



**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY
SEPTEMBER 6, 2022 - MINUTES**

CALL TO ORDER – - The Closed Session meeting was called to order by Mayor Stephens at 4:00 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros (Arrived 5:22 p.m.), Council Member Harper, Council Member Harlan (Arrived 4:05 p.m.), Council Member Reynolds, Mayor Pro Tem Marr (Arrived 4:04 p.m.), and Mayor Stephens.

Absent: None.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6, (a)

Agency Designated Representative: Daniel A. Stefano, Acting City Manager

Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6 (a)

Agency Designated Representative: Daniel A. Stefano, Acting City Manager

Name of Employee Organization: Costa Mesa Police Association (CMPA).

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Penfil v. City of Costa Mesa,

Orange County Superior Court Case No. 30-2020-01147493-CU-WT-CJC

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

Closed Session adjourned at 5:26 p.m.

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

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

A video of Lily Uresti performing the National Anthem was played followed by the Mayor leading 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, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens presented a Commendation to Bryce Sheridan for winning the 49th Annual Will Jordan Classic.

Mayor Stephens presented a proclamation in honor of 2022 Hunger Action Month.

Mayor Stephens presented a proclamation in honor of 2022 National Child Awareness Month.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Wendy Simao, spoke on noise problems regarding The 12 gym and shared pictures.

Jay Humphrey, spoke against Measure K, the City Council should clearly define affordable housing, and RHNA numbers.

Carrie Mizera, Executive Director of Renascence School International, spoke on the schools new location at 1600 Adams and invited citizens to informational sessions.

Jenn Tanaka, Board Member Costa Mesa Alliance for Better Streets, thanked everybody for making the Bright Lights event a success.

Claudia Tebbs, representing Master Circle residents, spoke against PA-21-27, a proposed cannabis business at 1072 Bristol Street.

John Holly, owner of Rail Makers Inc., spoke on Measure K and the language used to describe the Westside industrial area as deceptive, and spoke on overlay plans allowing residential development.

Barbara Mohiero, spoke on the Wild and Scenic Film Festival on September 24th at the Orange Coast Unitarian Universalist Church Campus.

Speaker, spoke on the Housing Element parcels that can be built on throughout the City, spoke on a vision for the planning changes, and against Measure K.

Speaker, spoke on the rushed process of adding the ballot measure to the ballot, lack of review time and lack of opportunity to comment, and opposed to Measure K.

Speaker, read a letter to the editor from Eleanor Egan against Measure K, and spoke against Measure K.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harlan thanked staff for new improvements at Jordan Park, and spoke on a Kaiser Woodland PFO pickleball event on September 10th.

Council Member Reynolds spoke on Mr. Holly's comments, vehicle noise controls, private helicopters flying low on the Westside, thanked Alma Reyes and Sergio Escobar for the housing and rental assistance flyers, thanked staff and volunteers for staffing the cooling center, spoke on the Bright Lights distribution, spoke on Hunger Awareness Month and Abound Food Care Program, requested more information on the waitlist for Senior Meals on Wheels program, spoke on expanding the Community Gardens and spoke on reaching out to people in need.

Council Member Chavez requested protected bike lanes on Placentia, spoke on cooling centers, spoke on trees and shade, spoke on the Bright Lights event and thanked the community for their donations and participation, and spoke on the listening tour with Police Chief Lawrence on September 7, 2022.

Council Member Gameros spoke on being available to speak with residents on Master's Circle, and thanked staff for their hard work.

Mayor Pro Tem Marr spoke on the Bright Lights event, spoke on the new big belly trash cans and supports these at Tewinkle Park, requested updates on the following items: Short Term Rentals, Inclusionary Housing Ordinance, Additional Dwelling Unit's, and outdoor dining ordinances, spoke on the ARTventure event on September 16 and 17, attending the League of Cities Conference, and requested information on drones and what is allowed.

Mayor Stephens spoke on the new street lights at Baker and Randolph, attending the Festival of Children, attending the ribbon cutting for the Friends of the Library musical instrument dedication, the Listening tour in District 5 at the Senior Center on September 7, recognized Susan Price on her retirement, and spoke on adjourning the meeting in memory of Salvador Avila.

REPORT – CITY MANAGER – Chief Stefano, expressed appreciation for City Council recognizing the workforce, spoke on Ms. Farrell Harrison returning next week, spoke on the Listening Tour with Chief Lawrence on September 7th at 6:00 p.m. at Shalimar Park, and September 21st at the Senior Center, spoke on addressing homelessness, housing rental assistance programs, applying for commission and committees, Costa Mesa Chamber of Commerce State of the City luncheon on Friday September 23rd, a 9/11 remembrance at all fire stations, and Brenda Emrick, Emergency Operations Manager provided an update from the Office of Emergency Management, including Hazard Mitigation Plan, Covid-19, heat and energy alerts and cooling centers, and National Preparedness Month.

REPORT – CITY ATTORNEY – Ms. Hall Barlow, stated the court entered judgment in the City's favor pertaining to the Ohio House case.

CONSENT CALENDAR (Items 1-10)

MOVED/SECOND: Council Member Reynolds/Council Member Gameros

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

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: Mayor Stephens recused himself only on CC-3 the Warrant Resolution because he received a contribution from one of the warrant recipients.

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: AAA, AA Car Rental, Victoria Baer, Cage Cramer, Joe Hernandez, Nydia Houck, Jason Jones, Kathleen Jones, Zachary Pederson, Carolyn Richardson, and Mike Schaefer.

3. ADOPTION OF WARRANT RESOLUTION

Mayor Stephens recused himself on the Warrant Resolution because he received a contribution from one of the warrant recipients.

ACTION:

City Council approved Warrant Resolution No. 2685.

4. MINUTES

ACTION:

City Council approved the Minutes of the Study Session of July 12, 2022 and Regular meetings of July 19, 2022 and August 2, 2022.

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

ACTION:

City Council adopted Resolution No. 2022-57 to allow the members of the City Council, Commission, and Committees to participate in the meetings remotely, as needed, via Zoom due to:

1. 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.
2. Federal, State and/or local officials continue to impose or recommend measures to promote social distancing.

6. AUTHORIZE CITY MANAGER TO ENTER INTO A PURCHASE AGREEMENT FOR THE PURCHASE OF FOUR (4) AMBULANCES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS (H-GAC) BUY COOP WITH REDSKY EMERGENCY VEHICLES

ACTION:

1. City Council authorized the City Manager or designee, to enter into a purchase agreement for four (4) ambulances through the Houston-Galveston Area Council of Governments (H-GAC) Buy Coop Purchasing contract # AM10-20 with Redsky Emergency Vehicles, and secure funding through a master lease agreement.
2. Authorized the City Manager and City Clerk to execute the necessary documents to acquire the additional ambulances.

7. ACCEPTANCE OF THE CITYWIDE PARKWAY PROJECT - MAINTENANCE ZONES 6 AND 7, CITY PROJECT NO. 20-07

ACTION:

1. City Council accepted the work performed by Nationwide Contracting Services, Inc. dba Nationwide General Construction Services ("Nationwide"), for the Citywide Parkway Project - Maintenance Zones 6 and 7, Project, City Project No. 20-07, and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond one (1) year after the filing date.

8. ACCEPTANCE OF THE 2021 EMERGENCY MANAGEMENT PERFORMANCE GRANT

ACTION:

1. City Council approved the Agreement to Transfer Funds for the 2021 Emergency Management Performance Grant Program (EMPG) (the "Agreement") and authorized the City Manager to execute the agreement.
2. Adopted Resolution No. 2022-58, which authorizes the application for and acceptance of funds under the Emergency Management Performance Grant (EMPG) Program, and authorizes the City Manager or designee to accept the 2021 EMPG Program.
3. Approved revenue and expense appropriations in the amount of \$17,429 respectively, for the 2021 EMPG Program.

ITEMS PULLED FROM THE CONSENT CALENDAR

9. APPROVAL TO HIRE FULL-TIME CUSTODY STAFF FOR COSTA MESA POLICE JAIL OPERATION SERVICES

Presentation by Police Chief Lawrence and Lieutenant Casarez.

Public Comments:

Ralph Taboada, stated the item should not be on the Consent Calendar, and requested forecasting additional costs for the next five years.

MOVED/SECOND: Mayor Stephens/Council Member Gameros

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

Abstain: None

Motion carried: 7-0

ACTION:

1. City Council authorized the City Manager or designee to increase the City's table of organization to account for eleven (11) full-time custody staff to facilitate Costa Mesa Jail Operations.
2. Adopted Resolution No. 2022-59, which amends Resolution Number 2022-35, establishing the new Custody Supervisor classification and corresponding salary range.
3. Authorized the appropriation of \$175,215 from the General Fund's (101) fund balance for Police Department custody staff to facilitate Costa Mesa Jail Operations.

10. ACCEPTANCE AND ALLOCATION OF THE 2022-23 OFFICE OF TRAFFIC SAFETY GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

Council Member Reynolds spoke on the importance of enforcement on reckless driving, spoke on distributing lights for bikes in lieu of tickets, and educational opportunities.

Public Comments:

Speaker, spoke on the grant and on educational opportunities.

Jay Humphrey spoke in support of acceptance of the grant, and planning for the increase in population.

Speaker, spoke on enforcement of the vehicle code, eliminating the requirement for a bike license, and police handing out bike lights during events such as bike rodeos.

Speaker, thanked the police for being receptive to handing out lights, and suggested the Council stand on a corner and hand out lights as it is very educational.

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

MOTION: Approve recommended actions.

Council Member Chavez requested staff to agendaize for discussion changing the code to eliminate the bike license requirement.

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

Nays: None

Absent: None

Abstain: None

Motion carried: 7-0

ACTION:

1. City Council approved Resolution No. 2022-60, which ratifies the application for a grant award from the State of California - Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the City Manager or designee to execute all grant documents, including the Grant Agreement, and accept and administer the grant.
2. Approved revenue and expense appropriations in the amount of \$265,000 respectively, for the 2022-23 OTS STEP grant.

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

PUBLIC HEARINGS:

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

1. SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2021-2022 ANNUAL ACTION PLAN IDENTIFYING FUNDING PRIORITIES FOR THE HOME-AMERICAN RESCUE PLAN (ARP) ALLOCATION PLAN

Presentation by Ms. Daily, Grant Administrator.

Public Comments:

Mike Rothmeier, inquired on the population to be served.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve staff's recommendation allocating 100% of the \$1,816,742 to Supportive Services.

Mayor Pro Tem Marr requested that \$100,000 be designated for Affordable Housing.

Mayor Stephens agreed to the request.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

MOTION: Approve staff's recommendation allocating \$1,716,742 to Supportive Services and \$100,000 to Affordable Housing.

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: None

Motion carried: 7-0

ACTION:

1. City Council held a Public Hearing regarding the FY 2021-2022 Substantial Amendment to the Annual Action Plan.
2. Approved the recommended allocation of \$1,816,742 for the HOME-ARP Allocation Plan, a Substantial Amendment to the FY 2021-2022 Annual Action Plan.
3. Adopted Resolution No. 2022-61 in order to:
 - a. Approve the HOME-ARP Allocation Plan, a Substantial Amendment to the 2021-2022 Annual Action Plan.
 - b. Authorize the City Manager, or the City Manager's designee, to submit the 2021-2022 Annual Action Plan Substantial Amendment to the U.S. Department of Housing and Urban Development.
 - c. Designate the City Manager, or the City Manager's designee, as the official representative of the City to administer the programs and to execute and submit all required agreements, certifications, and documents required by HUD, and execute all agreements for the use of funds approved in the 2021-2022 Annual Action Plan Substantial Amendment.
4. Authorized revenue and expense appropriations, respectively, each in the amount of \$1,816,742, for the HOME-ARP Allocation Plan.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. **EXECUTION OF A SUBRECIPIENT AGREEMENT WITH THE COUNTY OF ORANGE TO ACCEPT GRANT FUNDS FOR THE BENEFIT OF THE BRIDGE SHELTER**

Presentation by Mr. Robbins, Neighborhood Improvement Manager.

Ms. Hall Barlow, City Attorney, clarified the City will enter into a subrecipient agreement with Trellis.

Public Comments:

Ian Stevenson, thanked the City Council for their support.

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

MOTION: Approve staff's recommendation with the amendment to #3 to be a Subrecipient Agreement with Trellis instead of a Professional Services Agreement.

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: None

Motion carried: 7-0

ACTION:

1. City Council authorized the City Manager and City Clerk to execute the Subrecipient Agreement between the City of Costa Mesa and the County of Orange to receive grant funds in the amount of \$100,000 to support shelter and support services for people experiencing homelessness.
2. Authorized revenue and expense allocations in the amount of \$100,000 respectively, in County of Orange grant funds to support shelter and support services for people experiencing homelessness.
3. Authorized the City Manager and City Clerk to execute a Subrecipient Agreement with Trellis International in a not to exceed amount of \$70,000.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS – NONE.

ADJOURNMENT – The Mayor adjourned the meeting at 8:43 p.m. in memory of Salvador Avila.

Minutes adopted on this 20th day of September, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT