

**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, AUGUST 6, 2019
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.**

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

City Manager
Lori Ann Farrell Harrison

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (arrived at 4:17 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

The City Council recessed to Room 5A at 4:03 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3175 Airway Avenue, Costa Mesa, CA 92627

APN: 427-091-12

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Lori Ann Farrell Harrison, City Manager and Hajoca Corporation (Tenant) and Matt Moore and Chris Bounds (Real Property Negotiators)

Negotiation: Price and Terms of Payment.

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION – TWO POTENTIAL CASES**

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

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code

Agency Designated Representative: Lori Ann Farrell Harrison, City Manager

Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:28 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT - Ms. Barlow stated that the City Council gave direction on Closed Session Item Numbers 1 and 3 and that no reportable action was taken in Closed Session.

PUBLIC HEARING ITEM NUMBERS 1 AND 2 WERE CONSIDERED OUT OF ORDER PRIOR TO PUBLIC COMMENTS ON MATTERS NOT LISTED ON THE AGENDA.

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

1. [CODE AMENDMENT CO-19-02 ADDING ARTICLE 23 \(NEEDLE AND SYRINGE EXCHANGE PROGRAMS\) TO CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) AND AMENDING TABLE 13-30 OF CHAPTER IV \(CITYWIDE LAND USE MATRIX\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE, REGARDING THE OPERATION OF CLEAN NEEDLE AND SYRINGE EXCHANGE PROGRAMS IN ALL ZONING DISTRICTS IN THE CITY](#)

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member 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 this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines, which states that "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, the activity is not subject to CEQA"; and
2. Introduced for first reading Ordinance No. 19-13, adopting Code Amendment CO-19-02 in order to:
 - Add Article 23 (Needle and Syringe Exchange Programs) to Chapter IX (Special Land Use Regulations) and amending Table 13-30 of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning Zoning and Development) of the Costa Mesa Municipal Code, regarding the operation of clean needle and exchange programs in all zoning districts in the City.

2. **CONDITIONAL USE PERMIT PA-17-10 TO OPERATE A SOBER LIVING FACILITY HOUSING UP TO 45 ADULTS IN FIVE UNITS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY THE OHIO HOUSE AT 115 EAST WILSON STREET, UNITS A THROUGH E**

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Adopt Resolution No. 19-41, upholding the decision of the Planning Commission to uphold the Director's denial of the request for Reasonable Accommodation and to deny Conditional Use Permit PA-17-10.

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

ACTION:

City Council adopted Resolution No. 19-41, upholding the decision of the Planning Commission to uphold the Director's denial of the request for Reasonable Accommodation and to deny Conditional Use Permit PA-17-10.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on the Active Shooter training between Costa Mesa police and fire departments and the Newport-Mesa Unified School District and showed a video of the training. Chief Stefano and Captain Glass spoke on the training exercises and keeping the community safe. Jason Dempsey, Emergency Management Manager was introduced.

REPORT – CITY ATTORNEY – Ms. Barlow reported that judgment was entered in favor of the City in the Yellowstone case; and spoke on positive tentative rulings regarding currently pending cases.

CONSENT CALENDAR:

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13 except for 3, 6, 7, 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: Paul Haw.

ACTION:

City Council received and filed.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF APRIL 16, 2019, MAY 7, 2019 AND MAY 21, 2019**

ACTION:

City Council approved the minutes of April 16, 2019, May 7, 2019 and May 21, 2019.

5. **SLURRY SEAL PROJECT, CITY PROJECT NO. 19-12**

ACTION:

1. City Council adopted plans, specifications, and working details for the Slurry Seal Project, City Project No.19-12; and
2. Awarded a construction contract to American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, California 92337, in the amount of \$425,741.00; and
3. Authorized the City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the City Manager to execute future contract amendments within Council authorized limits; and
4. Authorized an additional ten percent (10%) contingency totaling \$42,574.10 as needed for unforeseen costs; 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 seven (7) months 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.

9. **CITY HALL 2ND AND 5TH FLOOR CARPETING – CITY PROJECT NO. 18-18**

ACTION:

1. City Council accepted the work performed by Tandus Centiva US LLC, for the subject project and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the City Manager to release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period.

11. **RESOLUTION ADOPTING THE FY 2019-2020 STATEMENT OF INVESTMENT POLICY**

ACTION:

City Council adopted Resolution No. 19-39, approving the Statement of Investment Policy for FY 2019-2020 and delegating the investment activities to the City Treasurer.

12. **FINAL MAP FOR TRACT NO. 18156 LOCATED AT 1957 NEWPORT BOULEVARD AND 390 FORD ROAD, COSTA MESA, CALIFORNIA**

ACTION:

City Council approved the Final Map for Tract No. 18156 and authorized signing of the Map by the City Engineer and the City Clerk.

13. **NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 1903 SANTA ANA AVENUE**

ACTION:

1. City Council set a public hearing on September 3, 2019, for the vacation of a portion of a right-of-way at 1903 Santa Ana Avenue; and
2. Adopted Resolution No. 19-40, Resolution of intent to vacate right-of-way.

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. [WARRANT RESOLUTION NO. 2624 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-13 "A" FOR \\$360.55 AND 19-14 FOR \\$2,670,068.48; AND CITY OPERATING EXPENSES FOR \\$3,447,384.04; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#)

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve Warrant Resolution No. 2624

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. 2624.

6. [AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM BETWEEN THE CITY OF COSTA MESA AND NEWPORT-MESA UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2019-2020](#)

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

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council approved the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2019-2020; and
2. Authorized the City Manager to execute the agreement.

7. [A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF A GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL](#)

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

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council adopted Resolution No. 19-37, authorizing the application for, and acceptance of, grant funds from the California Department of Alcoholic Beverage Control in connection with its Alcohol Policing Partnership Program; and
2. Authorized a budget adjustment recognizing \$59,741.00 in grant revenue and appropriating \$59,741.00 to the Police Department budget for the specified purposes.

8. [AWARD OF PROFESSIONAL SERVICES AGREEMENT TO CITYGATE ASSOCIATES, LLC TO CONDUCT STANDARDS OF COVERAGE ASSESSMENT](#)

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 approved and authorized the City Manager to sign the Justification for Sole Source Request for Citygate Associates, LLC for Standards of Coverage assessment consulting services; and
2. Awarded the Professional Services Agreement (PSA) to Citygate Associates, LLC for Standards of Coverage assessment consulting services for a total not-to-exceed amount of \$73,694; and

3. Authorized the City Manager and City Clerk to execute the PSA and future amendments to the agreement.

10. ANNUAL CPI ADJUSTMENT FOR BUILDING PERMIT FEES

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Adopt Resolution No. 19-38, adjusting the Building Permit Fee Schedule for FY 2019-2020 in accordance with Resolution No. 18-44.

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. 19-38, adjusting the Building Permit Fee Schedule for FY 2019-2020 in accordance with Resolution No.18-44.

OLD BUSINESS: NONE

NEW BUSINESS:

1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2019 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

MOVED/SECOND: Council Member Genis/Council Member Reynolds

MOTION: Designate Mayor Foley as Costa Mesa's voting delegate and Council Member Reynolds and Council Member Genis as the two alternate voting delegates for the 2019 League of California Cities Annual Conference.

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 Mayor Foley as Costa Mesa's voting delegate and Council Member Reynolds and Council Member Genis as the two alternate voting delegates for the 2019 League of California Cities Annual Conference.

2. **APPROVAL OF RESOLUTIONS FOR THE APPLICATION OF PROPOSITION 68 GRANT FUNDS FROM THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM**

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions and direct staff to look into opportunities to increase park space; evaluate the following for grant funding: amphitheater area in TeWinkle Park, a strip of land between Tanager Park and the Golf Course; Skate Park Expansion Project; Kaiser/Davis/Parsons Schools Lighting and Field Improvements Project; and bring back additional resolutions for the aforementioned projects for Council's consideration at a future meeting.

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 Resolution No. 19-42, approving the submittal of a grant application to the California Department of Parks and Recreation, Proposition 68 Statewide Park Development and Community Revitalization Grant Program – also known as the Statewide Park Program (SPP), for the Lions Park Playground Renovation Project; and
2. Adopted the following resolutions, authorizing staff to submit applications for future funding opportunities for SPP/Proposition 68 grant funding for the following approved City projects, as determined by staff to meet specified guidelines and requirements:
 - a. Victoria Street Outdoor Exercise Equipment Corridor (Resolution No. 19-43)
 - b. Shalimar Park Improvements (Resolution No. 19-44)
 - c. Fairview Park – Fencing, Signage and Trail Restoration (Resolution No. 19-45)
 - d. Canyon Park – Inventory, Management, and Restoration Planning (Resolution No. 19-46)
 - e. Fairview Park – Master Planning Update (Resolution No. 19-47)
 - f. TeWinkle Park – Lake Repairs (Resolution No. 19-48)
 - g. Jordan Park – Playground Equipment Replacement (Resolution No. 19-49)

ADDED

3. Directed staff to look into opportunities to increase park space; evaluate the following for grant funding: amphitheater area in TeWinkle Park, a strip of land between Tanager Park and the Golf Course; Skate Park Expansion Project; Kaiser/Davis/Parsons Schools Lighting and Field Improvements Project; and bring back additional resolutions for the aforementioned projects for Council's consideration at a future meeting.

ADJOURNMENT - Mayor Foley adjourned the meeting at 9:55 p.m. in memory of the families and victims of Gilroy, Dayton, and El Paso mass shootings.