

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

JULY 2, 2019

CALL TO ORDER

The Special Closed Session was called to order by Mayor Foley at 4:30 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

PUBLIC COMMENTS ON CLOSED SESSION - NONE

The City Council recessed to Room 5A at 4:32 p.m. for Closed Session to consider the following items:

- 1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
- 2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION INITIATION OF LITIGATION – EIGHT POTENTIAL CASES**
Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code
- 3. 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.
- 4. 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.

CALL TO ORDER (00:00:11)

The meeting was called to order by Mayor Foley at 6:08 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:56)

Ms. Moxy Anne Mohr

MOMENT OF SOLEMN EXPRESSION (00:02:49)

Fr. George Okusi, St. John the Divine Episcopal Church, Costa Mesa

ROLL CALL (00:06:24)

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: City Manager Lori Ann Farrell Harrison, Assistant 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 (00:06:34)

Ms. Hall Barlow reported that there was no reportable action.

Public Hearing item numbers 1-3 were removed for separate discussion at the request of Mayor Foley, noting that the items be advanced and considered prior to City Manager's report due to a request for continuance on the aforementioned items.

PUBLIC COMMENTS ON ADVANCING THE PUBLIC HEARING ITEMS - NONE

Mayor Pro Tem Stephens recused himself from voting as his office location is within 500 feet of 400 Enclave Circle (public hearing item number 2). (00:09:29)

MOVED/SECOND: Mayor Foley/Council Member Genis

MOTION: Advance Public Hearing item numbers 1-3 and consider the items prior to City Manager's Report.

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: None

Absent: None

Abstain: Mayor Pro Tem Stephens

Motion carried: 6-0-0-1

ACTION:

City Council advanced Public Hearing item numbers 1-3 and agreed to consider the items prior to City Manager's Report.

Ms. Farrell Harrison spoke on the staff recommendation of postponing the public hearings and conducting a Study Session at a later date to allow time to assess all concerns regarding the small cell sites and additional opportunity for public outreach, and community education. (00:10:06)

Ms. Hall Barlow spoke on the changes in the law due to the Supreme Court decision on small cell sites that the City would like to address in the process. (00:12:27)

PUBLIC COMMENTS ON THE CONTINUANCE OF THE ITEMS (00:13:14)

A Costa Mesa resident spoke in support of the continuance of the public hearing items. (00:13:26)

A Costa Mesa resident spoke in support of the continuance of the public hearing items. (00:14:26)

Aaron Synder, representing Crown Castle, spoke on supporting a streamlined process; the City not owning its infrastructure for street lights and utility poles; and suggested the City to look at Crown Castle's current small cell facilities. (00:15:10)

A Costa Mesa resident spoke on receiving public comments. (00:17:53)

A Costa Mesa resident spoke in support of the continuance of the public hearing items. (00:18:22)

Public Comments closed.

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Continue Public Hearing item numbers 1-3 to a future Study Session and Council 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, and Mayor Foley.

Nays: None

Absent: None

Abstain: Mayor Pro Tem Stephens

Motion carried: 6-0-0-1

ACTION:

City Council continued the following Public Hearing item numbers 1-3 to a future Study Session and Council meeting:

1. **REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-31, 19-33 AND 19-35 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1772 ORIOLE DRIVE, 3007 COUNTRY CLUB DRIVE, AND 2926 CLUB HOUSE ROAD, RESPECTIVELY**
2. **REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATION 19-14 FOR A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL FACILITY ON TOP OF A REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED WITHIN PUBLIC STREET RIGHT-OF-WAY NEAR 400 ENCLAVE CIRCLE**
3. **REVIEW OF PLANNING COMMISSION DECISION TO APPROVE ZONING APPLICATIONS 19-03, 19-04 AND 19-06 FOR THREE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 1620 ELM AVENUE, 1641 LABRADOR DRIVE, AND 1300 ADAMS AVENUE, RESPECTIVELY**

PRESENTATIONS (00:19:20)

City Council welcomed the newest police department service dog, Aaron and his handler Officer Candice McMorris, the department's first female K-9 handler.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:22:18)

Jay Humphrey, Costa Mesa resident, provided perspectives related to model airplanes and wildlife. (00:22:36)

Monica Draghici, Costa Mesa resident, spoke on small cell facilities. (00:26:24)

Claudia Perez Figueroa, Senior Field Representative for Assemblywoman Cottie Petrie-Noris, read a statement released by the Assemblywoman related to securing State Budget funding for Coastal Orange County; and invited all to a Board and Commission Appointments Workshop on July 18 at the Newport Beach Public Library and Senior Scam Stopper seminar on July 26 at the Costa Mesa Senior Center. (00:28:17)

Becca Walls, Costa Mesa resident, thanked the City Council and staff for attending the Priceless Pets Pack Walk; invited all to a fundraiser for Patriotic Service Dog Foundation on July 5 at the Harp Inn; and thanked the City Council for delaying the public hearing items. (00:30:33)

Speaker acknowledged Assemblywoman Cottie Petrie-Norris for securing State Budget funding for Coastal Orange County and Mayor Pro Tem Stephens for accomplishing his goals of having a Fourth of July celebration and a homeless shelter. (00:32:26)

Speaker expressed concerns regarding the sponsors for the Costa Mesa Independence Day Community Celebration on July 3rd. (00:34:00)

Ralph Taboada, Costa Mesa, welcomed Ms. Farrell Harrison; thanked Ms. Letourneau for her service; and thanked Ms. Barlow for her efforts. (00:35:55)

Public Comments closed.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:37:30)

Council Member Mansoor welcomed Ms. Farrell Harrison; thanked Ms. Letourneau for her service; and addressed the public speaker's comment regarding cities that have ordinances related to cell sites. (00:37:44)

Council Member Genis requested staff to look into Senate Bills 330 and 102, related to housing and local control of zoning; spoke on the flying field and the Fairview Park Master Plan; First Friday Road Show on July 5th at the Orange County Fairgrounds; thanked Ms. Letourneau for her service; and welcomed Ms. Farrell Harrison. (00:38:25)

Council Member Reynolds requested Mr. Humphrey to send information regarding the model airplanes to Fairview Park Administrator Cynthia D' Agosta and the Fairview Park Steering Committee; thanked the following individuals: members of the CERT team and police and fire explorers for handing out flyers on illegal fireworks; police department for arrests made related to illegal fireworks; volunteers and Animal Services Committee for the Priceless Pets Pack Walk fundraiser; Assemblywoman Cottie Petrie-Norris for securing State Budget funding for Coastal Orange County; spoke on trees at airplane park; thanked Ms. Letourneau for her service; and welcomed Ms. Farrell Harrison. (00:41:11)

Council Member Chavez thanked Ms. Letourneau for her service; welcomed Ms. Farrell Harrison; thanked fire and police departments for working over the holiday; spoke on activities at the Costa Mesa Senior Center; and encouraged attendance at the Costa Mesa Independence Day Community Celebration on July 3rd. (00:44:06)

Council Member Marr thanked Ms. Letourneau for her service; welcomed Ms. Farrell Harrison; thanked everyone who attended the Priceless Pets Pack Walk fundraiser and her community coffee event; and acknowledged the public services department for the bus shelter at Civic Center Drive. (00:45:40)

Mayor Pro Tem Stephens thanked the public for engagement on small cell sites; spoke on the Priceless Pets Pack Walk fundraiser; welcomed Ms. Farrell Harrison; thanked the representatives of Assemblywoman Cottie Petrie-Norris and Congressman Harley Rouda for attending the Council meeting; spoke on using safe and sane fireworks; and the Costa Mesa Independence Day Community Celebration on July 3rd. (00:46:39)

Mayor Foley thanked the City Council for accomplishments within the last six months; welcomed Ms. Farrell Harrison; reported her attendance at the Independence Day Luau Party on June 28th at the Costa Mesa Senior Center; spoke on the homeless shelter and response times to resident calls; and spoke on the Save Our Youth (SOY) Dunk Tank fundraiser. (00:50:21)

REPORT – CITY MANAGER (00:54:36)

Ms. Farrell Harrison spoke on a Study Session regarding small cell sites; and wished everyone a happy and safe fourth of July.

REPORT – CITY ATTORNEY (00:55:03)

Ms. Hall Barlow thanked Mr. Taboada for the kind words; spoke on illegal fireworks, and illegal marijuana dispensaries.

CONSENT CALENDAR: (00:56:35)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar item numbers 1 through 12 except for 3 and 4.

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: State Farm, as subrogee for Susan Chingay.

ACTION:

City Council received and filed.

5. PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF THE PERMANENT BRIDGE SHELTER FACILITY

ACTION:

1. City Council awarded a Professional Services Agreement (PSA) to Robert Borders & Associates, 1675 Scenic Avenue, Suite 210 Costa Mesa, California 92626, in an amount not-to-exceed \$375,000.00 for design services for the City's permanent Bridge Shelter facility; and
2. Authorized staff to negotiate the final scope of work, schedule, and fee within the previously approved not-to-exceed amount; and
3. Authorized the City Manager and City Clerk to execute the Professional Services Agreement and future contract amendments within Council authorized limits.

6. COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE PAVEMENT REHABILITATION OF MACARTHUR BOULEVARD FROM SANTA ANA RIVER TO HARBOR BOULEVARD

ACTION:

1. City Council approved the Cooperative Agreement between the City of Santa Ana and the City of Costa Mesa for the rehabilitation of MacArthur Boulevard from the Santa Ana River to Harbor Boulevard; and
2. Authorized the City Manager and the City Clerk to execute the Cooperative Agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR (00:58:17)

3. **WARRANT RESOLUTION NO. 2622 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 19-11 "A" FOR \$302.90; 19-12 FOR \$2,528,937.47 AND CITY OPERATING EXPENSES FOR \$3,361,064.13; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:58:22)**

Public Comments:

A Costa Mesa resident spoke on legal invoices. (00:58:31)

Public Comments closed.

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve Warrant Resolution No. 2622.

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. 2622.

4. ESTABLISHMENT OF THE NEW CLASSIFICATION OF ENERGY AND SUSTAINABILITY SERVICES MANAGER JOB DESCRIPTION (01:00:56)

Tamara Letourneau, Assistant City Manager, provided the staff presentation. (01:01:07)

Council Member Mansoor spoke in support of hiring a consultant instead of a permanent employee. (01:02:40)

City Council discussion included: proposed salary range for the position; a climate action plan; assigning additional duties to the position particularly grant writing; hiring a consultant vs. a permanent employee; establishment of the position in other cities; and joint initiatives with other agencies such as the Water and Sanitation Districts. (01:04:23)

Public Comments:

Ralph Taboada, Costa Mesa resident, spoke on the Finance and Pension Advisory Committee's (FIPAC) concerns regarding hiring a permanent employee vs. consultant; requested a report to City Council with documented savings within 12 months of the position; spoke on concerns for not having offset in the budget for potential cost savings; and inquired on the total cost of the position. (01:12:00)

Russell Baldwin, Costa Mesa resident, spoke on hiring a permanent employee vs. a consultant. (01:13:59)

Ms. Letourneau clarified the total cost of the position. (01:15:08)

Public Comments closed.

MOVED/SECOND: Council Member Marr/Council Member Chavez
MOTION: Adopt Resolution No. 19-36 which amends Resolution No. 17-26 establishing the new Energy and Sustainability Services Manager job classification; and corresponding salary range of \$8,630 - \$11,567 per month.

Council Member Marr spoke in support of the motion. (01:15:46)

Council Member Chavez spoke in support of the motion. (01:19:10)

Council Member Reynolds spoke in support of the motion. (01:20:00)

Mayor Pro Tem Stephens spoke in support of the motion. (01:22:13)

Council Member Genis spoke on the issue; City resilience; a hazard mitigation plan; and Fairview Park issues. (01:23:23)

Mayor Foley spoke in support of the motion. (01:26:00)

MOVED/SECOND: Council Member Marr/Council Member Chavez
MOTION: Adopt Resolution No. 19-36, which amends Resolution No. 17-26 establishing the new Energy and Sustainability Services Manager job classification; and corresponding salary range of \$8,630 - \$11,567 per month.

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:

City Council adopted Resolution No. 19-36, which amends Resolution No. 17-26 establishing the new Energy and Sustainability Services Manager job classification; and corresponding salary range of \$8,630 - \$11,567 per month.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:28:50)

Council Member Marr spoke on a hazard mitigation plan. (01:28:53)

Council Member Genis wished everyone a safe and happy fourth of July. (01:29:32)

ADJOURNMENT (01:29:44) – Mayor Foley adjourned the meeting at 7:28 p.m.

Minutes adopted on this 17th day of March, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk