

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, FEBRUARY 18, 2020
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 4:15 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens and Mayor Foley (arrived at 4:07 p.m.)

Absent: None

PUBLIC COMMENTS

None

FOR INFORMATIONAL PURPOSES ONLY

The City Clerk read the titles of the following Closed Session items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy
Whitmore, Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA)

2. 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 City Employees Association
(CMCEA).

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 424-211-12; Property: 1885 Anaheim Street, Costa Mesa, CA 92627
Pursuant to Section 54956.8, California Government Code
Agency Negotiator: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;
Cities in the Central Orange County Service Planning Area (SPA)
Negotiation: Price and Terms of Payment

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 427-091-12; Property: 3175 Airway Avenue, Costa Mesa, CA 92627
Pursuant to Section 54956.8, California Government Code
Agency Negotiator: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)
Negotiation: Price and Terms of Payment

5. 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 for the Central District of
California – Southern Division, Case No. 8:18-cv-00155

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN:139-031-62,139-651-14
Property:1683 Sunflower Avenue, Costa Mesa, CA 92626
Pursuant to Section 54956.8, California Government Code
Agency Negotiator: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: Brent Stoll, Rose Equities

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

APN: 424-211-01; Property: 695 West 19th Street, Costa Mesa, CA 92626
Pursuant to Section 54956.8, California Government Code
Agency Negotiator: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: Laura Archuletta, CEO, Jamboree Housing Corporation

The City Attorney requested an additional closed session item be added to the agenda, regarding litigation that was brought to the attention of the City after the agenda had been posted and needed to be considered before the next regularly scheduled meeting.

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

MOTION: Approve the addition of the following closed session item:

8. CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Robert Sharpnack v. City of Costa Mesa, Orange County Superior Court,
Case No.: 30-2020-01131375-CU-OE-CJC

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.

Nays: None

Absent: Council Member Mansoor and Mayor Foley

Motion carried: 5-0

The City Council recessed to Room 5A at 4:04 p.m. for Closed Session.

CALL TO ORDER

The meeting was called to order by Mayor Foley at 6:09 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

CONSENT CALENDAR: (Items 1-6)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for 3.

FOR INFORMATIONAL PURPOSES ONLY

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: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

City Council and Agency Board approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Olive Tree Apartments, Lisa David, Jessica Garten, Louis Goff

ACTION:

City Council received and filed.

4. COOPERATIVE SERVICES AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF COSTA MESA FOR ON-CALL MATERIALS TESTING SERVICES

ACTION:

1. City Council approved the proposed Cooperative Services Agreement between the County of Orange and the City of Costa Mesa for on-call materials testing services provided by the Orange County David Dixon Memorial Material Laboratory for a total of \$150,000, for a three-year term.
2. Authorized the City Manager and the City Clerk to execute the Cooperative Services Agreement, and authorize the City Manager to execute future contract amendments within Council-authorized limits.

5. NOTICE OF INTENT TO ADOPT RESOLUTION FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 480 EAST 19TH STREET

ACTION:

1. City Council set a public hearing on March 17, 2020, for the vacation of a portion of a right-of-way at 480 East 19th Street.
2. Adopted Resolution 2020-04 of intent to vacate right-of-way.

FOR INFORMATIONAL PURPOSES ONLY

6. AWARD THE PURCHASE OF TWO NEW 2020/21 BMW R1250RT-P POLICE MOTORCYCLES

ACTION:

City Council approved and authorized the City Manager to execute the purchase of two (2) new 2020/21 BMW R1250RT-P Police Motorcycles from Irv Seaver Motorcycles, 607 W. Katella Avenue, Orange CA 92867, in the amount of \$55,732.43.

ITEMS PULLED FROM THE CONSENT CALENDAR

3. WARRANT RESOLUTION NO. 2635

MOVED/SECOND: Council Member Chavez/Council Member Genis

MOTION: Approve Warrant Resolution No. 2635.

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, Mayor Foley.

Nays: None

Absent: None

Abstain: None

Motion carried: 7-0

ACTION:

City Council approved Warrant Resolution No. 2635 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including payroll register Nos. 20-02 "A" for - \$72.58; and 20-03 for \$2,648,956.87; and City operating expenses for \$1,469,057.27.

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

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

- 1. INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 9-125 (BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS REQUIRING A PERMIT UNDER THE PROVISIONS OF THIS CHAPTER) AND 9-128 (BUSINESSES WHERE THE DIRECTOR OF FINANCE MAY ISSUE PERMITS IN CASE OF NO OBJECTION) OF ARTICLE 1 (GENERALLY) AND ARTICLE 9 (PUSHCART AND OTHER SIDEWALK VENDORS), OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATION) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO SIDEWALK VENDING**

FOR INFORMATIONAL PURPOSES ONLY

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

MOTION: Approve recommended actions with changes.

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: Council Member Mansoor

Abstain: None

Motion carried: 5-1-1

ACTION:

1. City Council found that the adoption of the Ordinance is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065, and that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines (14 Cal. Code. Regs. § 15000, et seq.) Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required.
2. Introduced for first reading, by title only, proposed Ordinance No. 20-04, with changes amending Sections 9-125 (Businesses, Professions, Trades and Occupations Requiring a Permit Under the Provisions of this Chapter) and 9-128 (Businesses Where the Director of Finance May Issue Permits in Case of No Objection) of Article 1 (Generally) and the provisions of Article 9 (Pushcart and Other Sidewalk Vendors) of Chapter II (Regulation of Certain Businesses) of Title 9 (Licenses and Business Regulation) of the Costa Mesa Municipal Code, relating to Sidewalk Vending.

City Council recessed at 8:43 p.m.

City Council returned at 8:52 p.m.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE 2020-03 (CODE AMENDMENT CO-19-04) AMENDING TITLE 19 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (FRANCHISES AND PLANNING, ZONING, AND DEVELOPMENT), RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED INFRASTRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY AND RELATED DESIGN GUIDELINES**

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

MOTION: City Council made changes to Ordinance No. 2020-03 and it will be brought back for second reading at the next regular City Council meeting

The motion carried by the following roll call vote:

FOR INFORMATIONAL PURPOSES ONLY

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

Nays: None

Absent: Council Member Mansoor

Abstain: None

Motion carried: 6-0-1

ACTION:

City Council made changes to Ordinance No. 2020-03 (Code Amendment CO-19-04) to be read by title only, amending Title 19 and Title 13 of the Costa Mesa Municipal Code (Franchises and Planning, Zoning, and Development), relating to wireless telecommunications facilities and related infrastructure within the public right-of-way and related Design Guidelines. The item will be brought back for second reading and adoption at the next regular City Council meeting.

NEW BUSINESS:

1. ACCEPTANCE OF YOUTH REINVESTMENT GRANT PROGRAM GRANT FUNDS FROM CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS

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

MOTION: City Council approved recommended actions.

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, Mayor Foley.

Nays: None

Absent: Council Member Mansoor

Abstain: None

Motion carried: 6-0-1

ACTION:

1. City Council adopted Resolution No. 2020-05, which authorizes the application for, and acceptance of, a grant award from the State of California Board of State and Community Corrections for the Youth Reinvestment Grant Program and authorizes the City Manager or designee to execute the grant agreement.
2. Approved a budget adjustment appropriating \$274,675 to the Police Department's budget for the specified purpose.
3. Approved and authorize the City Manager to execute the operational agreement between the City of Costa Mesa and Waymakers.

City Council recessed at 10:39 p.m.

City Council returned at 10:46 p.m.

2. **GENERAL PLAN SCREENING REQUEST GPS-19-01 FOR A 9-UNIT FOUR-STORY LIVE/WORK COMMON INTEREST DEVELOPMENT ON A 0.45-ACRE SITE AT 2648 NEWPORT BOULEVARD**

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

MOTION: City Council approved recommended actions.

The motion carried by the following roll call vote:

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

Nays: Council Member Marr and Mayor Foley

Absent: Council Member Mansoor

Abstain: None

Motion carried: 4-2-1

ACTION:

1. City Council provided feedback and directed staff to process a General Plan Amendment request for the development of a 0.45-acre parcel with nine live/work units. The General Plan Screening (GPS) is a prerequisite in advance of submitting a General Plan Amendment, Rezone, Specific Plan Amendment, Master Plan, and Parcel Map applications for development of the site.
2. It should be noted that acceptance of the proposal for screening is not a commitment to approve the proposed General Plan Amendment. Rather it represents the City Council's determination that it is appropriate to proceed with processing and consideration of a request to amend the General Plan.

ADJOURNMENT – The Mayor Adjourned the meeting at 11:48 p.m.