

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

JUNE 25, 2019

CALL TO ORDER

The Special Closed Session was called to order by Mayor Foley at 5:01 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 5:02 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION - NONE

The City Council recessed to Room 5A at 5:02 p.m. for Closed Session to consider the following items:

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

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

CALL TO ORDER (00:00:12)

The meeting was called to order by Mayor Foley at 6:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:21) – Mayor Foley

ROLL CALL (00:00:53)

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 (00:00:58) – No Reportable Action

PRESENTATIONS – NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Liz McNabb, District Coordinator for Assemblywoman Cottie Petrie-Norris, provided an update on State Legislation; and invited all to a Car Seat Safety Check-up on June 29th and an appointment's workshop for State Board's Committees and Commissions on July 18th. (00:01:23)

Kim Hendricks, Costa Mesa, spoke on Fairview Park. (00:03:19)

Cindy Black, Costa Mesa, spoke on proposed projects at Fairview Park including opposition to the storm drain project. (00:06:27)

Speaker, spoke in opposition to the John Wayne Airport expansion. (00:09:41)

Beth Refakes, Costa Mesa, spoke on parking problems at the Historical Society; requested a drone policy; and spoke on homeless issues. (00:11:54)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(00:15:45)**

Council Member Marr spoke on Municipal bonds; and invited all to a community coffee on June 27th at the Starbucks on Baker and Fairview. (00:15:58)

Council Member Mansoor – No comments.

Council Member Genis thanked individuals for attending the Orange County Supervisors meeting on the John Wayne Airport expansion issue; and spoke on regulations pertaining to drones. (00:16:54)

Council Member Reynolds thanked the staff and public; reported on a ride-along with the park rangers; spoke on Fairview Park Steering Committee report and activities; Bikeway and Walkability Committee report and activities; reported on attendance at the Shelter Advisory Committee meeting; and requested the City Manager for an update on fireworks mitigation and mitigation for the parking impacts during the Orange County Fair. (00:18:53)

Council Member Chavez spoke on a meet and greet at Neat Coffee with Council Member Reynolds and reported on problems with alleyways; and encouraged attendance at the new library during the summer. (00:22:19)

Mayor Pro Tem Stephens spoke on the July 3rd Independence Day Celebration and thanked the event sponsors. (00:23:21)

Chief Stefano spoke on a Fire Department memorial ceremony in New York honoring Captain Mike Kreza. (00:25:43)

Mayor Foley reported on attendance with Mayor Pro Tem Stephens at Someone Cares Soup Kitchen Annual Gala event; thanked staff Doreen and Matt in the Neighborhood Improvement Division for assisting a homeless woman; spoke on publicizing the shelter's phone number; and reported on the Orange County Board of Supervisors meeting on John Wayne Airport expansion. (00:28:10)

REPORT – CITY MANAGER (00:32:14) – Ms. Letourneau spoke on the upcoming Orange County Fair and parking and permits; and the City Hall closure on July 4th and July 5th in observance of the 4th of July holiday.

REPORT – CITY ATTORNEY (00:39:25) - NONE

CONSENT CALENDAR (00:39:31)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3 and 5.

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: Judith Juarez, Keith Longerot, Barbara J. Parks, Boyko Racing, Inc., Redhill-Lokat LLC, Charles Rollins, Serg Swiderski and Chad Wilson.

ACTION:

City Council received and filed.

4. PLACENTIA AVENUE BICYCLE SIGNAL INSTALLATION, FEDERAL PROJECT NO. CML – 5312 (095), CITY PROJECT NO. 18-04

ACTION:

City Council accepted the work performed by Alfaro Communications Construction, Inc. for the subject project, and authorized the City Clerk to file the Notice of Completion.

6. FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH FIRST CARBON SOLUTIONS

ACTION:

1. City Council approved Amendment No. 1 to the Professional Services Agreement (PSA) with First Carbon Solutions to increase the PSA by \$11,500, for a total not-to-exceed amount of \$61,315; and
2. Authorize the Acting City Manager or designee and City Clerk to execute the amendment and future amendments to the PSA within Council authorized limits.

7. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00348 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17869 AT 1672 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council authorized the Acting City Manager to release the Performance and Labor and Material Bonds (Certificate No. PB10163700435) for \$42,267.80 each for street improvements and for setting corner monuments in the amount of \$5,000.00 (Certificate No. PB10163700436) to Chris Borland of Melia Homes (Developer), Irvine, CA 92618.

8. AWARD OF PROFESSIONAL SERVICES AGREEMENT WITH LYONS SECURITY SERVICE, INC., TO PROVIDE SECURITY GUARD SERVICES FOR THE LIONS PARK CAMPUS AND THE COSTA MESA SENIOR CENTER

ACTION:

1. City Council awarded a Professional Services Agreement (PSA) to Lyons Security Service, Inc., in the amount of \$255,000 for unarmed security guard services for the Lions Park Campus and the Costa Mesa Senior Center; and
2. Authorized the Acting City Manager and City Clerk to execute the PSA; and
3. Authorized the City Manager and City Clerk to execute future changes and amendments to the agreement and allow up to an additional 10% contingency in the amount of \$25,500.

9. RENEWED MEASURE M (M2) ELIGIBILITY

ACTION:

1. City Council approved the City's Maintenance of Effort (MOE) for Fiscal Year 2019-20; and
2. Approved the Seven-Year Capital Improvement Program (CIP) comprised of the City's Five-Year and future year CIP for Fiscal Year 2019-20 through Fiscal Year 2025-26; and
3. Adopted Resolution No. 19-34 for the Master Plan of Arterial Highways Conformance and Mitigation Fee Program.

10. RENEWAL OF CONTRACT WITH VERIZON FOR WIRELESS VOICE AND DATA SERVICES

ACTION:

1. City Council authorized the Acting City Manager to execute a Purchase Order with Verizon in the total amount of \$68,299 for wireless voice and data services; and
2. Authorized the City Manager to utilize NASPO's future negotiated agreement (following the existing expiration of December 31, 2019), or amended existing agreement, and execute a purchase order in accordance with the Council approved budgeted amounts.

11. FUEL DELIVERY SERVICE

ACTION:

1. City Council approved the Agreement with Merrimac Petroleum, Inc., OBA Merrimac Energy Group, 1240 Wardlow Road, Long Beach, CA 90807, for the purchase and delivery of unleaded fuel in an annual amount not to exceed \$350,000, based upon pricing provided through a Cooperative Agreement with the County of Orange, Contract MA-017-16011533, for an initial term of two (2) years effective July 1, 2019; and
2. Approved the Agreement with Merrimac Petroleum, Inc., OBA Merrimac Energy Group, 1240 Wardlow Road, Long Beach, CA 90807, for the purchase and delivery of diesel fuel in an annual amount not to exceed \$200,000, based upon pricing provided through a Cooperative Agreement with the County of Orange, Contract RCA-017-18010009, for an initial term of three (3) years effective July 1, 2019; and
3. Authorized the Acting City Manager and City Clerk to execute the agreements and future authorized amendments to the agreements.

12. APPROVAL OF AN AGREEMENT FOR TEMPORARY ASSIGNMENT OF VEHICULAR EQUIPMENT WITH STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES THAT PROVIDES A FIRE ENGINE TO THE CITY OF COSTA MESA, COSTA MESA FIRE & RESCUE DEPARTMENT

ACTION:

City Council approved an Agreement for Temporary Assignment of Vehicular Equipment with the State of California, Governor's Office of Emergency Services, Fire and Rescue Division, and authorized the Fire Chief to execute the same on behalf of the City of Costa Mesa.

ITEMS REMOVED FROM THE CONSENT CALENDAR (00:40:50)

3. WARRANT RESOLUTION NO. 2621 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-11 FOR \$2,666,510.71 AND CITY OPERATING EXPENSES FOR \$3,553,985.00; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:40:54)

Public Comment:

Speaker, spoke on expenditures on sober living; and legal action against the FAA regarding the John Wayne Airport expansion. (00:40:58)

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve Warrant Resolution No. 2621.

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. 2621.

5. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION (00:43:01)

Zach Hoferitza, Police Sergeant, presented the staff report. (00:43:34)

Council Member Genis requested additional patrols in the surrounding neighborhoods. (00:45:11)

Sgt. Hoferitza spoke on a volunteer program with parking patrol through the police department. (00:47:27)

Public Comments:

Jack Lucas, Costa Mesa, spoke on overflow parking problems on Hanover Drive during the Orange County Fair; and parking lot lights and traffic problems at Orange Coast College. (00:48:24)

Jay Humphrey, Costa Mesa, spoke on parking problems associated with the Orange County Fair. (00:51:24)

Mark Ingram, Costa Mesa, spoke on overflow parking problems on Hanover Drive during the Orange County Fair; the need for adequate signage throughout the entire period of the Orange County Fair; and not ticketing on an empty street. (00:54:02)

Lynn Konan, Costa Mesa, spoke on overflow parking problems during the Orange County Fair including trash issues; and requested additional patrols. (00:57:05)

Public Comments closed.

Discussion ensued on the cost of the contract; designating resources on Merrimac; and clarification on the signage. (00:58:17)

Council Member Mansoor requested the police to touch base with the residents on Hanover Drive. (01:03:08)

Discussion ensued on the non-emergency number; reporting problems occurring during the Orange County Fair; and police patrols for problems and disturbances at Orange Coast College; problems with the Waze application; and meeting with the new President of the Orange Coast College regarding the issues. (01:04:10)

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

MOTION: Approve recommended actions.

Council Member Marr spoke on the motion. (01:13:33)

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

ORIGINAL 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 2019 contract between the City and the 32nd District Agricultural Association for traffic management services for the Orange County Fair; and

2. Approved the 2019 contract between the City and the 32nd District Agricultural Association for traffic management services for all designated year-round events at the Orange County Fair and Event Center (“OCFEC”); and
3. Authorized the Chief of Police to execute the contracts; and
4. Authorized the City Manager or the City Manager’s designee to execute any amendments to the contracts.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE

OLD BUSINESS: NONE

City Council recessed into a break at 7:21 p.m.

City Council reconvened at 7:32 p.m.

NEW BUSINESS (01:15:11)

1. APPROVAL OF THE USE AGREEMENT WITH THE HARBOR SOARING SOCIETY FOR THE USE OF A PORTION OF FAIRVIEW PARK (01:15:23)

Cynthia D’ Agosta, Fairview Park Administrator, presented the staff report. (01:15:47)

Public Comments:

Henry Smith, Harbor Soaring Society Vice-President, provided a power point presentation on the item. (01:48:09)

Justin Tim, spoke in support of the Harbor Soaring Society and City Use Agreement. (01:53:33)

Paula Hung, spoke in support of the Harbor Soaring Society and City Use Agreement. (01:55:28)

Ann Harmer, expressed concerns regarding an incident where a plane crashed and spoke on enforcement and ticketing of those who disobey the rules. (01:57:00)

Kim Hendricks, Costa Mesa, spoke against the Harbor Soaring Society and City Use Agreement. (01:58:58)

James Hansen, Costa Mesa, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:02:06)

Jay Humphrey, as a member of the Fairview Park Alliance, spoke in support of the gliders but no powered planes and no drones; and as a Costa Mesa resident, spoke on a study that will be conducted by the City. (02:04:58)

Speaker, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:08:10)

Robin Leffler, Costa Mesa, spoke in support of restricting to the silent planes; and spoke on enforcement. (02:10:34)

Speaker, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:11:50)

Cindy Black, Costa Mesa, spoke in support of the gliders only. (02:12:54)

John Anderson, Harbor Soaring Society General Director, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:14:14)

John Rittenhouse, Costa Mesa, Harbor Soaring Society President, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:16:44)

Don Wittenberg, member of the Harbor Soaring Society, spoke in support of the Harbor Soaring Society and City Use Agreement. (02:19:03)

Betina Eastman, Costa Mesa, spoke on dog leash enforcement; and flyers that do not have permits. (02:21:13)

Dave Meriweather, Associate Vice-President of the Academy of Model Aeronautics (AMA), spoke on working with the Harbor Soaring Society; and national resources to help the City and the citizens. (02:23:17)

Public Comments Closed.

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Stephens
MOTION: Approve recommended actions. (02:24:12)

Council Member Mansoor spoke on the motion. (02:24:53)

Mayor Pro Tem Stephens spoke on the motion. (02:27:52)

Discussion ensued on motorized planes vs. gliders; mowing the area around the field; and the AMA Membership. (02:31:55)

MOVED/SECOND: Council Member Genis/Council Member Chavez
SUBSTITUTE MOTION: Extend the contract for a year and have the study come back in 6 months prior to the nesting season. (02:40:58)

Council Member Genis spoke on the substitute motion. (02:42:07)

Council Member Chavez spoke to supporting the substitute motion. (02:43:38)

Tamara Letourneau, Acting City Manager, spoke on the 6 month deadline. (02:44:51)

Kimberly Barlow, City Attorney, clarified that the agreement they will be voting on is the agreement as amended. Both Council Member Genis and Council Member Chavez concurred. (02:45:21)

Discussion ensued on the impacts of accelerating the study; restoration efforts of Fairview Park; City issued permits; flyers' interaction with wildlife; and bringing back an amendment to the ordinance. (02:45:54)

Council Member Reynolds requested Council Member Genis (the maker of the substitute motion) to add language to the ordinance specifically addressing interaction with wildlife. (02:49:16)

Ms. Barlow stated that the language can be added to the agreement but it will only affect the members of the Harbor Soaring Society. (02:49:30)

Council Member Genis and Council Member Chavez agreed to add the language to the agreement. (02:50:16)

Council Member Reynolds requested Council Member Genis to include in the motion that if at any time, we have indication from the State or Federal Fish and Wildlife that any activity is unacceptable and could threaten the ability to obtain grants that we bring it back to Council for review. Council Member Genis and Council Member Chavez (the second) concurred. (02:50:25)

Council Member Marr spoke to not supporting the motion; spoke on a six month moratorium; and finding a location that is not too close to vernal pools. (02:52:16)

Mayor Pro Tem Stephens spoke to not supporting the substitute motion; and spoke on addressing issues involving mosquitoes. (02:53:32)

Council Member Mansoor spoke in support of the original motion. (02:56:35)

Council Member Genis clarified the substitute motion. (02:58:37)

Discussion ensued on the process and priorities. (03:00:23)

Council Member Reynolds requested Council Member Genis to modify the substitute motion and state to have the study come back in six months by the start of the nesting season. Council Member Genis concurred. (03:03:13)

Council Member Chavez withdrew his second to the substitute motion. (03:04:22)

Council Member Reynolds seconded the substitute motion. (03:05:10)

MOVED/SECOND: Council Member Genis/Council Member Reynolds
SUBSTITUTE MOTION: Extend the contract for a year and have the study come back in 6 months by the start of the nesting season.
The motion failed by the following roll call vote:
Ayes: Council Member Genis and Council Member Reynolds
Nays: Council Member Chavez, Council Member Mansoor, Council Member Marr, Mayor Pro Tem Stephens, and Mayor Foley.
Absent: None
Motion failed: 2-5

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Stephens
ORIGINAL MOTION: Approve recommended actions.
The motion carried by the following roll call vote:
Ayes: Council Member Chavez, Council Member Mansoor, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.
Nays: Council Member Marr and Council Member Genis.
Absent: None
Motion carried: 5-2

ACTION:

1. City Council approved a new, updated use agreement with the Harbor Soaring Society (HSS) for a period of one year, July 1, 2019-June 30, 2020; and
2. Directed staff to conduct a comprehensive evaluation of the value of the partnership between HSS and the City, and to assess the compatibility of all flying activity with the Master Plan for Fairview Park and Measure AA, as recommended by the Fairview Park Steering Committee (FVP SC) and the Parks, Arts and Community Services Commission (PACS), within a one-year period (July 2019-June 2020).

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (03:06:30)

Council Member Chavez thanked Ms. Letourneau.

Mayor Pro Tem Stephens congratulated Council Member Reynolds for obtaining her Master's Degree in Business Administration.

Council Member Genis congratulated Council Member Mansoor on the latest addition to his family.

ADJOURNMENT (03:08:00) – Mayor Foley adjourned the meeting at 9:30 p.m.

Minutes adopted on this 17th day of September, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk