

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

**NOVEMBER 19, 2019**

## **CALL TO ORDER**

The Closed Session was called to order by Mayor Pro Tem Stephens 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 Marr, Council Member Reynolds, and Mayor Pro Tem Stephens, and Mayor Foley (arrived 4:10 p.m.)

Absent: Council Member Genis and Council Member Mansoor.

## **PUBLIC COMMENT: NONE**

The City Council recessed to Room 5A at 4:04 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 LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION**

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

**5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code – one case. The City Attorney reported this relates to the claim filed by Robert Sharpnack.

The City Council reconvened at 6:06 p.m.

**CALL TO ORDER (00:00:13)**

The meeting was called to order by Mayor Foley at 6:06 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:16)**

Costa Mesa High School Madrigal Choir

**MOMENT OF SOLEMN EXPRESSION (00:01:53)**

Pastor David Manne, Calvary Chapel, Costa Mesa

**ROLL CALL (00:03:10)**

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

Absent: Council Member Genis, Council Member Mansoor,

Officials Present: City Manager Lori Ann Farrell Harrison, 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 (00:03:21)**

**PRESENTATIONS:**

1. Assemblywoman Petrie-Norris presentation of \$1 million check for Lions Park. (00:03:32)
2. Presentation on the 2020 Census by Dina Duella, U.S. Census Bureau. (00:07:56)
3. Presentation on the Helen Putnam Award for Excellence- SMART Camp Program. (00:19:43)

4. Costa Mesa Minute. (00:24:54)

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:28:17)**

Flo Martin, Costa Mesa, spoke against the EPOCH times being in the City Hall lobby. (00:28:45)

Speaker, Costa Mesa, praised Assemblywoman Cottie Petrie-Norris, Mayor Foley, and District Attorney Spitzer, and spoke on sober living homes. (00:29:47)

Hank Castignetti, representing Orange County Model Engineers, spoke on the Santa train event on December 21<sup>st</sup>. (00:32:27)

Wendy Leece, Costa Mesa, expressed caution on changing the tax rate for cannabis businesses. (00:33:28)

Al Melone, Costa Mesa, spoke on the water bowl problems at the dog park. (00:36:13)

Mary Spadoni, Costa Mesa, spoke on the claim filed by Chief Sharpnack. (00:39:39)

Speaker, spoke on drug addicts loitering on the street, homeless issues and maintenance issues at the dog park. (00:42:53)

Beth Refakes, Costa Mesa, spoke on restoring the airplane at airplane park; problems with the homeless; spoke in support of the mobile command vehicle; and spoke on improved communications. (00:46:04)

Bob Harrison, representing Orange County Model Engineers, spoke on the Scarecrow Festival, thanked the Firefighter Association and Police Association for the donation of pumpkins. (00:49:02)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:55:00)**

Council Member Chavez spoke on visiting Redemption Church Learning Center and touring Think Together, and thanked Assemblywoman Cottie Petrie-Norris. (00:55:07)

Council Member Marr spoke on visiting Woodland Elementary School; spoke on Assemblywoman Cottie Petrie-Norris and her holding a hearing on homeless veteran issues; and spoke on the successes of assisting the homeless. (00:57:59)

Council Member Reynolds spoke on the successes of assisting the homeless; congratulated her father on becoming a conductor for the Orange County Model Engineers; spoke on visiting youth at SOY; spoke on the December 14<sup>th</sup> restoration project at Fairview Park; spoke on the community bike ride on December 15<sup>th</sup>; spoke on the early childhood coalition; spoke on the Sierra Club hike; and spoke on the Sunday cyclist ride at Balearic Park. (01:01:18)

Mayor Pro Tem Stephens wished all a Happy Thanksgiving; requested the City Attorney to report on the EPOCH times; spoke on an Eagle Scout project at the Bark Park; spoke on the successes of assisting the homeless. (01:05:23)

Mayor Foley spoke on attending the homeless veterans hearing; reported on veterans at the Costa Mesa shelter; spoke on progress toward the permanent homeless shelter; requested a formal presentation on the dog park issues; thanked City Staff for efforts on Snoopy House; spoke on keeping the airplane at Airplane Park; spoke on the 11<sup>th</sup> annual coat drive; reminded the public to call 714-754-5252 to assist homeless individuals; and congratulated Descanso business for 1 year anniversary. (01:08:12)

**REPORT – CITY MANAGER (01:13:50)** - Ms. Farrell Harrison reported on bringing back a dog park update; provided a status update of the parking study; and spoke on attending the annual Veterans event at the Orange County Fairgrounds.

**REPORT – CITY ATTORNEY (01:17:47)** – Ms. Hall Barlow wished her twins a Happy Birthday.

**CONSENT CALENDAR: (01:18:14)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 3.

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: None

Absent: Council Member Genis, Council Member Mansoor

Motion carried: 5-0-2

- 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: AAA, Brian Brodersen, Robert Sharpnack, Ronald Tymins

**ACTION:**

City Council received and filed.

**4. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH MV CHENG & ASSOCIATES FOR TEMPORARY STAFF SUPPORT SERVICES IN THE FINANCE DEPARTMENT**

**ACTION:**

1. City Council approved the proposed Amendment No. 2 to the Professional Services Agreement (PSA) with MV Cheng & Associates, Inc. to increase the PSA by \$50,000, for a total not-to-exceed amount of \$199,999 for temporary staff support services in the Finance Department; and
2. Authorized the City Manager and City Clerk to execute the proposed amendment and future amendments to the PSA within Council authorized limits.

**5. NOTICE OF INTENT FOR THE VACATION OF A PORTION OF A SIDEWALK AND LANDSCAPE EASEMENT AT 3350 AVENUE OF THE ARTS**

**ACTION:**

1. City Council set a public hearing on December 17, 2019, for the vacation of a portion of sidewalk and landscape easement at 3350 Avenue of the Arts; and
2. Adopted Resolution of Intent to vacate a portion of sidewalk and landscape easement at 3350 Avenue of the Arts.

**6. RED HILL AVENUE REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT**

**ACTION:**

1. City Council approved the Cooperative Agreement No. C-9-1421 between the Orange County Transportation Authority, and the Cities of Costa Mesa, Irvine, and Tustin for the Red Hill Avenue Regional Traffic Signal Synchronization Project; and
2. Authorized the Mayor and City Clerk to execute the Cooperative Agreement and authorize City Manager and City Clerk to execute future amendments to the agreement.

7. **SECOND READING AND ADOPTION OF ORDINANCE 19-18 BY THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1 AND 5-1.3 AND ADDING SECTION 5-1.4 OF CHAPTER I OF TITLE 5 AND SECTIONS 7-14 AND 7-15 OF CHAPTER II OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2019 EDITIONS OF THE CALIFORNIA BUILDING, CONSTRUCTION AND FIRE CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO, AND REPEALING THE ADOPTION OF THE 2016 EDITIONS OF THE CALIFORNIA CODES AND AMENDMENTS THERETO, AND ADOPTING THE ORANGE COUNTY GRADING AND EXCAVATION CODE WITH AMENDMENTS THERETO, WITH THE EFFECTIVE DATE OF JANUARY 1, 2020**

**ACTION:**

City Council gave second reading to and adopted Ordinance 19-18, read by title only, and further reading waived, for the 2019 Edition of the Model California Construction Codes. This procedure is in accordance with the California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 19-05.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

3. **WARRANT RESOLUTION NO. 2630 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-21 "A" FOR \$10,646.77; 19-22 FOR \$2,697,951.11 AND CITY OPERATING EXPENSES FOR \$1,188,461.02; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:19:21)**

Public Comments:

Speaker, spoke on legal fees regarding sober living businesses. (01:19:36)

Speaker, spoke on legal fees. (01:22:27)

Speaker, spoke on consent calendar items at the Board of Supervisors meeting. (01:24:47)

Public Comments closed.

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

**MOTION:** Approve Warrant Resolution No. 2630.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis, Council Member Mansoor

Abstain: Mayor Foley

Motion carried: 4-0-2-1

**ACTION:**

City Council approved Warrant Resolution No. 2630.

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

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

**OLD BUSINESS: NONE**

**NEW BUSINESS: (01:26:27)**

**1. APPROVAL OF DEFERRED FINANCE, DEVELOPMENT SERVICES, INFORMATION TECHNOLOGY, AND POLICE DEPARTMENT’S REQUESTS FROM FISCAL YEAR 2019-20 BUDGET ADOPTION (01:26:35)**

Staff presentation by Ms. Telford, Finance Director and Captain Glass.

Discussion ensued on phasing the purchasing of the vehicles, the budget for each year, the L3 video vehicle system, the asset forfeiture fund, budget adjustments, grant funding, and equipment funding.

Public Comments:

Ralph Taboada, Costa Mesa, Thanked Ms. Telford and Captain Glass for their work on the budget. (01:55:05)

Beth Refakes, Costa Mesa, spoke on moving ahead on the mobile command vehicle and applying for grant funding. (01:57:03)

Speaker, spoke on the workload of the Police Department. (01:58:11)

Speaker, spoke on funding the Police Department. (01:59:57)

Public Comments closed.

**MOVED/SECOND:** Council Member Marr/Mayor Foley

**MOTION:** Approve recommended actions with a change to #3.

Council Members Marr, Reynolds, and Chavez, Mayor Pro Tem Stephens, and Mayor Foley spoke to supporting the motion and thanked staff for their work.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis, Council Member Mansoor  
Motion carried: 5-0-2

**ACTION:**

City Council approved the following items that were ultimately deferred during the June 18, 2019 budget adoption hearing:

1. Information Technology Department: Eliminated one part-time Intern and one part-time Programmer Analyst and added one full-time equivalent Network Administrator; and
2. Development Services Department: Eliminated one part-time Code Enforcement Officer and reclassified two existing part-time Code Enforcement Officers to full-time Code Enforcement Officers; and
3. Police Department: Authorize the City Manager to enter into a master financing agreement for a principal amount not-to-exceed \$1.5 million for the purchase of the Mobile Command Vehicle.
4. Police Department: Approved a budget adjustment appropriating \$1.125 million (the amount needed to upgrade or replace the L3 police car video system and five replacement vehicles, plus a ten percent contingency); and
5. Police Department: Approved the three-year funding and implementation plan for the requested items.

**2. MAYOR'S APPOINTMENT TO THE PLANNING COMMISSION, AT-LARGE SEAT (02:11:39)**

Staff presentation by Ms. Green, City Clerk.

Public Comments:

Marc Perkins, Costa Mesa, spoke on his application to the Planning Commission. (02:12:54)

Flo Martin, Costa Mesa, spoke in support of Marc Perkins for the Planning Commission. (02:14:27)

Speaker, Costa Mesa, spoke in support of Marc Perkins for the Planning Commission. (02:16:26)

Ralph Taboada, Costa Mesa, spoke in support of Marc Perkins for the Planning Commission. (02:17:55)

Speaker, Costa Mesa, spoke in support of Marc Perkins for the Planning Commission. (02:19:08)



Public Comments closed.

**MOVED/SECOND:** Mayor Foley/Mayor Pro Tem Stephens

**MOTION:** Appoint Marc Perkins to the At-Large Seat on the Planning Commission.

Council Members Marr, Chavez, and Reynolds, Mayor Pro Tem Stephens, and Mayor Foley spoke on supporting the motion.

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: None

Absent: Council Member Genis, Council Member Mansoor,

Motion carried: 5-0-2

**ACTION:**

City Council appointed Marc Perkins to the Planning Commission, At-Large seat, term expiring January, 2021.

**3. ORANGE COUNTY REGISTRAR OF VOTERS BALLOT DROP BOX LICENSE AGREEMENTS AND VOTE CENTER FACILITY USE AGREEMENTS (02:27:18)**

Staff presentation by Ms. Green, City Clerk.

Discussion ensued on why certain locations were chosen, TeWinkle Park as a location, and the number of drop boxes.

Public Comments: None

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

**MOTION:** Approve recommended actions.

Council Member Chavez spoke on the importance of voting.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis, Council Member Mansoor,

Motion carried: 5-0-2

**ACTION:**

1. City Council approved the two License Agreements with the Orange County Registrar of Voters for placement of Official Ballot Drop Boxes on City property at the Mesa Verde Library and Tewinkle Park; and

2. Approved the four Vote Center Facility Use Agreements at the Donald Dungan Library, the Costa Mesa Senior Center, the Balearic Center, and City Hall; and
3. Authorized the City Manager to execute the License Agreements and Vote Center Facility Use Agreements.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (02:36:55)**

Council Member Chavez requested large item pick up on Shalimar Street.

**ADJOURNMENT**

Mayor Foley adjourned the meeting at 8:44 p.m.

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



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Katrina Foley, Mayor

ATTEST:



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Brenda Green, City Clerk