

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

**FEBRUARY 18, 2020**

## **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 ON CLOSED SESSION - NONE**

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 19<sup>th</sup> 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.

The City Council reconvened at 6:09 p.m.

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

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.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:28)**

Renascence School International

**MOMENT OF SOLEMN EXPRESSION (00:02:46)**

Pastor David Manne, Calvary Chapel, Costa Mesa

**ROLL CALL (00:04:07)**

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, Acting Parks and Community Services Director Yvette Aguilar, Finance Director Kelly Telford and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:04:19) – No Reportable Action**

**PRESENTATIONS**

1. Presentation by Chair McDonald of the Bikeway & Walkability Committee (00:04:52)
2. Costa Mesa Minute (00:14:13)
3. Costa Mesa Bridge Shelter and Homelessness Update by Ms. Farrell Harrison, City Manager (00:16:55)

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:20:42)**

Liz McNabb, District Coordinator for Assemblywoman Petrie-Norris, spoke on nominations for Small Business of the Year, district activities, and legislation. (00:20:54)

Flo Martin, Costa Mesa, praised the Costa Mesa Police Department for traffic enforcement. (00:23:50)

Speaker, spoke on construction problems and code enforcement at the Orange County Museum of the Arts construction site. (00:25:26)

Speaker, spoke on bringing "co-living" to Costa Mesa. (00:28:14)

Speaker, requested an outdoor location for dogs in shelters to play. (00:29:08)

Speaker, spoke on a lawsuit filed against the City of Costa Mesa by Mr. Sharpnack. (00:31:58)

Speaker, requested courtesy on the dais. (00:35:04)

Robin Leffler, Costa Mesa, spoke on transparency and the lawsuit filed by Mr. Sharpnack. (00:35:31)

Speaker, spoke on campaign flyers. (00:38:40)

Speaker, spoke on city spending that is unsustainable, and speeding problems on the Eastside. (00:41:16)

### **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:43:31)**

Council Member Chavez praised the Public Services Department, requested assistance for Joann St. residents whose cars are getting hit by golf balls, reported Darryl Street signs that are unreadable, requested more lighting for Wilson St., reported light bulb out on Edison pole, information for large item pick-ups, and spoke on co-housing. (00:43:38)

Council Member Marr spoke on a police ride along and praised the Police Department, reported on attendance at the Trellis City Leaders meeting, thanked Energy and Sustainability Manager on obtaining a grant, and spoke on committee recruitments. (00:46:36)

Council Member Mansoor clarified his vote on the telecommunications facilities ordinance, responded to comments made about him, requested attendance records of Council Members and Planning Commissioners, and requested the Finance and Pension Advisory (FiPAC) Committee to discuss the new financial impacts. (00:50:58)

Council Member Genis spoke on shipping containers occupying parking spaces, tree canopies blocking lighting, the need for the Mobile Home Park Committee meeting, and spoke on council member absences. (00:56:08)

Council Member Reynolds spoke on her bike rides, housing concepts, active transportation and Adams Ave. improvements and receiving feedback, speeding problems, and working together on issues. (00:59:46)

Mayor Pro Tem Stephens spoke on attending Altobelli Memorial, the OC Museum, Priceless Pets Rescue event, and attendance at Council meetings. (01:04:03)

**REPORT – CITY MANAGER (01:07:14)**

Ms. Farrell Harrison reported on 2019 accomplishments and the upcoming goal setting meeting.

**REPORT – CITY ATTORNEY (01:11:52)**

Ms. Hall Barlow stated no records were destroyed regarding Mr. Sharpnack lawsuit.

**CONSENT CALENDAR: (01:12:15)**

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

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

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: 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 authorized 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 19<sup>TH</sup> 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 a Resolution of intent to vacate right-of-way.

**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 REMOVED FROM THE CONSENT CALENDAR**

**3. WARRANT RESOLUTION NO. 2635 (01:13:03)**

Public Comment:

Speaker spoke on the warrant register and legal costs. (01:13:10)

Public Comments closed.

**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, and Mayor Foley.

Nays: None  
Absent: 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.

**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 (01:15:50)**

Mr. Preziosi, Assistant City Attorney presented this item.

Discussion ensued on requiring LiveScan fingerprinting, allowing adjacent to residential properties, hours of operation, changing the wording in Section 9-191.5, and on allowing by city parks and events.

Public Comments:

Michael Hochman, Costa Mesa, spoke on problems for residents in residential neighborhoods on Orange Ave. and Ogle Ave. and that adding vendors in the area will exacerbate problems in the buffer area. (01:48:25)

Speaker, expressed concerns on the permitting, 200', noise, extra vehicles and taking business away from restaurants. (01:51:35)

Speaker, expressed concern that the vendors will not know what zones are allowed, residential problems, and requested requiring livescan fingerprinting. (01:53:13)

Wendy Leece, Costa Mesa, requested to limit hours, requested clarification on renting, concerned with residents on Ogle Ave. and Orange Ave. specifically, spoke on if livescan should be required, requested tighter restrictions. (01:55:54)

Robin Leffler, Costa Mesa, expressed concerns on selling adult literature, dirty sidewalks, loss of peaceful enjoyment; requested stricter requirements. 01:58:14)

Speaker, spoke in support of ordinance. (02:00:52)

Speaker, spoke in support of ordinance. (02:01:30)

Speaker, spoke in support of the ordinance and requested clarification on why prohibit at Fairview Park, spoke on trash receptacles and bus stops. 02:02:32)

Public Comments Closed.

**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 into a break at 8:43 p.m.

City Council reconvened 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 (02:33:31)**

Ms. Le Assistant Director of Development Services presented this item.

Discussion ensued on fees and discretionary and ministerial applications.

Public Comment:

Speaker, spoke on fire hazards and assessment of collapse zone. (02:39:12)

Speaker, spoke on opposing 5G and the ordinance. (02:41:14)

Monica Draghici, Costa Mesa, spoke on the notification process for ministerial permits; ADA accommodations; city liability, and other cities laws. (02:44:26)

Zen Honeycutt, Mission Viejo, recommend Petaluma Ordinance and is opposed to Ordinance. (02:47:25)

Speaker, spoke on opposing the ordinance and requested larger setbacks, asked to clarify the term of application and how long can it be in place, shorten time frame. (02:51:21)

Speaker, requested more revisions to the ordinance. (02:53:58)

Speaker, requested larger setbacks, shorter term limits, and expressed safety concerns. (02:56:58)

Speaker, requested an appeal for a lower fee; and clarification on noticing. (02:58:23)

Speaker, spoke on National Historic Preservation Act, National Environmentally Policy Act, and on Federal Laws that should be included, and environmental reviews. (03:00:49)

Speaker, requested 500' setback. (03:03:55)

Marsha Woods, Huntington Beach, spoke against the ordinance, requested higher setbacks. (03:05:18)

Speaker, spoke on going as far as possible in protecting citizens, cited court case, and expressed safety concerns. (03:06:46)

Speaker, requested do what other cities are doing to protect the citizens. (03:09:37)

Speaker, spoke on how the City should be doing more to protect the residents and more public noticing. (03:11:59)

Speaker, spoke on increased notifications. (03:13:44)

Public Comments Closed.

**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.

Discussion ensued on public noticing.

Discussion ensued on wording for Pre-K and Preschools.

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:**

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 (04:06:06)**

Staff presentation by Lieutenant Everett.

Discussion ensued on purpose of the program and if the program includes parenting workshops.

Public Comment:

Alan Slater, Costa Mesa, spoke in support of the item. (04:14:29)

Public comments closed.

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

**MOTION:** Approve recommended actions.

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

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 into a break at 10:39 p.m.

City Council reconvened 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 (04:20:29)**

Staff presentation by Ms. Walsh, Assistant Planner.

Discussion ensued on parking requirements, adjacent properties, the overlay plan, limitations of commercial development, and limitations on motels and hotels.

Public Comments:

The applicant provided a presentation to City Council. (04:37:21)

Speaker, expressed concerns on entering off of Newport Blvd. roof decks, and tandem parking. (04:51:32)

Public Comments Closed.

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Chavez  
**MOTION:** Allow the application to move forward.

Mayor Pro Tem Stephens and Council Member Chavez spoke on supporting the motion.

Mayor Foley spoke on not supporting the motion.

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:**

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.

Mayor Foley requested that staff come back with a plan to revise the Newport Boulevard specific plan.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:22:47) - NONE**

**ADJOURNMENT (05:22:51)** – Mayor Foley adjourned the meeting at 11:49 p.m.

**Minutes adopted on this 1<sup>st</sup> day of September, 2020.**

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

ATTEST:

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