

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

**NOVEMBER 5, 2019**

## **CALL TO ORDER**

The Closed Session was called to order by Mayor Foley at 4:01 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, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

## **PUBLIC COMMENT: NONE**

The City Council recessed to Room 5A at 4:07 p.m. for Closed Session to consider the following items:

### **1. 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

### **2. 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

### **3. 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

**4. 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).

**5. 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

The City Council reconvened at 6:12 p.m.

**CALL TO ORDER (00:00:12)**

The meeting was called to order by Mayor Foley at 6:12 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:34)**

Katie Odell, music performance major at California State University Long Beach

**MOMENT OF SOLEMN EXPRESSION (00:03:04)**

Pastor Christine Wallington, Costa Mesa Seventh Day Adventist Church

**ROLL CALL (00:04:09)**

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor (Arrived at 6:16 p.m.), 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 Attorney Tarquin Preziosi, 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 (00:04:22)** – City Council recessed from Closed Session and will reconvene after the regular meeting.

**PRESENTATIONS:**

1. Costa Mesa Foundation, Concerts in the Park – Lisa Schultz, President (00:04:42)
2. Proclamation for Nurse Practitioners Week - Christina Mello, California Association of Nurse Practitioners (CANP) (00:10:37)

3. Fairview Park Steering Committee Annual Report – Andy Campbell, Committee Chair and Cynthia D’Agosta, Fairview Park Administrator (00:15:37)
4. Costa Mesa Minute (00:22:14)

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:24:28)**

Renee Prevlove, spoke on problems associated with the homeless. (00:25:02)

Hank Castignetti, representing the Orange County Model Engineers spoke on the Scarecrow Festival event. (00:27:07)

Allison Burchette, spoke against the 5G Wireless technology. (00:28:32)

Robert Rosso, Costa Mesa, spoke on a problem gutter near his home. (00:31:38)

Speaker, spoke against 5G. (00:33:43)

Speaker, Costa Mesa, spoke on permit parking on Cleveland St. (00:34:00)

Tammy Belcher, spoke against the 5G wireless cell towers. (00:34:45)

Barrie Fischer, Costa Mesa, spoke on the memorial program at the Harbor Lawn Mount Olive Memorial Park. (00:35:56)

Monica Draghici, spoke against 5G wireless technology and modifications to the design guidelines. (00:39:02)

Speaker, spoke against 5G wireless technology and modifications to the design guidelines. (00:42:10)

Speaker, spoke against 5G wireless technology. (00:45:11)

Speaker, Huntington Beach, spoke against 5G wireless technology. (00:46:12)

Speaker, Costa Mesa, spoke on the Halecrest Chili Cook-off. (00:48:55)

Speaker, Huntington Beach, spoke against 5G wireless technology. (00:50:40)

Speaker, Costa Mesa, spoke in support of the wireless technology and design guidelines. (00:51:50)

Ashley Rose, spoke against 5G wireless technology. (00:53:19)

Speaker, Costa Mesa, spoke against 5G wireless technology. (00:54:47)

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

- 1. APPEAL OF THE DENIAL OF CONDITIONAL USE PERMIT PA-16-63 TO OPERATE A RESIDENTIAL FACILITY SERVING MENTALLY DISABLED PERSONS IN SIX UNITS HOUSING UP TO 30 RESIDENTS AS WELL AS THE DENIAL OF REASONABLE ACCOMMODATION RA-19-06 FOR RELIEF FROM CERTAIN REQUIREMENTS OF THE ZONING CODE; OPERATED BY NSIGHT PSYCHOLOGY AND ADDICTION AT 2641 SANTA ANA AVENUE, UNITS A THROUGH F (00:58:48)**

Staff presentation by Ms. Bouwens-Killeen, Zoning Administrator.

Applicant presentation by Mary Ellen Beatificato, representing property owner and NSight.

Public Comments:

Speaker, Costa Mesa, neighbor to the location, spoke on oversaturation in the area; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (01:51:40)

Speaker, Costa Mesa, spoke on noise and traffic in the area; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06 (01:53:44)

Cory Donaldson, Costa Mesa, owns property next door; spoke on impacts to the quality of life; spoke on vans picking up and dropping off; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (01:55:05)

Amber Summers, Costa Mesa, spoke on complaints about the property; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (01:56:40)

Janie Thomas, Costa Mesa, spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (01:57:59)

Speaker, Costa Mesa, spoke on the property being used for temporary residents; spoke on driveways being blocked; spoke on loitering and smoking; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (01:58:54)

Speaker, Costa Mesa, spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (02:00:51)

Speaker, Costa Mesa, lives across the street from the property, spoke on traffic problems; and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (02:04:06)

Mark Binder, Costa Mesa, owner of 2641 Santa Ana Ave., spoke on working with the tenant to serve the mental health community. (02:04:56)

Speaker, Costa Mesa, spoke on mental illness; spoke on traffic in the neighborhood, and spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (02:07:21)

Marguerite White, spoke against upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06 for NSight. (02:09:54)

Speaker, spoke against upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (02:11:23)

Speaker, spoke in support of upholding the denial of Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06. (02:14:22)

Speaker, Costa Mesa, requested clarification on how many sober living facilities can fit within Costa Mesa city limits. (02:16:41)

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

**MOTION:** Adopt a Resolution upholding the decision of the Planning Commission and deny Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06.

Council Member Marr, Mayor Pro Tem Stephens, and Mayor Foley spoke in support of the motion.

Council Member Genis spoke on the item being a land use matter.

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

Abstain: None

Motion carried: 7-0

**Action:**

City Council adopted a Resolution upholding the decision of the Planning Commission and deny Conditional Use Permit PA-16-63 and Reasonable Accommodation RA-19-06.

City Council recessed into a break at 8:37 p.m.

City Council reconvened at 8:47 p.m.

## **2. 2019 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES**

Staff presentation by Mr. Shahrouhi, Building Official, and Mr. Neal, Fire Marshall.

Discussion ensued on new codes including electric vehicle charging stations, public noticing, and permit requirements.

Public Comments: None

**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

Abstain: None

Motion carried: 7-0

### **Action:**

1. City Council adopted a resolution of the City Council of the City of Costa Mesa, California, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduced an Ordinance for first reading and set for second reading and adoption at the Council's December 3, 2019, meeting. This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 16-01.

## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Genis thanked Halecrest for hosting the chili cook off; spoke on Veterans Day; spoke on League of Cities meeting; spoke on bringing the Police Department up to date on computer equipment; and requested to adjourn in memory of Captain Mike Kreza. (02:34:48)

Council Member Reynolds spoke on Banning Ranch conservancy donor; spoke on the City Nature Challenge; requested a parking update from staff; requested an info sheet on homelessness to be posted in city facilities; and requested signage at entrances of parks providing the non-emergency line to call regarding encampments. (02:37:22)

Council Member Chavez spoke on reporting homeless encampments; congratulated Battle of the Bell winner Estancia High school; congratulated Yard House for their 25<sup>th</sup> anniversary; spoke on touring a domestic violence program; spoke on attending the gala for OC Justice fund; spoke on SOY; commended police and fire staff; and requested to adjourn in memory of Captain Mike Kreza. (02:41:53)

Council Member Marr spoke on 5G technology. (02:45:21)

Council Member Mansoor requested an analysis of 5G restrictions for Encinitas and Seaside. (02:47:09)

Mayor Pro Tem Stephens spoke on the Women's Club Holiday Art event; requested staff look into the gutter issue from Robert Rosso; recognized anniversary of Captain Mike Kreza's passing; spoke on attending the UC Davis law school reunion. (02:47:48)

Mayor Foley spoke on attending the Orange County Transportation Authority's 2<sup>nd</sup> district mayor's forum; spoke on attending the City Lab Mayors conference; spoke on a walkable community; thanked Assembly Women Cottie Petrie Norris for hosting a hearing on sober living reform; spoke on attending a Veterans Program that Assembly Women Cottie Petrie Norris hosted and honored Lt. Marr; and encouraged the public to call the Police Department on homeless individuals and requested that police officers carry pamphlets with them to pass out with numbers for the homeless to call for help. (02:51:28)

#### **REPORT – CITY MANAGER (02:56:35)**

Ms. Farrell Harrison recognized Council Member Marr for her service to our country; provided an update on the Bridge Shelter; provided an update on the parking study and request for proposals.

#### **REPORT – CITY ATTORNEY (03:00:52)**

Mr. Preziosi spoke on the Orange County Needle Exchange Program and that the court ruled in favor of the Cities; and on the Yellowstone case, the court denied the plaintiffs motion for summary judgement to overturn the verdict, and it was the courts final ruling.

#### **CONSENT CALENDAR:**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 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: Benjamin Chan, Kara Marks, Sara Popovich, Amar Varma

**Action:**

City Council received and filed.

**5. APPROVE FISCAL YEAR 2018/19 YEAR END BUDGET ADJUSTMENTS AND TRANSFERS**

**Action:**

1. City Council approved Fiscal Year 2018-19 year end budget adjustments; and
2. Approved interfund transfer from the General Fund to the Information Technology Replacement Fund totaling \$150,000.

**6. SB 2 PLANNING GRANT APPLICATION**

**Action:**

City Council adopted a resolution authorizing the City Manager (including his or her designee) to apply for the California Department of Housing and Community Development (HCD)'s SB 2 Planning Grants Program (PGP) in the amount of \$310,000 and, if awarded, authorize the City Manager to execute the standard agreement.

**7. RELEASE OF BONDS IN CONNECTION WITH VESTING TRACT MAP 17747 AT 1620 THROUGH 1644 WHITTIER AVENUE, COSTA MESA, CALIFORNIA**

**Action:**

City Council authorized the release of the Performance, and Labor and Material Bonds (Certificate No. 024060641) in the amount of \$407,498.00 each to Taylor Morrison of California, LLC, 100 Spectrum Center Drive, Suite 1450, Irvine, CA 92618.



**8. RELEASE OF BONDS IN CONNECTION WITH TRACT MAP 17981 AT 2626 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**

**Action:**

City Council authorized the release of the Performance, and Labor and Material Bonds (Certificate No. 651915S) in the amount of \$184,832.00 each, and Monumentation Bond in the amount of \$6,000.00 to SoCal Harbor, LLC, 1500 Willow Pass Court, Concord, CA 94520.

**9. 2021 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM**

**Action:**

City Council adopted a resolution approving projects for inclusion in the Orange County Transportation Authority's (OCTA) Federal Transportation Improvement Program (FTIP) for Fiscal Years 2021/22 through 2025/26.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**4. PROPOSED CHANGES TO THE DECEMBER 2019 AND JANUARY 2020 CITY COUNCIL MEETING SCHEDULE AND MODIFICATIONS TO ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS (03:02:52)**

Staff presentation by Ms. Green, City Clerk.

Discussion ensued on members of the public pulling items from the consent calendar, the Municipal Code, prioritizing time during meetings, other cities processes, items being placed on the consent calendar, and the reason for the change of meeting dates.

**Public Comments:**

Monica Draghici, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:25:33)

Wendy Leece, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:27:51)

Cynthia McDonald, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:29:00)

Anna Vrska, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:31:39)

Beth Refakes, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:34:12)

Ralph Taboada, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:36:28)

Speaker, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:38:10)

Speaker, Costa Mesa, spoke in opposition to changing the public not being allowed to pull consent calendar items. (03:40:02)

Public Comments closed.

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

**MOTION:** Approve recommended action number one approving the meeting schedule changes for the months of December 2019 and January 2020, but not approving the changes to order of business.

Mayor Pro Tem Stephens spoke on reasonable expectations and carefully reviewing the items that are placed on the consent calendar.

Council Member Marr spoke to the motion; spoke on transparency and the public's ability to speak.

Council Member Chavez spoke to the motion; spoke on allowing the public to pull from consent; and spoke on efficiency from council members.

Council Member Genis clarified if a resolution is needed for the motion, and spoke to the new schedule.

Council Member Reynolds spoke on supporting the motion.

Mayor Foley spoke on the item being placed on consent calendar and spoke to the motion.

Council Member Mansoor spoke on the frequency of the warrant register being pulled.

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 changing the City Council meeting schedule in the month of December to provide for one additional regular meeting on Tuesday, December 17, 2019 through the adoption of Resolution 19-67 and cancelling the regularly scheduled meeting on Tuesday, January 7, 2020.
  
3. **WARRANT RESOLUTION NO. 2629 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING Payroll register nos. 19-20 "A" for -\$410.44; 19-21 for \$2,784,747.28; and City operating expenses for \$3,796,249.52; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (03:54:51)**

Public Comment:

Speaker, spoke on legal costs. (03:55:21)

Public Comment closed.

**MOVED/SECOND:** Council Member Reynolds/Council Member Marr

**MOTION:** Approve Warrant Resolution No. 2629.

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 Pro Tem Stephens.

Nays: None

Absent: None

Abstain: Mayor Foley

Motion carried: 6-0-0-1

**Action:**

City Council approved Warrant Resolution No. 2629.

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

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. **APPROVAL OF FINANCE DEPARTMENT STAFFING CHANGES AND CORRESPONDING RESOLUTIONS ADDING RELATED JOB CLASSIFICATIONS AND SALARY RANGES (03:58:55)**

Staff presentation by Kelly Telford, Finance Director.

Public Comments: None

**MOVED/SECOND:** Council Member Chavez/Council Member Marr  
**MOTION:** Approve recommended actions.

Council Members Chavez, Marr, Genis, Reynolds, Mayor Pro Tem Stephens, and Mayor Foley spoke to supporting the motion and thanked staffed.

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

Abstain: None

Motion carried: 7-0

**Action:**

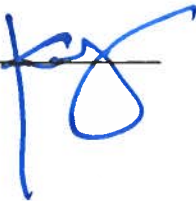
1. City Council approved a reclassification of the existing vacant Treasury Specialist position to a Financial Analyst position, and adopt Resolution No. 19-70, amending Resolution No. 17-14 by establishing a new classification represented by the Costa Mesa City Employee Association (CMCEA) and establishing the pay ranges for the new classification; and
2. Approved changing one vacant Accountant position bargaining unit from CMCEA to Confidential Employees Unit, and adopt corresponding proposed Resolution No. 19-71, amending Resolution No. 17-18 by establishing a new classification in the Confidential Employees Unit and establishing the pay ranges for the new classification; and
3. Reauthorized one full-time equivalent Budget and Purchasing Manager, previously titled Budget and Research Officer in the Costa Mesa Division Managers Association (CMDMA), and corresponding proposed Resolution No. 19-72, amending Resolution No. 17-27 by establishing a new classification in the Confidential Management Unit and establishing the pay ranges for the new classification; and
4. Approved a reclassification of the existing Management Analyst (Confidential) position to a Senior Management Analyst (Confidential) position.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (04:10:07) - NONE**

**ADJOURNMENT** - Mayor Foley adjourned the meeting at 10:37 p.m. in honor of the one-year anniversary of Fire Captain Mike Kreza's passing.

Minutes adopted on this 21<sup>st</sup> day of July, 2020.

\_\_\_\_\_  
Katrina Foley, Mayor



ATTEST:

*Brenda Green*  
\_\_\_\_\_  
Brenda Green, City Clerk