

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

TUESDAY, NOVEMBER 17, 2020 – 6:00 P.M.

CALL TO ORDER (00:00:11) – The Mayor called the meeting to order at 6:05 p.m. via Zoom webinar.

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

Led by Council Member Marr

MOMENT OF SOLEMN EXPRESSION (00:02:49)

Pastor Rod Randall, Harbor Trinity Church, Costa Mesa

ROLL CALL (00:04:55)

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

Absent: Council Member Mansoor

CITY ATTORNEY CLOSED SESSION REPORT (00:05:22) – Direction was given by Council and there was no reportable action.

PRESENTATIONS: (00:05:40)

1. Mayor Foley presented a Proclamation for Small Business Saturdays. (00:05:47)
2. Mayor Foley presented a Proclamation for Movember 2020. (00:09:05)

MOVED/SECOND (00:11:43): Mayor Foley/Mayor Pro Tem Stephens

MOTION: To add an item to the agenda addressing the removal of trees at Estancia High School.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA (00:12:50)

Kirk Keller, representing Eat Chow, spoke on their parklet project. (00:13:31)

Brian McReynolds, owner of Eat Chow and Amy Frawley spoke on their parklet project and requested support and approval from council and staff. (00:14:31)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(00:17:35)**

Council Member Marr spoke in support of the Eat Chow parklet. (00:17:41)

Council Member Genis spoke on state operational models regarding fairgrounds and requested staff to track. (00:18:25)

Council Member Reynolds spoke on assisting businesses with parklets, and opening parks and public spaces. (00:19:32)

Council Member Chavez spoke on addressing speeding in the city, and homeless residents on Joann Street alley. (00:22:03)

Mayor Pro Tem Stephens spoke on the death of his friend, Jeremy Golden. (00:23:41)

Mayor Foley spoke on the COVID-19 pandemic and new restrictions, spoke on attending the fairground meetings, spoke in support of restaurant parklets and requested it be added to a future agenda.

Chief Stefano provided an update on the Fairview Developmental Center and spoke on outdoor tents and that heating elements need to be outside the tent for safety. (00:28:15)

REPORT – CITY MANAGER (00:40:43) – Ms. Farrell Harrison requested that Public Hearing item one be removed from the agenda to be heard at a later meeting, spoke on COVID-19 and precautions, testing at the fairgrounds, the town hall on November 18th on the Housing Element, and Snoopy House being reformatted.

REPORT – CITY ATTORNEY (00:49:45) – None.

MOVED/SECOND (00:50:06): Mayor Foley/Council Member Chavez

MOTION: To hear Public Hearing item three before item two.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

CONSENT CALENDAR: (Items 1-5) (00:51:20)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 5 except for 3, 5, and the additional item regarding Estancia trees.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

City Council and Agency Board approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Edgar L. Sinajon.

ACTION:

City Council received and filed.

4. MINUTES - City Manager's Office/City Clerk's Division

ACTION:

City Council Approved the Minutes of October 20, 2020.

ITEMS PULLED FROM THE CONSENT CALENDAR

REMOVAL OF TREES AT ESTANCIA HIGH SCHOOL (00:54:08)

MOVED/SECOND (00:57:26): Mayor Foley/Council Member Chavez

MOTION: Mayor Foley moved to send a letter to Estancia High School/Newport Mesa Unified School District in opposition to removal of the trees, to be signed by Mayor Foley and Council Members Chavez, Marr and Reynolds.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

Council Member Chavez spoke on community feedback and preserving trees.

Council Member Reynolds spoke on the public engagement process and on preserving trees.

5. MERRIMAC WAY BICYCLE FACILITY IMPROVEMENTS – CITY PROJECT NO. 20-01(01:01:30) - Public Services Department/ Engineering Division

Presentation by Mr. Mejia, Interim City Engineer.

Public Comment:

David Martinez, requested a fourth crosswalk at Fairview and Merrimac, and spoke on a missing bike lane on Fairview Ave. (01:04:52)

**MOVED/SECOND (01:06:20): Council Member Marr/Council Member Reynolds
MOTION:** Approve recommended actions.

Council Member Marr spoke on having crosswalks on all sides.

Council Member Reynolds spoke on pedestrian improvements being a priority and spoke on community participation.

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

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Merrimac Way Bicycle Facility Improvements – City Project No. 20-01.
2. Awarded a construction contract to GMC Engineering, Inc., 1401 Warner Avenue, Suite B, Tustin, CA 92780, in the amount of \$1,844,000.
3. Authorized an additional \$186,000 as needed for construction change orders and for construction engineering.
4. Authorized the City Manager and the City Clerk to execute the Public Works Agreement (PWA) with GMC Engineering, Inc., and authorized the City Manager to execute future contract amendments within Council-authorized limits.
5. Approved Amendment No. 1 to the Professional Services Agreement (PSA) with GHD Group Services (USA) Inc., increasing GHD's compensation by \$29,915, to provide construction support services for the Merrimac Way Bicycle Facility Improvements; and authorize the City Manager and City Clerk to execute the Amendment.
6. Authorized an appropriation of \$195,000 in the Traffic Impact Fees Fund from undesignated fund balances.

3. WARRANT RESOLUTION NO. 2650 (01:15:46) – Finance Department

MOVED/SECOND (01:15:55): Council Member Chavez/Council Member Genis
MOTION: Approve recommended actions.

Mayor Foley and Mayor Pro Tem Stephens stated they needed to abstain due to a conflict of interest as they received campaign contributions from Keller Anderle.

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

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, and Council Member Reynolds.

Nays: None

Absent: Council Member Mansoor

Abstain: Mayor Pro Tem Stephens and Mayor Foley

Motion carried: 4-0-1-2

ACTION:

City Council approved Warrant Resolution No. 2650 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-22 "A" for \$897.92 and 20-23 for \$2,587,518.15; and City operating expenses for \$1,134,073.22.

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

PUBLIC HEARINGS:

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

- 1. GIVE FIRST READING TO AN ORDINANCE REPEALING URGENCY ORDINANCE 19-19 AND APPROVING CODE AMENDMENT CO-2020-04 AMENDING PORTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW REQUIREMENTS AND TO AUTHORIZE RELATED FEES**
Development Services Department/ Planning Division

ACTION:

This item was pulled from the agenda at the request of staff and was not considered.

3. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM (01:17:02) - Public Services Department/Transportation Services Division

Presentation by Mr. Sethuraman, Public Services Director.

Public Comments: None.

MOVED/SECOND (01:22:46): Council Member Reynolds/Council Member Marr
MOTION: Approve recommended actions.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

City Council adopted Resolution No. 2020-60, 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 and Active Transportation projects in the adopted Active Transportation Plan (ATP).
2. Approved allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.
3. 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.
4. Approved the annual accounting of the Citywide Traffic Impact Fee Program.

2. COMMUNITY CHOICE ENERGY JOINT POWERS AUTHORITY AGREEMENT AND FIRST READING OF AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM (01:23:34) - Public Services Department/Administration

Presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on repayment, staff involvement, pensions, protections, membership fees, equal representation, weighted votes, eminent domain, liability costs, termination and 6-month notice vs. 30-day notice, the process for citizens to join, continuing liability if withdraw and timelines, cost savings, board membership, startup costs, options for participating in financing, cash collateral pledge and partnership in startup costs, determination language and points still under

negotiation, exit clauses, dispute resolution, voluntary mediation to be required, prevailing wages, unrestricted funds for loans and collateral, sufficient liquidity, involuntary termination, refinancing, and repayment of debt.

Public Comments:

Hoiyin, spoke in support of the JPA. (02:52:14))

Craig Preston, spoke in support of the JPA. (02:53:12)

Martin Dietrich, Costa Mesa, spoke in support of the JPA. (02:54:32)

Jose Trinidad Castaneda, spoke in support of the JPA. (02:56:35)

Doug Mangione, spoke in support of the JPA and on working out the details. (02:59:11)

Linda Kraemer, Costa Mesa, spoke in support of the JPA and on having two seats on the board. (03:02:33)

Danny Gray, spoke in support of the JPA. (03:05:40)

Ayn Cracion, spoke in support of the JPA. (03:08:50)

MOVED/SECOND (03:11:32): Council Member Chavez/Mayor Pro Tem Stephens **MOTION:** Approve recommended action number 1 only: Consider approval of the Community Choice Energy (CCE) Joint Powers Authority (JPA) Agreement contingent on the City Manager and City Attorney successfully negotiating final terms.

Council Member Chavez spoke to the motion.

Mayor Pro Tem Stephens requested the maker of the motion include staff recommendations 2, 3, and 4:

2. Authorize the Mayor and City Clerk to execute the negotiated agreement.
3. Introduce for first reading, by title only, Ordinance No. 2020-20, authorizing the implementation of a Community Choice Aggregation Program.
4. Consider the appointment of one (1) or two (2) regular board member(s) and one (1) alternate member to act on behalf of the City of Costa Mesa on the Orange County CCE JPA Board.

Council Member Chavez did not agree.

Mayor Pro Tem Stephens withdrew his second.

Council Member Genis seconded the motion.

MOVED/SECOND: Council Member Chavez/Council Member Genis

MOTION: Approve recommended action number 1 only: Consider approval of the Community Choice Energy (CCE) Joint Powers Authority (JPA) Agreement contingent on the City Manager and City Attorney successfully negotiating final terms.

Council Member Genis spoke to the motion.

SUBSTITUTE MOTION/SECOND (03:17:17): Council Member Marr/Mayor Foley

SUBSTITUTE MOTION: Approve all four recommended actions, contingent on the City Manager and City Attorney negotiating final terms including: delegate authority to the Mayor to designate the board members, eliminate the weighted vote, and to lessen the impact of Irvine having 2 members while Costa Mesa only has 1 member by making it for year 1 only that Irvine has 2 members, consider sharing the financial burden, give all cities 2 seats, request further clarification on sun setting the 2 seats if it makes financial sense.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

Mayor Foley requested the list of items addressed during the public hearing be included in the negotiation points and to revise action #4 to say 1 or 2 board members and 1 alternate.

Council Member Marr agreed.

Mayor Foley spoke to the motion and on equity on the board.

ACTION:

City Council approved the actions as follows:

1. Approved the Community Choice Energy (CCE) Joint Powers Authority (JPA) Agreement contingent on the City Manager and City Attorney successfully negotiating final terms.
2. Authorized the Mayor and City Clerk to execute the negotiated agreement.
3. Introduced for first reading, by title only, Ordinance No. 2020-20, authorizing the implementation of a Community Choice Aggregation Program.
4. The appointment of one (1) or two (2) regular board member(s) and one (1) alternate member to act on behalf of the City of Costa Mesa on the Orange County CCE JPA Board.

OLD BUSINESS: NONE

City Council recessed into a break at 9:41 p.m.

City Council returned at 9:55 p.m.

NEW BUSINESS:

3. **AUTHORIZE THE CITY MANAGER TO EXECUTE THE MEMORANDUM OF UNDERSTANDING WITH THE CITY OF NEWPORT BEACH FOR A PARTNERSHIP AT THE PERMANENT BRIDGE SHELTER AT 3175 AIRWAY AVENUE (03:38:06) - City Manager's Office**

Presentation by Ms. Price, Assistant City Manager.

Discussion ensued on the operations agreement with Mercy House, operational changes and costs, and emancipated and homeless minors.

Public Comments:

Ralph Taboada, Costa Mesa, congratulated staff and spoke on being open to partnerships with other neighboring cities. (04:05:01)

MOVED/SECOND (04:07:25): Mayor Pro Tem Stephens/Mayor Foley

MOTION: Approve recommended actions.

Mayor Pro Tem Stephens spoke on the motion and provided background.

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley

MOTION: Approve recommended actions.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

1. City Council authorized the City Manager, or designee, to execute the Memorandum of Understanding with the City of Newport Beach regarding the Permanent Bridge Shelter at 3175 Airway Avenue, for a five-year term, with two optional extensions of five years each.
2. Adjusted the Fiscal Year 2020-21 Adopted Budget to reflect all funds in the agreement and appropriate revenue for upfront payments of \$1.4 million in capital costs, and \$200,000 in Furniture, Fixtures and Equipment (FFE); \$1.0 million in annual operational funding to support 20 beds at the 3175 Airway Avenue program.

1. SUBRECIPIENT AGREEMENT TO IMPLEMENT A PILOT TENANT BASED RENTAL ASSISTANCE PROGRAM (04:14:21)

Development Services Department/ Housing and Community Development Division

Presentation by Mr. Linares, CDBG/Home Coordinator.

Public Comments: None.

MOVED/SECOND (04:19:38): Council Member Chavez/Council Member Marr
MOTION: Approve recommended actions.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

1. City Council approved a Subrecipient Agreement with Families Forward in the amount of \$150,000 with a term of one year and an optional one-year extension for the implementation of a Pilot Tenant Based Rental Assistance (TBRA) Program.
2. Authorized the City Manager and City Clerk to sign and execute the agreement, in substantially the same form as attached and in such final form as approved by the City Attorney.
3. Authorized the City Manager to execute future amendments to this agreement, including a potential increase in compensation as long as the amendment is funded by grant funds, thereby not affecting the City's General Fund.

2. EXTENSION OF URGENCY ORDINANCES 2020-15 AND 2020-16 SUSPENDING CERTAIN PERMIT REQUIREMENTS AND DEVELOPMENT STANDARDS FOR OUTDOOR ACTIVITIES DUE TO THE COVID-19 PANDEMIC (04:21:07) - Development Services Department/ Planning Division

Presentation by Ms. Bouwens-Killeen, Zoning Administrator.

Discussion ensued on parklets, public rights of way, Temporary Use Permit processes, County funding received, private funding, temporary vs. permanent structures, helping small businesses, extending the urgency ordinances for a longer period of time, having a process moving forward, and safety protocols.

Public Comments:

David Martinez, spoke in support of moving businesses outside. (05:08:32)

MOVED/SECOND (05:09:28): Council Member Reynolds/Mayor Foley
MOTION: Approve recommended actions and extend both Urgency Ordinances to December 31, 2021.

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: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

City Council approved and extended Urgency Ordinance 2020-15 and Urgency Ordinance 2020-16 through December 31, 2021.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:15:16)

Mayor Foley thanked the Costa Mesa Police Department for their good work in the community.

ADJOURNMENT (05:17:07) – The Mayor adjourned the meeting at 11:31 p.m. in memory of Jeremy Goldman.

Minutes adopted on this 16th day of February, 2021.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk