

From: [Maurice Mandel II](#)
To: [CITY CLERK](#); john.stevens@costamesa.gov; carrie.tai@costamesa.gov; citycouncil@costamesa.gov
Subject: Upcoming city council meeting public comments
Date: Saturday, March 21, 2026 5:06:20 PM
Attachments: [EBIKE 1.pdf](#)

Dear Hon. Mayor Stevens and city Council Members:
I am submitting the attached statement requesting the City Council address problems being created by unregulated use of e-bikes, with suggestions.

I am requesting that this become a part of the public record for the next council meeting. (3-31-26??)

Thank you in anticipation of your cooperation on this matter.
Counsel: Pursuant to California Code of Civil Procedure § 1010.6, we request that all represented parties serve documents electronically.

Sincerely,

MMII

Maurice Mandel II
PO Box 411
Newport Beach, CA 92662
USA
1949-874-2002 mobile

The fine print.

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ON THE SUBJECT OF E-BIKES

On May 25, 2016, 8-year-old Brock McCann, a third-grader at Newport Heights Elementary, was struck and killed by a trash truck while riding his bicycle home from school in Newport Beach. The incident occurred around 1:26 p.m. at 15th Street and Michael Place. Brock was a student in the NMUSD. This year he would have been graduating High School.

He was 8, he did not understand the dangers of riding a bicycle on the sidewalk, going against the flow of traffic. He did not appreciate the danger of approaching an intersection from the right side. He wasn't watching to see if the driver was looking his direction or watching for traffic approaching from the driver's left side. The day of the accident the driver was so overcome with grief that he lay prostrate on the road.

It happened in Newport Beach, the City Council undertook steps to improve bike safety around NMUSD schools in that area. There are NMUSD schools in this city as well.

Today the big problem is not a single 8 year old on a bicycle, it is literally hundreds of children operating e-bikes, both legal and illegal for highway use, pouring out of schools onto the streets. Things are out of control and not just with respect to transportation to and from school. Senior citizens are being harassed by groups of teen boys that charge at them on the ebike, an SUV on Newport Bl., had it's back window shattered by an e-biker who either threw or shot something at the stopped car, I was passed going up Irvine Ave., by a high powered e-bike, no plates, going at least 50mph. There is no protection in a crash at that speed, and if the rider isn't wearing a helmet, which many do not, particularly doubling and tripling up on a bike, the skull does not survive the impact with the asphalt. Your skull will crack at any impact over 19 mph.

Today there are many disturbing comments on social media such as Next Door, where some of my information comes from, about the e-bike problem, and it frightens me when citizens discuss vigilantism, taking the law into their own hands, carrying a piece of rebar as a walking stick to use against the ebike, bear spray, wasp spray. Does this body want to have 60 year old women carrying around bats and rebar canes to protect themselves? No, because they lack the training to use them and the most likely scenario is that the weapon will be taken from them and turned on them. The next news story will go one of two ways- a person is arrested for assaulting a minor with a deadly weapon, or it will be about a senior who was beaten to death by a group of e-bikers, with a cane she was carrying, or hospitalized when her bear spray was sprayed in her face, causing permanent injury. These are not situations that this body can condone by its inaction.

Enforcement against moving bikes is very difficult, they can go where cars cannot, and this is why the boys believe that they can act with impunity- they can escape. But there are things that can be done, when the bikes are stationary.

This body needs to take action to adopt rules, ordinances and policies that ban e-bikes at schools, and parks, subject to confiscation. Policies that allow school safety and park safety personnel to identify and confiscate the illegal off highway bikes that are being ridden to school daily. Policies that open the school to police personnel confiscating these bikes the same as they do drug

searches. If Fentanyl kills, so do e-bikes, and they need to be treated the same way. In parks, where seniors are trying to take a walk, there can be racks for legal e-bikes to be parked before entering the park. There is precedent for this, we ban weapons from schools and parks.

The police need the power to go to the bike racks and look for illegal bikes, the same as if there was an F1 race car parked in the student parking lot. And to confiscate it. There are already laws authorizing confiscation when the police catch them riding the bikes on the highways (streets), it needs to be expanded to confiscating them when they are in the bike racks at school. The reality is that they did not get there because Scotty from Star Trek beamed them there, they were driven on the highway.

School safety officials need to be provided with locks to put on these bikes that prevent their removal before police can arrive to confiscate them. There are already police personnel assigned as school liaison officers, they can assist with enforcement.

It is the duty of this body to protect the citizens it governs, and sometimes that means protecting them from themselves. Think of what happened to Brock McCann, 10 years ago. It was devastating, to him, his family, the personnel involved- including the police investigating the death of an 8 year old, his school and his community.

You can do something about that, don't just throw up your hands and wail "We cannot catch them." This new tech creates new problems that require you to think outside the box.

This body needs to petition the legislature for better laws regarding these new types of vehicles. Licensing of all e-bikes with plates displayed prominently. Licensing of riders. Fines on the sellers of off road vehicles that are not licensed. Fines on parents who allow children access to these vehicles. There was a recent case where a parent was charged with child endangerment for allowing the minor to have a high powered bike. Bravo I say.

What would you do if there was a rash of minors taking mace, or knives, or 9mm to school? Nothing? Say, "We cannot catch them?"

What could you have done if you had foreseen Brock McCann's tragedy? Nothing? Say "It's up to the parents?" You don't have to take a course on proper parenting to be one. Many parent are too busy to teach proper morals to their children. The photos are posted on the internet, what are the parents doing about these minor's bad acts? Apparently nothing as they continue, enabled by the parents.

Here is my last question to you: "How many deaths will it take for you to take this matter seriously and act?" Because as an attorney, I can tell you that ignoring the problems and being inactive won't fly any more. You are on notice. Negligence is also a failure to act to prevent harm. Inaction is exposing the entity you represent to liability.

Maurice Mandel II, Esq. MMADEL2@AOL.COM, PO BOX 411, Newport Beach, CA 92662
Costa Mesa Resident, Newport Beach Office.

From: [donna.nguyen](#)
To: [CITY CLERK](#)
Subject: Public eComment for April 7,2026 Agenda Item #2 Old Business
Date: Tuesday, April 7, 2026 11:40:01 AM

Good morning.

This Public eComment is to address Agenda item #2 - Old Business - Consider Approval of Code of Ethics and Conduct.

First, I would like to congratulate Mayor John Stephens for being recognized as **The Best Lawyers in America® 2026** by peer review. In addition, congratulations to becoming a stakeholder and the growth of your new firm Ferguson, Braswell, Fraser, Kubasta (FBFK Law). The sky is the limit for you sir. Your future looks bright.

Ethical rules vary by jurisdiction. I understand the intent of Costa Mesa's Code of Ethics and Conduct is to "achieve fair, ethical, and accountable local government for the City of Costa Mesa." Does the revised policy prohibit a city councilmember's law firm from representing a private client who has operations, received permits and/or whose permits are "on hold" within his/her own municipal jurisdiction during his/her tenure? Ethical rules are designed to prevent public office from being used solely as a stepping stone for private gain, requiring that the public interest be prioritized. Inquiring minds would love to know since there are practicing lawyers on the current dais.

Please see attached photo of article published on January 9, 2024 by [Law.com](#) promoting the merger of Stephens Friedland LLP with FBFK law. Please see attached photo from CDTFA website reporting on current litigation that was filed on October 15, 2024 case # 30-2024-01433413-CU-NP-CJC at Orange County Superior Court. Plaintiffs: SCSA Group, Inc., 1 Vertical Inc. dba 420 Central, Vertical Four, Inc. dba 420 Central-Newport Mesa vs Department of Cannabis Control and California Department of Tax and Fee Administration.

Sincerely,
Donna Nguyen

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News | Law Firm Office Launches and Closures

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Texas-Based Ferguson Braswell Launches in Orange County Via Merger

Ferguson Braswell CEO Kyle Ferguson said the firm's goal is to establish a full-service office in Costa Mesa, where there is a "strong middle-market industry" and "a lot of wealth and opportunity."

3 minute read | January 09, 2024 at 05:04 PM

By  **Brenda Sapino Jeffreys**



L-R: Kyle Ferguson, John Stephens, Paul Braswell and Todd Friedland of Ferguson Braswell Fraser Kubasta.
Courtsey photo

SCSA GROUP, INC. v. CDTFA

Orange County Superior Court: 30-2024-01433413-CU-NP-CJC

Filed – 10/15/2024

Plaintiffs' Counsel

George L. Hampton, FBFK Law

CDTFA's Counsel

Matthew Beasley

CDTFA Attorney

Kiren Chohan

Issue(s):

Plaintiffs SCSA Group, Inc., 1 Vertical Inc. dba 420 Central, Vertical Four, Inc. dba 420 Central-Newport Mesa, and NGU Holdings, Inc. (NGU) (collectively, "Plaintiffs") filed the complaint against Defendants Department of Cannabis Control (DCC), Nicole Elliot, as Director of DCC, CDTFA, and the Office of Administrative Law (OAL) (collectively, "Defendants"), for six causes of action, of which three causes of action filed by Plaintiffs (except NGU) are against CDTFA and OAL for: a refund of cannabis excise tax collected by CDTFA for an unspecified period, and damages resulting from their alleged loss of sales due to their need to sell their cannabis products at higher prices to pay the cannabis excise tax; an injunction invalidating [Regulations 3802](#) and [3700](#), subdivision (i) (which authorize the imposition of cannabis excise taxes on the sales of separately stated cannabis accessories); and a declaratory judgment that separately stated sales of cannabis accessories are not subject to the cannabis excise tax.

Plaintiffs also filed three causes of action against DCC seeking damages resulting from DCC's alleged failure to perform enforcement duties under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (See Bus. & Prof. Code, § [26000](#), et seq.) and DCC's alleged arbitrary and selective enforcement of its regulations with respect to unlicensed cannabis distributors as well as an injunction compelling DCC to create and maintain a track and trace system to identify illegal and unregulated cannabis dispensaries.

Audit/Tax Period: None

Amount: Unspecified

Status:

CDTFA was personally served with the Summons and Complaint on October 29, 2024. CDTFA's deadline to file its first responsive pleading is December 2, 2024. Plaintiff agreed to extend CDTFA's deadline to respond to the Complaint; CDTFA's response is now due December 17, 2024. Plaintiff agreed to a 30-day extension for CDTFA to respond to the Complaint; the new deadline is January 16, 2025. On January 8, 2025, Plaintiff has stipulated that CDTFA does not need to file a response to the complaint (due January 16, 2025) as Plaintiff will be filing an amended complaint; CDTFA will file a response to the amended complaint within 30 days after it is filed. On July 16, 2025, Plaintiffs filed a First Amended Complaint. Plaintiffs stipulated to CDTFA's request for an extension of time to respond and CDTFA's response deadline is now September 3, 2025. On September 2, 2025, CDTFA filed a Demurrer and a Motion to Strike to the amended complaint. The hearing is set for January 22, 2026. On October 3, 2025, the court dismissed NGU Holdings, Inc. without prejudice from the case. On January 8, 2026, Plaintiff filed its opposition briefs to CDTFA's Motion to Strike and Demurrer. On January 14, 2026, CDTFA filed its reply briefs. The hearing was held on January 22, 2026. The court sustained, in part, CDTFA's Demurrer and Motion to Strike, with leave to amend. The court also sustained DCC and OAL's demurrers, with leave to amend.

From: [Joe Erickson](#)
To: [CITY CLERK](#)
Subject: Subject: Fairview Park Bluff Project – Request for Clarification and Reevaluation
Date: Monday, April 6, 2026 12:31:11 PM

Dear Mayor and City Council,

I am writing regarding the proposed Fairview Park Bluff Restoration contract on the April 7 agenda.

I understand that approximately \$2 million has been allocated to this project as part of a broader \$10 million state funding package. However, it is not clear from the staff report whether that allocation is fixed by the grant, or a policy decision made by the City.

If there is discretion within the allowable uses of these funds, I encourage the Council to re-evaluate whether this project represents the highest priority, especially given the City's Parks Assessment identifying significant deficiencies at other parks across Costa Mesa.

Additionally, the staff report does not clearly quantify the bluff erosion issue or explain why this project should be prioritized over other park improvements that may benefit a larger portion of the community.

The report also references a preliminary geotechnical analysis completed in 2024 to evaluate bluff conditions and potential solutions, yet this analysis is not included or meaningfully summarized. It is difficult to evaluate the necessity or prioritization of this project without access to the underlying technical findings.

I respectfully ask that the Council take a step back, clarify the constraints of this funding, and ensure that park spending decisions are transparent, well-justified, and aligned with the greatest overall community benefit.

Thank you for your time and consideration.

Alesia Erickson
495 Walnut Place
Costa Mesa. 92627

----- [Sent from AT&T Yahoo Mail for iPad](#)

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From: [Mat Garcia](#)
To: [CITY COUNCIL](#); [CITY CLERK](#)
Subject: FW: Please Delay or Vote No on New Business Item #2 - PSA for Fairview Park, West Bluff Restoration Project
Date: Tuesday, April 7, 2026 11:59:53 AM
Attachments: [image.png](#)

Hi City Clerk,

Please include this email as part of the public record for tonight's City Council meeting. Thank you!

Hi Mayor and City Council,

Please see my same comments from March 17 City Council meeting below.

Highlighting one comment from my comments below: If this project, and other projects like it can proceed prior to completion of the Park's Master Plan Update, it begs the question of why the Master Plan Update is required at all.

And considering last week's CIP study session, PACS recommendations, and budgetary constraints, please do all you can to re-allocate these funds to parks projects that would better serve the broader community instead of restoring a bluff that faces the residents of Huntington Beach.

Thank you for your time and consideration,

Mat Garcia

Costa Mesa Resident

From: Mat Garcia <mat.garcia@live.com>

Date: Tuesday, March 17, 2026 at 7:31 AM

To: citycouncil@costamesaca.gov <citycouncil@costamesaca.gov>, CITY CLERK <cityclerk@costamesaca.gov>, john.stephens@costamesaca.gov <john.stephens@costamesaca.gov>, loren.gameros@costamesaca.gov <loren.gameros@costamesaca.gov>, REYNOLDS, ARLIS <arlis.reynolds@costamesaca.gov>, manuel.chavez@costamesaca.gov <manuel.chavez@costamesaca.gov>, PETTIS, JEFF <jeff.pettis@costamesaca.gov>, mike.buley@costamesaca.gov <mike.buley@costamesaca.gov>, MARR, ANDREA <andrea.marr@costamesaca.gov>

Subject: Please Delay or Vote No on New Business Item #3 - PSA for Fairview Park, West

Bluff Restoration Project

[Please include this email as part of the public record for tonight's City Council meeting.]

Dear Mayor and Members of the City Council,

I am writing regarding New Business Item #3: PROFESSIONAL SERVICES AGREEMENT WITH PSOMAS FOR THE FAIRVIEW PARK WEST BLUFF RESTORATION PROJECT

While I support thoughtful stewardship of Fairview Park, I have concerns about moving forward with this professional services agreement without greater clarity, transparency, and public vetting. Based on the information provided in the agenda report, I do not believe the Council has been given sufficient detail to fully evaluate the scope, necessity, and prioritization of this project.

In summary, my concerns are as follows:

- Bluff erosion is not quantified, and the report does not establish the scale or urgency of the problem.
- Project funding is presented inconsistently, and the actual remaining budget is unclear.
- The project has not been reviewed by advisory bodies and has not been publicly vetted.
- Limited parks funding is being committed without evaluating higher-impact alternatives for residents.

First, the report does not meaningfully quantify the bluff erosion issue. There are no erosion rates, no presentation of past studies or prior geotechnical findings, and no explanation of consequences of bluff erosion if nothing is done. Without a clear understanding of the scale or urgency of the problem, it is difficult to assess whether a nearly \$600,000 design contract is warranted at this time.

Second, there appears to be a lack of clarity regarding the available funding. The report references a \$2 million allocation, but also states that approximately \$1.6 million is currently available. After approval of this PSA, the remaining construction budget appears to be closer to approximately \$1.0 million, rather than the roughly \$1.45 million suggested. Additionally, the report does not explain prior expenditures or whether these funds are exclusive to this project or shared with other Fairview Park initiatives.

Third, this project has not been meaningfully reviewed through the City's established advisory processes. I believe the original RFP was approved on the consent calendar more than a year ago, and since then there has been no substantive public discussion. To my knowledge, neither

the Fairview Park Steering Committee nor the Parks and Community Services Commission has reviewed or made recommendations on this project, despite their roles in advising Council on park-related matters. If they have, those recommendations have not been included in the agenda packet.

Additionally, it appears that elements of this project have already been advanced through prior approvals, including the original RFP being placed on the consent calendar and subsequent related contracts being issued. This raises a broader concern that significant commitments may be occurring incrementally, without a clear policy-level discussion by Council or meaningful public input on how these funds should be prioritized.

More broadly, there does not appear to be a clear, consolidated view of Fairview Park spending and project planning. Multiple contracts and efforts are being advanced, yet there is no single, publicly available framework that shows what has been spent, what is currently committed, and what is planned. Council has previously raised concerns about spending in Fairview Park, and without a comprehensive picture, it is difficult to evaluate priorities, understand how these projects are connected, or ensure that limited funds are being allocated effectively. The City has had access to these state funds since 2022, yet there has been no clear, consolidated plan presented to the public showing how these funds are being allocated across Fairview Park projects.

Please review Item 5 from the Consent Calendar of the City Council Agenda of May 21, 2024: <https://costamesa.legistar.com/View.ashx?M=A&ID=1189331&GUID=E7FFF60-CAB4-4FCE-BEFB-238D29C556A0>. Both consulting group contracts (for a total amount of \$650k) have removal of the mounds and restoration of the bluffs as projects within their scope. They also have scope for park projects at other parks. In the photo attached, the contractor performing the soil samples told me that the City desires to use the mound material as material for bluff restoration in order to eliminate the need to do costly soil remediation which they would have to do if they took the soil off the Fairview Park site.



Additionally, the Fairview Park Master Plan update, which is intended to guide long-term decisions in the park, is not yet finalized. It advanced on a narrow 4-3 vote and remains incomplete, despite a consultant contract exceeding \$300,000. Proceeding with significant design work before the Master Plan is complete raises concerns about whether implementation decisions are being made in advance of the policy framework intended to guide them. If this project, and other projects can proceed prior to completion of the Park's Master Plan Update, it begs the question of why the Master Plan Update is required at all.

Given the existence of prior and ongoing contracts for related work in Fairview Park, it is important for Council to have a clear understanding of what work has already been completed, what is currently underway, and how this proposed contract builds on that work. Without that context, it is difficult to fully evaluate whether additional expenditures represent the most effective use of limited public funds.

This is a significant expenditure for a project that has not been publicly vetted, and I think that deserves a closer look.

At a minimum, I respectfully request that the Council seek clarification on the following

questions before proceeding:

1. Can staff quantify the bluff erosion issue, including the number of impacted locations, any measured rates of erosion, and whether there are documented slope failures?
2. Are there existing geotechnical or engineering reports that describe the severity of the issue, and if so, why were those not summarized in the agenda report?
3. Is the \$2 million referenced in the report exclusive to the West Bluff Restoration Project, or part of a broader Fairview Park funding allocation that may include other projects such as the Mesa Restoration Project?
4. Given that approximately \$1.6 million is currently available, what is the actual remaining construction budget after approval of this PSA?
5. What accounts for the difference between the \$2 million allocation and the current available balance?
6. Has this project been reviewed by the Fairview Park Steering Committee or the Parks and Community Services Commission?
7. If not, is there a reason this project is moving forward without review by those advisory bodies?
8. Will this project result in any changes to public access, trails, or existing uses within Fairview Park?
9. Are the state grant funds flexible in how they can be used within Fairview Park, or are they restricted specifically to bluff restoration/stabilization? If so, why?
10. Is there any timing requirement or deadline associated with the grant funding that necessitates approval of this contract at this time?

Given the scale of this and related expenditures, approving additional funding without a clear, consolidated understanding of prior spending, current commitments, and overall project scope raises concerns about whether the Council has sufficient information to fully exercise its fiduciary responsibility to ensure that public funds are being used efficiently and in the best interest of the community.

With all this said, please delay or vote no on New Business Item #3 in order to get the above clarifications answered.

Thank you for your time and consideration.

Sincerely,

Mat Garcia

Costa Mesa Resident

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