansoor spoke on revenue; and suggested to have the meeting on a Saturday or weeknight evening and recorded. (02:25:10)

Council Member Genis requested the following changes to the Goals and Priorities list and both Mayor Pro Tem Stephens and Council Member Reynolds concurred. (02:40:33)

1) Change Goal #2h to read: Improve key travel corridors to beautify and improve appearance, to comply with the Active Transportation Plan and reducing speeds.

2) Change Goal #3a to read: Take measures to reduce expenditures including but not limited to:

i. Implementing energy efficiencies and sustainability practices at city hall, in public buildings, parks and public spaces;

ii. Addressing the City's pension obligations responsibly and creatively.

3) Change Goal #5 title to read: Improve Mobility and Parking.

4) Change Goal #6d to read: Improve transparency and accountability as well as increasing checks and balance by, without limitation, improving the Budget/Finance Software ("ERP" or Enterprise Resource Planning).

Mayor Foley requested the following changes to the Goals and Priorities list and both Mayor Pro Tem Stephens and Council Member Reynolds concurred. (02:48:40)

1) Change Goal #1h to read: Manage coyotes effectively.

2) Change Goal #5c to read: Reduce cut-through traffic.

MOTION: Adopt Resolution No. 19-12, adopting the City Council Goals and Priorities for 2019 with the following changes to the Goals and Priorities:

Goal #1h: Manage coyotes effectively.

Goal #2f: Provide opportunity for district initiated input on infrastructure priorities.

Goal #2h: Improve key travel corridors to beautify and improve appearance, to comply with the Active Transportation Plan and reducing speeds.

Goal #3a: Take measures to reduce expenditures including but not limited to:

i. Implementing energy efficiencies and sustainability practices at city hall, in public buildings, parks and public spaces;

ii. Addressing the City's pension obligations responsibly and creatively.

Goal #5: Improve Mobility and Parking.

Goal #5c: Reduce cut-through traffic.

Goal #6d: Improve transparency and accountability as well as increasing checks and balance by, without limitation, improving the Budget/Finance Software ("ERP" or Enterprise Resource Planning).

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 adopted Resolution No. 19-12, adopting the City Council Goals and Priorities for 2019 with the aforementioned changes to the Goals and Priorities.

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

City Council recessed into a break at 8:45 p.m.

City Council reconvened at 9:02 p.m.

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Genis (02:47:00)

MOTION: Consider New Business Item Number 1 prior to Public Hearing.

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 agreed to consider New Business Item Number 1 prior to Public Hearing.

NEW BUSINESS:

1. AN AMENDMENT TO THE SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES REFERENCED IN COSTA MESA MUNICIPAL CODE SECTION 19-15 (02:48:10)

Johnwilly Aglupos, Assistant Planner, presented the staff report. (02:48:50)

Discussion ensued on compliance with Federal Communications Commission (FCC); direct view concerns; small cells in Fairview Park; updating Planning fees; residential zones; and discretionary decisions. (02:57:30)

Public Comments:

Aaron Snyder, representing Crown Castle, spoke on the FCC order; procedures; and approval. (03:25:46)

Robin Leffler, Costa Mesa, spoke in favor of transparency; and requested clarification on direct view. (03:30:24)

Speaker, spoke on applicants going before the Planning Commission. (03:32:04)

MOVED/SECOND: Council Member Marr/Council Member Genis (03:35:10)

MOTION: Adopt Resolution No. 19-14 amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with the following amendments to the location of the proposed facilities:

A facility within 75 feet of a residence in a residential zone (when located on a local street) and 50 feet of a residence in a residential zone (when located on an arterial) shall be reviewed by the Planning Commission.

Council Member Marr spoke on the motion. (03:35:58)

Council Member Genis spoke in support of the motion. (03:37:42)

Council Member Reynolds requested Council Member Marr (the maker of the motion) to change the motion to apply to all residential units. Council Member Marr did not concur. (03:40:25)

MOVED/SECOND: Council Member Reynolds/Council Member Chavez
(03:45:17)

SUBSTITUTE MOTION: Adopt Resolution No. 19-14 amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with the following amendments to the location of the proposed facilities:

A facility within 75 feet of *residential units* (when located on a local street) and 50 feet (when located on an arterial) shall be reviewed by the Planning Commission.

Council Member Reynolds spoke on the substitute motion. (03:45:37)

Discussion ensued on the basis for denying applications. (03:46:16)

City Attorney Barlow spoke on residential zones vs. residences. (03:49:50)

Council Member Stephens spoke in support of the original motion. (03:54:52)

Discussion ensued on overlays; residential zones; and base zoning.
(03:59:50)

Council Member Chavez requested Council Member Reynolds (the maker of the substitute motion) to amend the motion and limit the area to those in the overlay zones. Council Member Reynolds did not concur. (04:00:13)

Council Member Chavez withdrew his second to Council Member Reynolds' substitute motion. (04:03:00)

The substitute motion died due to lack of a second. (04:03:07)

Council Member Reynolds requested Council Member Marr (the maker of the original motion) to include a statement for a facility within 50 feet of any residential unit. Council Member Marr did not concur. (04:03:29)

Council Member Chavez requested Council Member Marr to include overlay zones that have housing. Council Member Marr did not concur. (04:08:15)

Discussion ensued on processing applications; and encroachment permits.
(04:10:15)

Mayor Foley spoke in support of the original motion. (04:11:50)

MOVED/SECOND: Council Member Marr/Council Member Genis

ORIGINAL MOTION: Adopt Resolution No. 19-14 amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with the following amendments to the location of the proposed facilities:

A facility within 75 feet of a residence in a residential zone (when located on a local street) and 50 feet of a residence in a residential zone (when located on an arterial) shall be reviewed by the Planning Commission.

The motion carried by the following roll call vote:

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

Nays: Council Member Chavez and Council Member Reynolds.

Absent: None

Motion carried: 5-2

ACTION:

City Council adopted Resolution No. 19-14, amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with the following amendments to the location of the proposed facilities:

A facility within 75 feet of a residence in a residential zone (when located on a local street) and 50 feet of a residence in a residential zone (when located on an arterial) shall be reviewed by the Planning Commission.

City Council recessed into a break at 10:27 p.m.

City Council reconvened at 10:35 p.m.

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

- 1. INTRODUCTION AND ADOPTION OF URGENCY ORDINANCE NO. 19-XX AND INTRODUCTION OF REGULAR ORDINANCE NO. 19-XX 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
INTRODUCTION AND ADOPTION OF URGENCY ORDINANCE NO. 19-XX AND INTRODUCTION OF REGULAR ORDINANCE NO. 19-XX 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 (04:12:46)**

Paul Beckman, Police Lieutenant, and Robert Sharpnack, Chief of Police, presented the staff report. (04:14:35)

Ms. Barlow spoke on additional language regarding Camp paraphernalia, Section 11-302(e). (04:23:15)

Discussion ensued on camping and sleeping in cars; hours prohibited; and constitutionality of the ordinances. (04:27:51)

Public Hearing opened:

Mark Hughes, spoke on limiting hours to dusk or 9 p.m. – 7 a.m.; street parking problems at the parks; and requested the list of codes to be enforced. (04:56:15)

Michelle Figueredo-Wilson, Costa Mesa, requested strong enforcement; spoke on concerns with service resistant individuals; and coordinating with park hours. (04:59:14)

Beth Refakes, Costa Mesa, inquired on what is allowable pursuant to the sleeping ordinances. (05:04:18)

Public Hearing closed.

Ms. Barlow addressed the issues raised by the public speakers. (05:06:45)

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

MOTION: Approve recommended actions 1-5. (05:08:18)

Mayor Pro Tem Stephens spoke in support of the motion. (05:09:34)

Council Member Genis requested Council Member Marr (the maker of the motion) to change the hours of when it is prohibited to sleep in motor vehicles to 9 p.m. – 7 a.m. Both Council Member Marr and Mayor Pro Tem Stephens (the second) concurred. (05:11:23)

Council Member Genis spoke in support of the motion. (05:12:35)

Council Member Reynolds spoke in support of the motion. (05:14:25)

Mayor Foley requested Council Member Marr to revise the motion to include the additional language provided by the City Attorney on Camp paraphernalia, Section 11-302(e). Both Council Member Marr and Mayor Pro Tem Stephens concurred. (05:15:53)

Discussion ensued on hours. (05:16:30)

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

MOTION: Approve recommended actions 1-5 with the following changes to the Ordinances:

Urgency Ordinance No. 19-09 and Ordinance No. 19-10

Prohibit sleeping in motor vehicles parked anywhere in the City, except for private residential property, between the hours of 9 p.m. and 7 a.m.

Urgency Ordinance No. 19-11 and Ordinance No. 19-12 (Additional language underlined)

Section 11-302 (e) Camp paraphernalia includes, but is not limited to, tarpaulins, umbrellas, cots, beds, bedding, sleeping bags, hammocks, non-city designated cooking facilities, kitchen utensils, camping stoves, portable barbeques and similar equipment, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other items of camp paraphernalia.

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 recommended actions 1-5 with the following changes to the Ordinances:

Urgency Ordinance No. 19-09 and Ordinance No. 19-10

Prohibit sleeping in motor vehicles parked anywhere in the City, except for private residential property, between the hours of 9 p.m. and 7 a.m.

Urgency Ordinance No. 19-11 and Ordinance No. 19-12 (Additional language underlined)

Section 11-302 (e) Camp paraphernalia includes, but is not limited to, tarpaulins, umbrellas, cots, beds, bedding, sleeping bags, hammocks, non-city designated cooking facilities, kitchen utensils, camping stoves, portable barbeques and similar equipment, extra clothing, personal hygiene items, and/or shopping carts, strollers, wheeled suitcases or similar mobile containers used to transport and/or store other items of camp paraphernalia.

1. City Council found that adoption of each of these ordinances is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065, and that each is exempt from the provisions of CEQA pursuant to CEQA Guidelines (14 Cal. Code. Regs. § 15000, et seq.) Sections 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) and 15321 (enforcement actions by regulatory agencies), such that no environmental review under CEQA is required; and
2. Introduced and adopted as Urgency Ordinance No. 19-09 with the aforementioned changes, 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
3. Introduced for first reading, by title only, Ordinance No. 19-10 with the aforementioned changes, 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
4. Introduced and adopted Urgency Ordinance No. 19-11 with the aforementioned changes, Amending Sections 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;
5. Introduced for first reading, by title only, Ordinance No. 19-12 with the aforementioned changes, 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.

OLD BUSINESS: NONE

NEW BUSINESS:

2. ADOPT POSITION STATEMENTS, REQUESTS, AND CONCERNS ON VARIOUS BILLS PENDING BEFORE THE STATE LEGISLATURE (05:21:45)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Continue the item to the April 16, 2019 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Chavez

Absent: None

Motion carried: 6-1

ACTION:

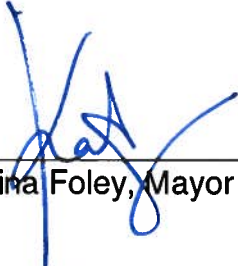
City Council continued the item to the April 16, 2019 City Council meeting.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:22:30)

Council Member Marr requested to agendaize consideration of support House Resolution 530 repealing the FCC Small Cell guidelines.

ADJOURNMENT - The Mayor adjourned the meeting at 11:45 p.m.

Minutes adopted on this 4th day of June, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk