



City of Costa Mesa

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

Minutes

CLOSED SESSION 4:00 P.M.

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

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Reynolds (Arrived 4:07 p.m.), Mayor Pro Tem Marr and Mayor Stephens (Via Teleconference).

Absent: Council Member Harper.

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: Costa Mesa v. Newport Mesa Unified School District, Orange County Superior Court Case No. 30-2021-01179397-CU-WM-CXC.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Orange County Superior Court Case No. 30-2018-01006173-CU-OR-NJC.

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00329-JVS-(PJWx).

4. 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.

5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. 8:20 cv 00504 JVS JDE

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation; RAW 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-01080-JVS-PJW, Ninth Cir No. 20-55870.

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**

FEBRUARY 15, 2022 – 6:00 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 Pro Tem Marr at 6:00 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

A video was played for the National Anthem and Council Member Harper led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Phil Eyskens, Lighthouse 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 (Via Zoom Webinar).

Absent: None.

Mayor Pro Tem Marr announced that Consent Calendar Item number 8: Baker Placentia Victoria 19th Street Regional Traffic Signal Synchronization Project has been withdrawn from the agenda and will not be considered.

CITY ATTORNEY CLOSED SESSION REPORT - No reportable action.

PRESENTATIONS

Mayor Pro Tem Marr and City Council presented a proclamation to Hank Lloyd in honor of his retirement.

Mayor Pro Tem Marr presented a proclamation for Teen Dating Violence Awareness and Prevention Month.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Flo Martin, Costa Mesa, spoke on speeding and automobile collisions, and expressed concerns on the Baker-Placentia-Victoria-19th Traffic Signal Synchronization project.

Speaker that lives on Bay Street, reported on loudness in the neighborhood, and landscapers using blowers at 6:30 a.m. on Saturday morning.

Jimmy Vivar, Costa Mesa, spoke on an incident at his place of business, that there was a miscommunication, and thanked the Costa Mesa Police Department for responding.

Dave Everett, Costa Mesa, spoke on the Project Labor Agreement approved at the last council meeting and expressed strong opposition to the agreement, and that it will increase the costs of construction.

Marc Vukceovich, Costa Mesa, spoke on improvements on Randolph Avenue, including speed limits, concerns on the number of parking spaces allowed, encouraged a paid parking system, and agreed with Ms. Martin's comments on traffic synchronization.

David Martinez, Costa Mesa, expressed concerns on the Baker-Placentia-Victoria-19th Traffic Signal Synchronization project, and spoke in support of a paid parking system on Randolph Ave.

Cynthia McDonald, Costa Mesa, spoke in recognition of Hank and Maureen Lloyd, and spoke on improvements needed at the Tennis Center.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gameros praised the Police and Fire Departments on their efforts regarding local fires, spoke on livable wages, and wished his daughter a Happy Birthday.

Council Member Harper spoke on speeding and accidents, spoke on the costs associated with the Project Labor Agreements, and spoke on campaign contributions by labor groups.

Council Member Reynolds praised the Costa Mesa Minute new format, praised the Finance Department, reported on the quarterly liaison meeting and Mesa Water pipeline replacement project, spoke on street sweeping, shared a graph on the impacts of speeding, and spoke on safety in the CIP project list.

Mayor Stephens praised Hank and Maureen Lloyd, spoke on improvements needed at the Tennis Center, praised the Fire Department for their work on structure fires, and praised the Police Department for apprehending a bank robbery suspect, and spoke on responsiveness and professionalism.

Mayor Pro Tem Marr reported on the League of California Cities Public Safety Policy Committee, crime issues, reported on walking 49 miles for the Taji 100, spoke on meeting with Supervisor Bartlett, and spoke on the Orange County Swap Meet.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on attending the TET Festival, spoke on City Hall opening and public counters opening, spoke on the new format of the Costa Mesa minute and thanked Tony Doderio, Jeff Trujillo, and Ron Dam with CMTV, thanked Mr. Sethuraman, Public Services Director for the seventh year of receiving the City Tree Award, spoke on the new Organic Waste Disposal webpage, spoke on the Point in Time Count and needing volunteers, encouraged residents to apply for open Committee positions, spoke on needing feedback and ideas from the community for the Tennis Center to include in the Scope of work before sending out the Request For Proposal.

REPORT – CITY ATTORNEY – None.

PUBLIC HEARINGS: (This Public Hearing was heard at 7:00 p.m.)

1. THIRD PUBLIC HEARING REGARDING THE REDISTRICTING PROCESS USING THE OFFICIAL 2020 CENSUS DATA

Presentation by Dr. Levitt, Vice President of National Demographics Corporation.

Public Comments:

Speaker, spoke on keeping all of the Eastside in one district.

Discussion ensued on which maps are not population balanced and should not be considered.

MOVED/SECOND: Council Member Chavez/Mayor Stephens

MOTION: Approve recommended actions and select Maps 112 and 115 to move forward with.

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Marr/Council Member Gameros

SUBSTITUTE MOTION: Approve recommended actions and select only Map 115 to move forward with.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Substitute Motion carried: 7-0

ACTION:

1. City Council conducted the third public hearing and received additional public input on communities of interest, district boundaries, and draft maps.
2. Considered and discussed draft maps submitted to the City by the public and by NDC.
3. Selected draft Map 115 to be considered for first reading at the March 1, 2022 City Council meeting and second reading and adoption at the March 15, 2022 meeting.

CONSENT CALENDAR (Items 1-11)

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for item 8 which was withdrawn from the agenda.

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: Ed Eyerman, Ryan Kneubuhl, Mary McDorman, Ivan Mood, Michelle Niles, Aida Peper, Pedro Ramirez, Robert Ranes, Misha Stotlar, Mauricio Tamayo, Balbino Villalpando.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2674

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of February 1, 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 2022-07 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 February 2022 update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

7. DESIGNATION OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY

ACTION:

1. City Council designated Liebert Cassidy Whitmore Partner Peter Brown as the Principal Negotiator and City Manager Lori Ann Farrell Harrison, Assistant City Manager Susan Price, Assistant to the City Manager Alma Reyes, Human Resources Manager Kasama Lee, and Finance Director Carol Molina as the City's representatives in negotiations with the CMCEA.
2. Authorized staff to have the independent fiscal analysis of the current CMCEA 2016-2022 Memorandum of Understanding (MOU) completed per the requirements of the Transparency In Labor Negotiations Council Policy (hereinafter policy).

9. HAMILTON STREET AND SANTA ANA AVENUE IMPROVEMENT PROJECT, CITY PROJECT NO. 20-16

ACTION:

1. City Council accepted the work performed by All American Asphalt, Inc., for the Hamilton Street and Santa Ana Avenue Improvement Project, City Project No. 20-16, and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to 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; and release the retention monies thirty-five (35) days after the Notice of Completion filing date.

10. CAL FIRE URBAN FOREST AND COMMUNITY GRANT PROGRAM (CFR 2.0) AUTHORIZATION

ACTION:

City Council adopted Resolution No. 2022-09, authorizing the Public Services Director to submit an application, and the City Manager or designee to execute the necessary Memorandum of Understanding to participate in the CAL FIRE Urban Forest and Community Grant Program (CFR 2.0).

11. PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF FIRE STATION NO. 2

ACTION:

1. City Council awarded a Professional Services Agreement (PSA) to PBK-WLC Architects, 8163 Rochester Avenue, Suite 100, Rancho Cucamonga, California, in an amount not to exceed \$730,000 for architectural and engineering design services.
2. Authorized contingency allocation in the amount of \$73,000 for work beyond the Scope of Services.
3. Authorized the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement within Council authorized limits.

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

8. BAKER-PLACENTIA-VICTORIA-19TH STREET REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROJECT

ACTION:

This item was removed from the agenda and not considered.

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

PUBLIC HEARINGS:

2. MINOR CONDITIONAL USE PERMIT (MCUP) ZA-21-48 TO AMEND PREVIOUSLY-APPROVED CONDITIONAL USE PERMIT (CUP) PA-91-102 FOR THE COSTA MESA VILLAGE AFFORDABLE HOUSING DEVELOPMENT, AND A REQUEST TO APPROVE A REGULATORY AGREEMENT AND THE TRANSFER OF OWNERSHIP OF THE COSTA MESA VILLAGE PROPERTY, LOCATED AT 2450 NEWPORT BOULEVARD

Presentation by Ms. Huynh, Senior Planner.

Applicant presentation by Mr. D'Andrea, Senior Vice President with Century Housing and Mr. Johnson, Development Manager with Century Housing.

Public Comments: None.

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

Nays: None

Absent: None.

Motion: carried 7-0

ACTION:

City Council adopted Resolution No. 2022-08 to approve MCUP ZA-21-48 to amend previously-approved CUP PA-91-102 to modify certain conditions of approval. The Housing Authority Board approved the Termination of the Original Regulatory Agreement, Adopted a New Regulatory Agreement, transfer of property ownership from Costa Mesa Village, Ltd. to Century Affordable Development, Inc. (CADI) and authorized the Executive Director to execute these agreements and related documents to approve CADI as the new owner and operator of Costa Mesa Village (CMV).

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

Council Member Chavez spoke on the selection of Map 115 for the redistricting process.

ADJOURNMENT – The Mayor Pro Tem Adjourned the meeting at 8:08 p.m.

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

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk