

City of Costa Mesa



Meeting Minutes

Tuesday, January 18, 2022

6:00 PM

***Note: All agency memberships are reflected in the title "Council Member"**

5:00 P.M. Closed Session

Via Zoom

REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY

5:00 P.M. Closed Session

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 5:00 p.m.

ROLL CALL

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

Absent: None.

PUBLIC COMMENTS – None.

CLOSED SESSION ITEMS:

- 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - ONE CASE**
Pursuant to California Government Code Section 54956.9 (d)(1)
Costa Mesa v. NMUSD, OCSC Case No. 30-2021-01179397-CU-WM-CXC.
- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code
Bernede v. Costa Mesa, OCSC Case No. 30-2019-01041552-CU-PO-CJC

City Council recessed at 4:02 p.m. for Closed Session.

Closed Session adjourned at 5:47 p.m.

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

Tuesday, January 18, 2022– 6:00 P.M.

CALL TO ORDER - The Regular City Council and Successor Agency to the Redevelopment Agency meeting was called to order by Mayor Stephens at 6:00 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

National Anthem by Lilly Urresti and Council Member Gameros led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Jordan Hansen from Mesa Church.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper (excused at 9:00 p.m.), Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS: NONE.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Bryce Bunker, Costa Mesa, expressed concerns on a Sober Living Facility located on Purdue Drive and requested more regulations.

Kim Hendricks, spoke on Harbor Soaring Society drones affecting the wildlife at Fairview Park and violators not being ticketed.

Marc Vukceovich provided a video regarding bike safety.

Mike Costello, stated that to his knowledge no Harbor Soaring Society members are flying in Fairview Park and if somebody is violating the rules, they should be cited.

Jenn Tanaka, thanked City Council and staff for their traffic calming efforts at various locations in the city, and spoke in memory of Juan Carlos Miguel.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Reynolds spoke in support of street calming measures, thanked Trellis for Neighborhood cleanup efforts, requested signage and Code Enforcement at Fairview Park, spoke on hiker training for Sierra Club, spoke on the Bikeway and Walkability Committee meeting, and safety on the roads, and requested to adjourn the meeting in honor of Juan Carlo Miguel.

Council Member Chavez spoke on street safety, traffic calming measures, raising the sidewalks, adding a bike lane on Placentia Avenue, and requested to adjourn the meeting in memory of Dulce Maria Hernandez.

Council Member Gameros spoke on impaired driving and enforcement.

Council Member Harlan spoke on the Bikeway and Walkability Committee meeting, requested an assessment of the installed traffic calming measures, thanked everyone who participated in the Housing Ad Hoc Committee meeting, and thanked Costa Mesa United for the Mesa Golf Classic tournament and thanked businesses for participating.

Council Member Harper thanked Police Chief Lawrence for addressing crime issues in his neighborhood.

Mayor Pro Tem Marr spoke on the city's efforts regarding sober living home regulations, spoke on the Housing Ad Hoc Committee meeting, spoke on being active in the community, and spoke on attending a meeting with the business community.

Mayor Stephens thanked city staff for the Snoopy House event, thanked the Police Department for the "Bait car" program regarding catalytic converter theft, spoke on a notable drug bust, spoke on DUI's, spoke on the city's efforts regarding sober living home regulations, and spoke on adjourning the meeting in memory of Ruth Ann Moriarty.

REPORT – CITY MANAGER – Ms. Farrell Harrison provided an update regarding covid-19 and City Hall going to appointment only for the short-term, staff moving to A/B shifts, spoke on availability of vaccines, that at home test kits are available through the US Postal Service for free, spoke on redistricting and that January 27th is the last day to submit maps, and introduced Brett Atencio Thomas as the new Active Transportation Coordinator.

REPORT – CITY ATTORNEY – Ms. Hall Barlow reported that litigation reports will be available in the following week.

CONSENT CALENDAR (Items 1-10)

MOVED/SECOND: Council Member Harlan/Council Member Chavez

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for items 7 and 9.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Gameros recused himself only on CC-3 the Warrant Resolution because of a conflict of interest as his wife works at Priceless Pet Rescue.

Motion carried: 7-0

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

ACTION:

City Council received and filed Claims received by the City Clerk: Mike Baxter, Heizel Castillo, Southern California Edison, Riccardo Grad, Kevin Kono, Damon Levy, Edward Martindale, Ahmad Masri, Mercury Insurance, Estate of Heizel Michelle Pozo-Castillo, Marcial Pozo, Francisco Roman, Ray Taylor, Christianne Leman & Elizabeth Freeman.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2672.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of December 7, 2021, the Special Closed Session meeting of January 5, 2022, and the Special Joint Closed Session meeting of January 11, 2022.

5. ADOPTION OF A RESOLUTION TO CONTINUE CONDUCTING MEETINGS OF THE CITY COUNCIL, COMMISSIONS AND COMMITTEES REMOTELY AS NEEDED DUE TO HEALTH AND SAFETY CONCERNS FOR THE PUBLIC

ACTION:

City Council adopted Resolution No. 2022-01 to allow the City to continue conducting City Council, Commission, and Committee meetings remotely as needed via Zoom due to:

- The current State of Emergency and global pandemic, which continues to directly impact the ability of the members of the City's legislative bodies to meet safely in person; and
- Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

6. MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND OBJECTIVES

ACTION:

City Council approved the January update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

8. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF ASSISTANCE TO FIREFIGHTERS GRANT (AFG) AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

ACTION:

1. City Council adopted Resolution No. 2022-03 which ratifies the application for the Assistance to Firefighters Grant (AFG) award from the Federal Emergency Management Agency (FEMA) and authorizes the City Manager to execute the grant agreement for the amount of \$730,613.76 for the purchase of Personal Protective Equipment (PPE) and other firefighting equipment.
2. Approved budget appropriations of \$664,194.33 from FEMA and the City's required 10% match of \$66,419.43 for the Fiscal Year 2020 Assistance to Firefighters Grant for a total budget of \$730,613.76.
3. Approved the City's 10% match appropriation transfer of \$66,419.43 from the FY 2021-2022 General Fund Non-Departmental Adopted Budget to the Federal Grant Fund 230 to comply with the FEMA award requirement.

10. ADOPT RESOLUTION APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FISCAL YEAR 2020-2021 FOR THE PERIOD OF JULY 1, 2022 TO JUNE 30, 2023

ACTION:

City Council adopted Successor Agency Resolution No. 2022-05 approving the Recognized Obligation Payment Schedule for Fiscal Year 2022-23 for the period of July 1, 2022 to June 30, 2023.

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

7. 2021 PAVEMENT MANAGEMENT RELIEF FUNDING PROGRAM

Public Comments:

David Martinez, Costa Mesa, spoke in favor of the item and suggested additional improvements and changes.

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

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Resolution No. 2022-02 authorizing the submittal of the Fairview Road Improvement Project to the 2021 Pavement Management Relief Funding Program (PMRF).

9. ADOPT A RESOLUTION SUPPORTING THE ACQUISITION OF BANNING RANCH BY THE TRUST FOR PUBLIC LAND

Presentation by Mr. Gonzalez, Chief of Staff.

Council Member Reynolds spoke in support of the resolution.

Assembly Women Cottie Petrie-Norris spoke in support of the resolution.

Terry Welsh, President of the Banning Ranch Conservancy, spoke in support of the resolution.

Dave Sutton, California Land Conservation Director for the Trust for Public Land, spoke in support of the resolution.

Public Comments:

Debby Koken, Costa Mesa, thanked City Council and spoke in support of the resolution.

Hank Castignetti, thanked City Council and spoke in support of the resolution.

Marc Vukceovich, thanked City Council and spoke in support of the resolution.

MOVED/SECOND: Council Member Reynolds/Council Member Harlan

MOTION: Approve recommended actions.

Council Members Reynolds and Harlan and Mayor Stephens spoke in support of the motion.

MOVED/SECOND: Council Member Reynolds/Council Member Harlan

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2022-04 in support of the acquisition of Banning Ranch by The Trust for Public Land (TPL) for the permanent preservation of public open space.

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

MOVED/SECOND: Mayor Stephens/Council Member Gamos

MOTION: To Consider New Business Item #1 - 2021 Legislative Report and Update from Townsend Public Affairs out of order, prior to considering the Public Hearing Item.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: None.

Motion carried: 7-0

NEW BUSINESS:

1. 2021 LEGISLATIVE REPORT AND UPDATE FROM TOWNSEND PUBLIC AFFAIRS

Presentation by Mr. McReynolds, Townsend Public Affairs Consultant.

Public Comments: None.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays:None

Absent: None

Motion carried: 7-0

ACTION:

City Council received and filed the 2021 legislative update and report from Townsend Public Affairs.

City Council recessed into a break at 7:57 p.m.

City Council reconvened at 8:10 p.m.

PUBLIC HEARINGS:

1. CITY OF COSTA MESA 2021-2029 (SIXTH CYCLE) HOUSING ELEMENT (GP-21-01)

Presentation by Ms. Le, Economic and Development Services Director and Mr. Chen, Kimley-Horn Consultant.

Mayor Pro Tem Marr spoke on the Housing Ad Hoc Committee meeting.

Public Comments:

Written comments were received from Christopher Brancart with Brancart & Brancart, Mary Helen Beautificato with Nsight Psychology & Addiction, and Autumn Elliott with Disability Rights California.

Cynthia McDonald, Costa Mesa, spoke on comments made at the Housing Ad Hoc Committee meeting on Measure Y and upholding Measure Y.

Marc Vukceovich, Costa Mesa, stated Measure Y is an impediment to housing and people would live in Costa Mesa if housing was available with less government regulations.

Discussion ensued on Measure Y and adding measures to the ballot and the process.

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Stephens

MOTION: Receive staff presentation, take public comment, and continue the item to the February 1, 2022 City Council meeting for consideration and adoption.

The motion carried by the following roll call vote:

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

Nays: Council Member Harper

Absent: None

Motion carried: 6-1

ACTION:

City Council received a staff presentation for the 2021-2029 (Sixth Cycle) General Plan Housing Element Update, took public comment, considered the Planning Commission's recommendation, provided feedback to staff, and continued the item to the February 1, 2022 City Council meeting for consideration of the Housing Element adoption.

OLD BUSINESS: NONE.

Council Member Harper excused himself from the meeting at 9:00 p.m.

NEW BUSINESS:

2. URBAN MASTER PLAN SCREENING REQUEST (UMP-21-005) FOR A NINE-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 1540 SUPERIOR AVENUE

Presentation by Mr. Yeager, Associate Planner.

Public Comments:

A written comment was received from David Martinez.

David Davidson, Applicant, spoke on the project.

Cynthia McDonald, Costa Mesa, suggested bike racks, spoke on limited live/work space, and that the project has no affordable housing.

David Martinez, Costa Mesa, suggested more bike racks, spoke on limited live/work, remove #28 and #29 parking spaces, and that the intersection at Superior Avenue and Industrial Way be reviewed.

ACTION:

City Council provided feedback on the location, including a retail component, cost of the housing, expectations of the live/work space, the streetscapes, the design, the total street facing area, utilizing the corner locations, and encouraged acquiring the adjacent property.

3. CITY OF COSTA MESA AND COSTA MESA PUBLIC FINANCING AUTHORITY FINANCIAL STATEMENTS FOR THE PERIOD ENDING JUNE 30, 2021

Presentation by Ms. Molina, Finance Director, Ms. Fortune, Budget and Purchasing Manager, Ms. Basho, Accounting Supervisor, and Ms. Farr, Auditor with Davis Farr.

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

1. City Council received and filed the following reports for the fiscal year ended June 30, 2021:

- a. Annual Comprehensive Financial Report (ACFR).
- b. Air Quality Improvement Fund Compliance Report.
- c. Audit Communication Letter.
- 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, 2021.

4. COSTA MESA FINANCING AUTHORITY FISCAL YEAR 2020-2021 AUDITED FINANCIAL STATEMENTS

Presentation by Ms. Fortune, Budget and Purchasing Manager,

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

City Council and Costa Mesa Financing Authority received and filed the Costa Mesa Financing Authority's audited financial statements for the fiscal year ended June 30, 2021.

5. COSTA MESA HOUSING AUTHORITY FINANCIAL STATEMENTS AND HOUSING SUCCESSOR ANNUAL REPORT FOR THE PERIOD ENDING JUNE 30, 2021

Presentation by Ms. Fortune, Budget and Purchasing Manager,

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays:None

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

City Council and Housing Authority received and filed the following:

1. The Fiscal Year 2020-21 Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund.
2. The Fiscal Year 2020-21 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 – NONE.

ADJOURNMENT – The Mayor Adjourned the meeting at 10:29 p.m. in memory of Juan Carlo Miguel, Dulce Maria Hernandez, and Ruth Ann Moriarty.

Minutes adopted on this 1st day of February, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk