



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, COSTA MESA PUBLIC FINANCING
AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND
HOUSING AUTHORITY - FEBRUARY 7, 2023 - MINUTES**

CALL TO ORDER—The Closed Session meeting was called to order by Mayor Stephens at 4:01 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds (arrived 4:20 p.m.), Mayor Pro Tem Harlan, and Mayor Stephens.
Present Via Zoom: Council Member Harper.
Absent: None.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Carrin A. Leaman vs. City of Costa Mesa
Orange County Superior Courts Case No. 30-2021-01196302-CU-OR-CJC
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9, (d)(1)
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.
3. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9, (d)(1)
Name of Case: Raw Recovery, LLC et al v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR
4. **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)

5. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).
6. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Management Association (CMFMA).
7. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA).
8. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Management Association (CMDMA).
9. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Executive Employees
10. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Confidential Management Unit
11. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Part Time Employees
12. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - TWO CASES**
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

Ms. Hall Barlow, City Attorney, reported that one of the anticipated litigation cases was pertaining to a demand letter received from Patrick Munoz, Rutan & Tucker LLP pertaining to Appeal of Planning Application 22-21.

City Council recessed at 4:05 p.m. for Closed Session.

Closed Session adjourned at 5:30 p.m.

CALL TO ORDER –The Regular City Council and Successor Agency to the Redevelopment Agency, Costa Mesa Public Financing Authority, Costa Mesa Financing Authority, and Housing Authority meeting was called to order by Mayor Stephens at 6:00 P.M.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

A video was played of the National Anthem and Mayor Stephens led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Mr. John Begin.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Marr (arrived 6:10 p.m.), Mayor Pro Tem Harlan, and Mayor Stephens.

Present Via Zoom: Council Member Harper (left at 7:55 p.m.) and Council Member Reynolds

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens presented a proclamation to representatives from Vanguard University Black Student Union and Orange Coast College Black Student Union in recognition of Black History Month.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Speaker spoke on the draft housing element, the election and Measure K, and an ethics policy.

Jay Humphrey spoke on the Mobile Home parks zoning and Measure K.

Speaker, spoke in appreciation on lowering the speed limits, spoke on traffic collisions, and requested a four legged crosswalk at 19th St. and Newport Blvd.

Nigel Bress spoke on his business and the digital filing cabinet tool, Apace CC+.

Juana Treijo spoke on high rent increases and on rent control.

Kim Hendricks, speaking on behalf of Fairview Park Alliance, spoke on Fairview Park.

Jenn Tanaka, Member of Costa Mesa Alliance for Better Streets, spoke in appreciation of reducing speed limits, spoke on a traffic calming policy, spoke on enforcement, spoke on a timeline for the Measure K visioning process, and the timeline for the Housing Element.

Speaker, thanked the City Council and staff for approving Active Transportation projects, and spoke on replacing a car trip with a walk or bike trip.

Andrew Barnes spoke on Someone Cares Soup Kitchen and their to go packages and people eating outside causing trash issues, urged the soup kitchen to reopen inside dining, and spoke on enforcement for speed limits.

Speaker, spoke on the election and Measure K, and on campaign donations.

David Martinez spoke on racial equity and condemning racism.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez spoke on Love Costa Mesa helping a local resident, the new mobile command unit, and spoke on the recent traffic stop incident and racial equity.

Council Member Gameros spoke on taking a tour of the homeless shelter, volunteers helping on community service projects, and spoke on the traffic stop incident.

Council Member Reynolds thanked staff for responsiveness, congratulated Public Works Department on obtaining grants and for reducing speed limits throughout the city, spoke on committees being in person and zoom, and spoke on the recent traffic stop incident.

Mayor Stephens spoke on the new mobile command vehicle, spoke on the Renaissance School, and spoke on the recent traffic stop incident and inclusivity.

REPORT – CITY MANAGER – Ms. Farrell Harrison, spoke on the recent traffic stop incident, spoke on rental assistance programs, Fair Housing Workshop on February 15th, Dump Day and shredding event on March 4th, and congratulated a local photographer who will be photographing the Philadelphia Eagles.

REPORT – CITY ATTORNEY – NONE.

CONSENT CALENDAR (Items 1-6)

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

MOTION: Approve recommended actions for consent calendar items 1-6

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.

Motion carried: 7-0

1. PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

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

2. READING FOLDER

ACTION:

City Council received and filed Claims received by the City Clerk: Adrian Aguilar, Julio Ascencio, State Farm Mutual with Jefferson Kirk Given, William Harvill, Mark Herschthal, Victoria Maldonado, Piotr Pramowski, Juan David Veramancini.

3. ADOPTION OF WARRANT RESOLUTION

Mayor Stephens recused himself on this item due to campaign contributions received.

ACTION:

City Council approved Warrant Resolution No. 2693.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of January 17, 2023 and the Special Study Session of January 24, 2023.

5. AUTHORIZE THE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF NEW AND REPLACEMENT CITY VEHICLES AND EQUIPMENT

ACTION:

1. City Council authorized the use of Sourcewell's National Cooperative Agreement No. 091521-NAF (Attachment 1) with National Auto Fleet Group for the purchase of new and replacement City fleet vehicles - cars, vans, SUV's, trucks and related equipment - as approved during the annual budget process.
2. Authorized the City Manager and the City Clerk to execute all documents necessary to utilize the Sourcewell National Cooperative Agreement for one year with two one-year renewals authorized in respective annual budgets through FY 2024-25 for an annual not-to exceed amount of \$2,000,000.

6. SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF COSTA MESA'S MUNICIPAL CODE 3-151 APPEALS FROM ACTION OF POLICE CHIEF

ACTION:

City Council adopted Ordinance No. 2023-01 to amend Section 3-151 (Appeals from Action of Police Chief) Chapter VI (Special Animal Permit) of Title 3 (Animal Regulations) of the CMMC to grant appeal authority to the City Manager in place of the City Council for Special Animal Permit related actions taken by the Chief of Police.

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

PUBLIC HEARINGS:

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

1. REPEAL OF THE ORDINANCES UNDER CHAPTER I (BICYCLES AND MOTORIZED BICYCLE LICENSING) TO TITLE 4 (BICYCLES) OF THE COSTA MESA MUNICIPAL CODE

Presentation by Acting Police Captain Wadkins.

Public Comments:

Speaker, spoke in support of the item.

Speaker, spoke in support of the item, spoke on additional recommendations by the Active Transportation Committee, and updating ordinances.

Jay Humphrey, Costa Mesa, spoke in support of the project, and spoke on addressing traffic concerns regarding electric bicycles.

Speaker, spoke in support of the item, and on eliminating the requirement that bikes in parks must be parked in a bike rack.

Speaker, spoke on electric bikes.

David Martinez spoke in support of the item and on eliminating the requirement that bikes in parks must be parked in a bike rack.

MOVED/SECOND: 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 Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None

Absent: None

Abstain: None

Motion carried: 7-0

ACTION:

City Council introduced for first reading Ordinance No. 2023-02 to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.

2. CITY COUNCIL FIRST READING OF AN ORDINANCE TO AMEND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (ZONING CODE) TO MODIFY EXISTING ACCESSORY DWELLING UNIT (ADU) STANDARDS TO CONFORM WITH RECENT REVISIONS TO STATE LAW AND TO CLARIFY LOCAL PROVISIONS TO IMPROVE PERMIT PROCESSING (CODE AMENDMENT CO 2022-01)

Presentation by Mr. Yeager, Associate Planner.

Public Comments:

Speaker, spoke on the need for housing, ADU's, HCD's comments in their letter of March 2022 regarding exterior staircases, and spoke on Jr. ADU's and garage conversions.

MOVED/SECOND: Mayor Pro Tem Harlan/Council Member Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: None

Motion carried: 7-0

ACTION:

City Council introduced for first reading, by title only, Ordinance No. 2023-03 approving Code Amendment CO-2022-01, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) to modify the City's accessory dwelling unit (ADU) standards to conform to recent revisions to State law, and to clarify several existing provisions to improve ADU permit processing.

OLD BUSINESS:

1. RETAINER AGREEMENTS BETWEEN THE CITY OF COSTA MESA AND COMPLEX APPELLATE LITIGATION GROUP, LLP FOR LEGAL SERVICES

Presentation by Ms. Hall Barlow, City Attorney

Mayor Stephens recused himself from the item due to campaign contributions received from the attorney, stepped down from the dais and left the Council Chambers.

Public Comments:

Cynthia McDonald spoke on the rate increase, requested total anticipated fees, and spoke on the cases.

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 Gameros, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Harlan.

Nays: None

Absent: Council Member Harper

Abstain: Mayor Stephens

Motion carried: 5-0-1-1

ACTION:

1. City Council approved the Agreements between the City of Costa Mesa and the law firm of Complex Appellate Litigation Group, LLP in connection with the pending lawsuits entitled The Ohio House LLC v. City of Costa Mesa, United States District Court for the Central District of California, Case No. 8:19-cv-01710-JVS (GJSx), Insight Psychology and Addiction, Inc. v. City of Costa Mesa, United States District Court for the Central District of California, Case No. 8:20-cv-00504-MEMF-JDE, SoCal Recovery, LLC v. City of Costa Mesa, 9th Circuit Court of Appeals No. 20-55820, RAW Recovery, LLC v. City of Costa Mesa, 9th Circuit Court of Appeals No. 20-55870.

2. Authorized the City Manager and the City Clerk to execute the Agreements.

City Council recessed into a break at 8:00 p.m.

City Council reconvened at 8:10 p.m.

NEW BUSINESS:

1. CDBG CV HOMELESSNESS PREVENTION AND SERVICES TO LOW/MODERATE INCOME HOUSEHOLDS

Presentation by Mr. Robbins, Neighborhood Improvement Manager.

Public Comments: None.

MOVED/SECOND: Mayor Pro Tem Harlan/Council Member Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper,

Abstain: None

Motion carried: 6-0-1

ACTION:

1. City Council approved the reallocation of \$344,000 in Community Development Block Grant - Coronavirus (CDBG-CV) funds from Program Administration (\$274,000) and the Motel Isolation Voucher Program (\$70,000) for street outreach, workforce development, senior meals, and homeless youth programs.
2. Authorized the City Manager (or their designee) and the City Clerk to execute all agreements and/or amendments to the agreements to award CDBG-CV funding in the amount of \$70,000 for Trellis International, \$189,000 for City Net, and \$35,000 for Project Hope Alliance, each for a one-year term.
3. Approved the appropriation of \$50,000 in CDBG-CV funds to provide meals for Costa Mesa senior citizens.

2. CITY OF COSTA MESA, COSTA MESA PUBLIC FINANCING AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND COSTA MESA HOUSING AUTHORITY FINANCIAL STATEMENTS, AND HOUSING SUCCESSOR ANNUAL REPORT FOR THE PERIOD ENDING JUNE 30, 2022.

Presentation by Ms. Molina, Finance Director.

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper,

Abstain: None

Motion carried: 6-0-1

ACTION:

1. City Council received and filed the following reports for the fiscal year ended June 30, 2022:
 - a. Annual Comprehensive Financial Report (ACFR);
 - b. Air Quality Improvement Fund Compliance Report;
 - c. Audit Communication Letter; and
 - d. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.
2. City Council and Costa Mesa Public Financing Authority received and filed the Costa Mesa Public Financing Authority audited financial statements for the fiscal year ended June 30, 2022.

3. City Council and Costa Mesa Financing Authority received and filed the Costa Mesa Financing Authority audited financial statements for the fiscal year ended June 30, 2022.
4. City Council and Housing Authority received and filed the following reports for the fiscal year ended June 30, 2022:
 - a. Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund; and
 - b. The Fiscal Year 2021-22 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gameros requested to adjourn in honor of Devin Clark a resident who passed away.

ADJOURNMENT –The Mayor adjourned the meeting at 9:13 p.m. in memory of Devin Clark.

Minutes adopted on this 21st day of February, 2023.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT