

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

DECEMBER 17, 2019

CALL TO ORDER

The Closed Session was called to order by Mayor Pro Tem Stephens 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 (arrived at 4:14 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley (arrived at 4:30).

Absent: None

PUBLIC COMMENT - NONE

The City Council recessed to Room 5A at 4:03 p.m. for Closed Session to consider the following 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 LEGAL COUNSEL – ANTICIPATED LITIGATION INITIATION OF LITIGATION

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

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code – one case

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Montgomery v. Costa Mesa, Potts, USDC, Central District, Case No. 8:19-cv-01874-DOC-DFM

5. 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.

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation; RAW 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-01080-JVS-AGR.

7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Pacific Shores, LLC, a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01170 JVS-PJW.

8. 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.

9. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Summit Coastal Living, Inc., a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01369-JVS-PJW.

10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Ohio House, LLC v. City of Costa Mesa, USDC, Central District of CA, Case No. 8:19-cv-01710-DOC (KESx)

The City Council reconvened at 6:14 p.m.

CALL TO ORDER (00:00:12)

The meeting was called to order by Mayor Foley at 6:14 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:49)

Lauren James, Freshman at Estancia High School

MOMENT OF SOLEMN EXPRESSION (00:02:41)

Pastor Phil Eyskens, The Light House Church, Costa Mesa

ROLL CALL (00:05:00)

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, 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 (00:05:09) – No reportable action.

PRESENTATIONS: (00:05:26)

1. Costa Mesa Minute (00:05:30)
2. Ms. Farrell Harrison, City Manager, provided an update on the Costa Mesa Bridge Shelter and Homelessness. (00:07:26)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:12:24)

Rob DeFilia, Costa Mesa, spoke on Education First and traffic issues, and requested a traffic signal. (00:12:51)

Eleanor Egan, Costa Mesa, spoke on the length of the agenda, and requested New Business items 5 and 6 to be heard earlier in the meeting. (00:14:39)

Speaker, spoke on issues concerning urban coyotes and adopting standards. (00:16:03)

Jay Humphrey, Costa Mesa, wished all Happy Holidays. (00:19:10)

Kay Voorhees, representing Assembly Woman Cottie Petrie Norris wished all Happy Holidays. (00:20:01)

Beth Refakes, Costa Mesa, spoke on the length of the agenda, and requested an update on the Boise decision on the homeless. (00:20:12)

Speaker, spoke on Time Magazine person of the year, and spoke on the homeless shelter. (00:21:51)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Mansoor spoke on enforcing the homeless ordinance and thanked all for their prayers for his daughter. (00:24:46)

Council Member Genis spoke on the community choice energy and safe driving. (00:26:16)

Council Member Reynolds thanked Pastor Eyskens for his words during the moment of solemn expression, thanked public and staff for all their hard work over the past year, spoke on attendance at a workshop by Strong Towns, and spoke on biking and walkability and on safety. (00:28:07)

Council Member Chavez spoke on joining the Shalimar cleanup crew event, spoke on the Boys and Girls Club Winter Wonderland event, spoke on a new restaurant in Costa Mesa, and appreciated serving Costa Mesa. (00:32:41)

Council Member Marr spoke on community choice energy, thanked staff for efforts on Snoopy House, spoke on green energy. (00:34:24)

The City Attorney spoke on the recent Supreme Court decision regarding the homeless sleeping in public.

Mayor Pro Tem Stephens provided a 2019 year in review: hired chief of staff and team, appointed Kim Barlow as City Attorney, hired Everett Dorey for sober living cases, positive rulings in the Yellowstone case, settled OC Catholic Worker law suit, opened temporary shelter at Lighthouse Church, housed 88 homeless, hired 10 firefighters, hired 10 police officers, banned styrofoam at city facilities, passed an organics first policy, initiated coyote awareness month, hired a new City Manager, infrastructure projects, held an Independence Day event, opened Donald Dungan library, started the coalition of early childhood development, passed new budget, won the needle exchange case, renovated Snoopy House, hired new Assistant City Manager, voted to fly the pride flag, and moved into renovated Council Chambers, thanked Tony Dodero for compiling the list of accomplishments, thanked Council for a great year, and wished all happy holidays. (00:39:27)

Mayor Foley spoke on goals and priorities, and accomplishments, hired City Manager, economic sustainability, improving Information Technology, green sustainability, work on Tree City USA, Westside restoration plan, active transportation plan, recreation open space plan, keeping the community safe, starting a parking study, community engagement, broke ground on Museum of Art, opened Buffalo Wild Wings, attended Boys & Girls Club event, joining first responders on Thursday at the Boys & Girls Club annual coat give away, thanked Torelli Realty for annual snow land, thanked council for choosing to open the shelter, and wished all Happy Holidays. (00:43:37)

REPORT – CITY MANAGER (00:50:39)

Ms. Farrell Harrison provided an update on the citywide parking study, spoke on the bark park and short and long-term solutions coming forward, spoke on Snoopy House, reminded everyone that City Hall will be closed from December 23 through January 1, and to re-open on Thursday, January 2.

REPORT – CITY ATTORNEY (00:54:15)

Ms. Hall Barlow wished all Happy Holidays.

CONSENT CALENDAR: (00:56:08)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14
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: Walter MacDonald.

ACTION:
City Council received and filed.

- 3. **WARRANT RESOLUTION NO. 2632 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 19-23 “A” FOR \$7,259.83; 19-24 FOR \$2,701,718.20 AND CITY OPERATING EXPENSES FOR \$1,705,331.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:
City Council approved Warrant Resolution No. 2632.

4. AMENDMENT NUMBER ONE TO PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC.

ACTION:

1. City Council approved proposed Amendment No. 1 to the Professional Services Agreement (PSA) with Michael Baker International, Inc. ("Michael Baker") amending the scope of services and increasing the contract by \$43,763; and
2. Authorized the City Manager and City Clerk to sign and execute the amendment; and
3. Authorized the City Manager to execute future amendments to this agreement, including any potential increase in compensation as long as the amendment is specifically for the One Metro West Project and is fully funded by Rose Equities, thereby not affecting the City's General Fund.

5. RESOLUTION FOR SUBMITTAL OF GRANT APPLICATION FOR THE REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM (PROJECT) FUNDING

ACTION:

City Council adopted the proposed resolution approving the submittal of a grant application for the Regional Traffic Signal Synchronization Program (Project P) under the Orange County Transportation Authority's (OCTA's) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2019-20 through 2021-22.

6. DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2019

ACTION:

City Council received and filed the Development Impact Fees Annual Report for the Fiscal Year ended June 30, 2019.

7. APPROVE PURCHASE OF THE MILESTONE VIDEO MANAGEMENT SYSTEM SERVER, FIVE ADDITIONAL INTERNET PROTOCOL (IP) CAMERAS AND UPGRADE OF CURRENT ANALOG CAMERAS USED FOR THE POLICE DEPARTMENT'S SURVEILLANCE SYSTEM

ACTION:

1. City Council authorized a budget adjustment appropriating \$60,000.00 from the unassigned fund balance in the Asset Forfeiture Fund in the Police Department budget for the specified purposes; and
2. Approved and authorized the City Manager to sign the Justification for Sole Source Request for Siemens Industry Inc. for the specified purposes below; and

3. Authorized the City Manager to execute a Purchase Order, and any other documents required in connection with the purchase, with Siemens Industry Inc. for \$60,000.00 to replace current, end of life, Intellex DVR system with the Milestone Video Management System (VMS) server, purchase (5) additional internet protocol (IP) cameras and upgrade current analog cameras to stream IP video by updating the wiring to a 16-channel encoder.

8. ACCEPTANCE AND ALLOCATION OF THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

ACTION:

1. City Council approved Resolution No. 19-78 authorizing acceptance of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds and authorizing the City Manager, or designee, to execute the Memorandum of Understanding (MOU) with Orange County and participating Orange County cities for the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG); and
2. Approved a budget adjustment recognizing \$21,990.60 in JAG funding and appropriating \$21,990.60 to the Police Department budget for the specified purpose.

9. ACCEPTANCE AND ALLOCATION OF THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

ACTION:

1. City Council approved Resolution No. 19-79 authorizing acceptance of the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds and authorizing the City Manager, or designee, to execute the Memorandum of Understanding (MOU) with Orange County and participating Orange County cities for the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG); and
2. Approved a budget adjustment recognizing \$25,030.80 in JAG funding and appropriating \$25,030.80 to the Police Department budget for the specified purpose.

10. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS17-00472 FOR STREET IMPROVEMENTS AT 155 AND 163 FLOWER STREET, COSTA MESA, CALIFORNIA

ACTION:

City Council refunded a cash deposit in connection with Encroachment Permit No. PS17-00472 in the amount of \$34,380.00 for street improvements to Shu Kaneko, 2372 Morse Avenue, Suite 416, Irvine, California 92614.

11. VEHICLE RENTAL FROM ENTERPRISE RENT-A-CAR HOLDINGS THROUGH COOPERATIVE PRICING AGREEMENT

ACTION:

1. City Council approved the proposed agreement #5159905 with EAN Services, LLC (Enterprise Rent-A-Car) for vehicle rentals in an annual amount of \$85,000.00, utilizing the pricing provided through a cooperative agreement with the State of California Department of General Services for an initial term ending February 28, 2020, with the option to extend the agreement for a one (1) year period; and
2. Authorized the City Manager and City Clerk to execute the agreement and future authorized amendments to the agreement.

12. APPROVAL OF A PURCHASE ORDER WITH VERIZON FOR WIRELESS VOICE AND DATA SERVICES

ACTION:

1. City Council authorized the City Manager to execute a Purchase Order for Fiscal Year 2019-20 (January – June 2020) for \$77,000 and a Purchase Order for Fiscal Year 2020-21 (July – December 2020) for \$65,000 with Verizon for wireless voice and data services utilizing the National Association of State Procurement Officer's (NASPO) cooperative agreement; and
2. Authorized the City Manager to utilize NASPO's future negotiated agreement (following the existing expiration of December 31, 2020), or amended existing contract agreement, and execute a purchase order in accordance with the Council approved budgeted amount through the agreement's expiration.

13. LIONS PARK NEIGHBORHOOD COMMUNITY CENTER AUDIO VISUAL PROJECT, CITY PROJECT NO. 19-17

ACTION:

1. City Council adopted plans, specifications, and working details for Lions Park Neighborhood Community Center Audio Visual Project, City Project No. 19-17; and
2. Awarded a construction contract to EIDIM Group, Inc., 6905 Oslo Circle, Suite J, Buena Park, CA 90621 in the amount of \$243,909.06; and
3. Authorized a ten percent (10%) contingency totaling \$24,390.91 as needed for unforeseen costs; and
4. Authorized the City Manager and the City Clerk to execute the Public Works Agreement and future contract amendments within Council-authorized limits.

14. REHABILITATION OF ALLEY NOS. 18, 37, 59, 83 AND 112, CITY PROJECT NO. 18-19

ACTION:

1. City Council accepted the work performed by Black Rock Construction Company and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the City Manager to release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (00:57:22)

1. PUBLIC HEARING FOR THE VACATION OF SIDEWALK AND LANDSCAPE EASEMENT AT 3350 AVENUE OF THE ARTS (00:57:27)

Staff presentation by Mr. Sethuraman, Public Services Director.

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

Motion carried: 7-0

ACTION:

1. City Council adopted proposed Resolution No. 19-82 ordering the vacation of a portion of sidewalk and landscape easement at 3350 Avenue of the Arts; and
2. Authorized execution of the Quitclaim Deed by the Mayor and the City Clerk

3. CONTINUED PUBLIC HEARING TO CONSIDER ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEES (00:01:04)

Staff presentation by Ms. Rosales, Transportation Services Manager.

Discussion ensued on the range per ADT, 5% reduction, tiered pricing, signal synchronization, bike trails, missing sidewalks, and bike lanes.

Public Comment:

Wendy Leece, Costa Mesa, spoke on setting a standard on what is allowable for a 5% reduction and on not including Bluff road. (01:22:16)

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

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 19-83, continuing the citywide traffic impact fee for new development in the City of Costa Mesa and conducting the related annual review of the citywide traffic impact fee program and capital improvement plan for transportation improvements. The resolution incorporates the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:

1. Continued a traffic impact fee of \$235 per Average Daily Trip (ADT) based on the Capital Improvement Projects in Attachment 2 and inclusion of Active Transportation projects; and
2. Approved allocation of up to 10% of traffic impact fees towards traffic signal synchronization projects; and
3. Removed the 5% cap on Active Transportation Plan (ATP) Projects to allow for additional active transportation projects; and
4. Approved a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements.

OLD BUSINESS: NONE

NEW BUSINESS: (01:24:30)

1. INFRASTRUCTURE IMPROVEMENT AGREEMENT BETWEEN EF EDUCATION FIRST AND THE CITY OF COSTA MESA (01:24:48)

Staff presentation by Mr. Inloes, Economic Development Administrator.

Discussion ensued on why the program was limited to Costa Mesa High School students only and not all Costa Mesa students, fiscal impact report and calculating the deficit, what is calculated into the negative costs, what projects are eligible, defining vicinity, overall economic impacts to community, and police protection.

Shawna Sullivan, EF Applicant, presented their application to the City Council. (01:55:31)

Public Comments:

Speaker, spoke in favor of the school and recommended various street improvements in the area. (02:19:58)

Jay Humphrey, spoke in support of the project. (02:22:36)

Speaker, spoke in support of the project. (02:24:53)

Speaker, spoke on the living arrangements for the students. (02:27:17)

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley

MOTION: Approve recommended actions.

Mayor Foley spoke in support of the motion and requested a change regarding handwritten page 10 of the agreement, paragraph 2.1.5, to state "benefits students in the Newport Mesa Unified School District schools within the City of Costa Mesa" in the first sentence and the second sentence to state the same after "program relationship with".

Mayor Pro Tem Stephens agreed to the changes in the motion and added the change to have a more expansive definition of the vicinity of the project site.

The second concurred.

Discussion ensued on the project competition being for all students including private schools or only public schools.

Council Member Mansoor requested to include all schools, public and private.

Mayor Pro Tem Stephens agreed but must be Costa Mesa residents.

Mayor Foley requested a change to the motion if it will be open to any students, to add with preference to our local public schools where applicable.

Council Member Marr spoke in support of the motion with preference to Costa Mesa High School and Estancia High School and spoke on public transportation.

Council Member Reynolds spoke on the motion and also including Newport Mesa Harbor School and requested the wording in the agreement to include “high school students who are Costa Mesa residents.”

Council Member Genis spoke on Costa Mesa students who are residents but attend other schools.

Council Member Chavez spoke in support of the motion and supporting the public schools.

Council Member Mansoor spoke on not excluding private students from the competition.

Shawna Sullivan, EF Applicant, offered to amend the language to say “the scholarship program is open to all Costa Mesa high school students as determined by the City Council.”

Mayor Pro Tem Stephens and Mayor Foley agreed to the change.

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, and Mayor Foley.

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

ACTION:

City Council approved the Infrastructure Improvement Agreement between the City of Costa Mesa and EF Education First.

City Council recessed into a break at 9:27 p.m.

City Council reconvened at 9:37 p.m.

2. **ADOPTION OF URGENCY ORDINANCE NO. 19-19 AMENDING THE MUNICIPAL CODE, TITLE 13, ARTICLE 2 RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (03:13:25)**

Staff presentation by Barry Curtis, Economic & Development Services Director, and Scott Porter, Deputy City Attorney.

Discussion ensued on converting garages, 30 day requirements, short term rentals and accessory dwelling units vs. junior accessory dwelling units, the process for moving to a permanent ordinance, counting ADU's toward RHNA requirements, and prohibiting group homes.

Public Comments:

Jose Trinidad Castaneda, spoke on supporting the ordinance and requested removing owner occupancy requirement in section G. (03:35:39)

Speaker, spoke on how the ordinance could be misused. (03:37:55)

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

Council Members Chavez and Marr spoke on supporting the motion, and to develop stock plans.

Council Member Reynolds spoke on looking into housing niches to add value to communities, how an ADU can alleviate an overcrowded home, requested to do an education workshop, and how to mitigate parking impacts.

Council Member Genis expressed concern on Sacramento mandating local government zoning standards.

Mayor Pro Tem Stephens spoke on people currently living in alternative living arrangements.

Council Member Mansoor requested a list of who voted for the legislation.

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 introduced and adopted as an urgency measure Urgency Ordinance No. 19-19 amending Municipal Code, Title 13, Article 2 relating to accessory dwelling units and junior accessory dwelling units.

3. ADOPT RESOLUTION 19-80 AND APPROVE A LETTER OF SUPPORT FOR HOUSE RESOLUTION 763, THE ENERGY INNOVATION AND CARBON DIVIDEND ACT OF 2019 (03:58:05)

Staff presentation by Mr. Lock, Chief of Staff.

Council Member Genis expressed concern will not reduce pollution.

Public Comments:

Craig Preston, spoke in support of legislation and played a video on climate change. (04:11:59)

Cathleen Andrews, spoke in support of the legislation. (04:16:16)

Chris Hilger, spoke on carbon pricing being universally accepted and spoke in support of the legislation. (04:18:39)

Russell Baldwin, spoke in support of the legislation. (04:21:59)

Speaker, spoke regarding the EPA and emissions and supporting the legislation. (04:23:16)

Public comments closed.

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve recommended actions.

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

Council Member Mansoor spoke on not supporting the motion and expressed concern on increased taxes and costs.

Council Member Genis spoke on concerns and the exemption for big agriculture.

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, and Mayor Foley.

Nays: Council Member Mansoor
Absent: None
Motion carried: 6-1

ACTION:

City Council approved a letter in support of House Resolution 763 (H.R. 763), The Energy Innovation and Carbon Dividend Act of 2019

4. POLICY REGARDING NAMING OF CITY PARKS AND COMMUNITY FACILITIES (04:35:35)

Staff presentation by Ms. Reyes, Assistant to the City Manager.

Public Comments:

Mary Hornbuckle, Costa Mesa, spoke in support of naming the Neighborhood Community Center after Norma Hertzog. (04:39:51)

Jay Humphrey, Costa Mesa, spoke in support of naming the Neighborhood Community Center after Norma Hertzog. (04:41:50)

Wendy Leece, Costa Mesa, spoke in support of naming the Neighborhood Community Center after Norma Hertzog. (04:42:26)

Public comments closed.

MOVED/SECOND: Mayor Foley/Council Member Genis

MOTION: Approve recommended actions.

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

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 adopted revisions to Council Policy 800-1 and renamed it as "City Park and Facilities Naming Policy"; and

2. Approved naming the Neighborhood Community Center at Lions Park after former Mayor Norma Hertzog.

5. SELECTION OF CITY COUNCIL SUBCOMMITTEE FOR ONE METRO WEST PROJECT DEVELOPMENT AGREEMENT (04:50:54)

Staff presentation by Mr. Curtis, Economic and Development Services Director.

Public Comments:

Wendy Leece, Costa Mesa, spoke on reviewing the agreements with Segerstrom or South Coast Plaza regarding standards. (04:52:34)

Carrie Lang, Costa Mesa, spoke on the make-up of the subcommittee; spoke on traffic, additional police and fire presence; costs to the city, school impacts, and to look at the term of the development agreement. (04:53:05)

Speaker, spoke on the length of the development agreement and expressed concern regarding transparency. (04:56:09)

Public comments closed.

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

MOTION: Create a subcommittee and appoint Mayor Foley, Mayor Pro Tem Stephens, and Council Member Genis.

Council Member Mansoor clarified the process, inquired if project is not approved by the voters, and on the 25-year term.

Council Member Genis requested the release of the EIR and inquired if the development agreement would go before the voters.

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 created a subcommittee to work directly with staff regarding the negotiations with the applicant for the One Metro West Project (Rose Equities) and designated Mayor Foley, Mayor Pro Tem Stephens, and Council Member Genis on the subcommittee.

6. FORMATION OF AD HOC COMMITTEE OF THE COUNCIL TO EVALUATE CANNABIS TAX RATES AND REGULATIONS (05:04:48)

Staff presentation by Mr. Lock, Chief of Staff.

Public Comments:

Wendy Leece, Costa Mesa, expressed concern on reducing the tax. (05:07:29)

Speaker, spoke on keeping the tax the same. (05:10:35)

Gilbert Davila, Director of Organizing for the United Food and Commercial Union Local 324, expressed appreciation for council taking the time to research this issue. (05:12:40)

Public comments closed.

Mayor Pro Tem Stephens spoke to the motion and on including the Finance and Pension Advisory Committee (FiPAC) in the research and decisions.

Council Member Genis spoke on supporting the forming of the committee and asked the committee to look at illegal businesses.

Discussion ensued on the timeline.

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

MOTION: Approve recommended actions and appoint Council Member Chavez as the third member of the Ad Hoc Committee.

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 formed, a three-member Cannabis Ad Hoc Committee to consist of the Mayor, the Mayor Pro Tem, and Council Member Chavez, to review and discuss the City's cannabis tax rate and other requests from local operators within the City's boundaries, and whether any changes may be warranted.

7. APPROVE RESOLUTION FOR APPOINTMENT OF BALTAZAR MEJIA AS INTERIM CITY ENGINEER AND CERTIFICATION OF EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 & 21221(h) (05:23:52)

Staff presentation by Raja Sethuraman, Public Services Director.

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

Motion carried: 7-0

ACTION:

City Council adopted by resolution the appointment of retired City Engineer Baltazar Mejia to the position of Interim City Engineer and certify the exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21221(h)

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:25:01)

ADJOURNMENT (05:25:09)

Mayor Foley adjourned the meeting at 11:51 p.m.

Minutes adopted on this 1st day of September, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk