

City of Costa Mesa



Meeting Minutes

Tuesday, February 1, 2022

6:00 PM

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

4:00 P.M. Closed Session

Via Zoom

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

4:00 P.M. Closed Session

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 4:08 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds, Mayor Pro Tem Marr (Arrived 4:16 p.m.) and Mayor Stephens.

Absent: None.

PUBLIC COMMENTS

Alisha Patterson, Attorney with Rutan & Tucker, spoke regarding Closed Session item 3, Insight Psychology and Addiction, Inc v. City of Costa Mesa.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE

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 – ONE CASE

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

City Attorney Ms. Hall Barlow requested to add an item to the agenda as it was brought to the City's attention after the distribution of the agenda and needs to be considered prior to the next regular city council meeting.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
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).

MOVED/SECOND: Mayor Stephens/Council Member Reynolds

MOTION: Add Conference with Legal Counsel – Existing Litigation

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

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-PJW.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper and Mayor Pro Tem Marr.

Motion carried: 5-0

City Council recessed at 4:16 p.m. for Closed Session.

Closed Session adjourned at 5:54 p.m.

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

February 1, 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 Costa Mesa High school Madrigal Choir and Council Member Harlan led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harlan, Council Member Harper (excused at 10:30 p.m.), Council Member Reynolds, Mayor Pro Tem Marr and Mayor Stephens.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – Direction was given, no reportable action.

PRESENTATIONS:

Mayor Stephens presented a proclamation for Lunar New Year 2022 – Year of the Tiger.

Mayor Stephens presented a proclamation for Black History Month 2022 – Health & Wellness.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Jimmy Vivar, Costa Mesa, spoke about a police incident at his place of business and that police need to serve with the highest degree of integrity and fairness.

Speaker, requested council meetings to be held in person, spoke against Sacramento local zoning laws, and spoke on Ourneighborhoodvoices.com.

Kim Hendricks, Costa Mesa, spoke on the Fairview Park Alliance restoration project, spoke on a drone flying at the park, spoke on additional efforts needed for removing old signage, and spoke on grassland restoration.

Wendy Leece, Costa Mesa, spoke on street safety on the Westside at 19th street and an individual that was injured, requested efforts to slow down speeders on 19th street, 17th street, and Whittier Avenue, spoke on safety issues on paths at Fairview Park because trees are too thick, and requested more patrols by park rangers.

Marc Vukceovich, Costa Mesa, spoke on a pedestrian death on Newport Boulevard, traffic safety, spoke on the Housing Element process, and spoke in support of meetings being on Zoom for the short term.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez wished all a Happy Lunar New Year, and spoke on addressing street safety concerns.

Council Member Gameros spoke in support of youth sports.

Council Member Harper spoke on security camera issues and full participation in neighborhood safety program, spoke in hope of Covid numbers reducing, and on the mask mandate.

Council Member Reynolds thanked the Fairview Park Alliance, requested updated signage at Fairview Park, spoke on the Bikeway and Walkability Committee meeting on February 2nd, spoke on traffic safety, spoke on the US Department of Transportation and roadway safety trends, and safe streets grant for local schools.

Mayor Pro Tem Marr responded to Mr. Vivar's police concerns and requested a response from the Police Chief, spoke on updating the Fairview Park signage, spoke on the mask mandate, spoke on veterans running and walking for the Taji 100 in February, and expressed condolences to the City Manager for the loss of Abe Jenkins and to the Mayor for the loss of his mother.

Mayor Stephens spoke on the Tet Festival Saturday and Sunday at the Orange County Fairgrounds, spoke in remembrance of Dave Gardner, spoke in remembrance of his mother, and expressed adjourning the meeting in honor and memory of Abe Jenkins, MaryAnn Stephens, and Dave Gardner.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke in memory of Abe Jenkins, spoke on Black History Month, spoke on the redistricting process, spoke on City Hall is open by appointment only, spoke on the Neighborhood Improvement Task Force efforts on homeless housing issues, will be following up on Mr. Vivar's issue, following up on safety concerns and signage at Fairview Park, and on street safety issues.

REPORT – CITY ATTORNEY – Ms. Hall Barlow extended condolences to the Mayor's and City Manager's families.

CONSENT CALENDAR (Items 1-6)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for item 5.

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: Michael Artiglio, Charles Bonner, Nathan Favela, ATM Global, Nghia Ho, Mercury Insurance, Joshua Mantle, Bibo Song, Ray Taylor.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2673

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of January 18, 2022.

6. POLICE DEPARTMENT RANGE REMODEL AND UPGRADES PROJECT

ACTION:

1. City Council approved Amendment No. 1 to Gillis & Panichapan Architects (GPa) in order to authorize an additional \$38,413 for architectural design services related to Americans with Disabilities Act (ADA) upgrades for the Police Department Range Remodel and Upgrades Project; and
2. Authorized the City Manager and City Clerk to execute Amendment No. 1 to the original Professional Services Agreement (PSA) for GPa and future amendments to the PSA within Council authorized limits.

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

5. CITYWIDE PARKWAY MAINTENANCE, STREET REHABILITATION, AND SLURRY SEAL PROJECT, CITY PROJECT NO. 21-03

Public Comments:

David Martinez, Costa Mesa, appreciated rehabilitating all of Placentia, requested a buffered bike plan and requested bollards for the protection of cyclists.

Cynthia McDonald, Costa Mesa, requested bikeways on all streets and requested bollards.

Mark Vukceovich, requested a buffered bike plan and requested bollards for the protection of cyclists and commended City Council and staff for their efforts.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

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:

1. City Council adopted plans, specifications, and working details for the Citywide Parkway Maintenance, Street Rehabilitation, and Slurry Seal Project, City Project No. 21-03.
2. Awarded a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$2,828,000 (Base Bid including Additive Bid).

3. Awarded a Professional Services Agreement (PSA) for construction management services to Z&K Consultants, 473 E. Carnegie Drive, San Bernardino, California 92408 in the amount of \$299,608.
4. Authorized the City Manager and City Clerk to execute the PWA (Attachment 1) for All American Asphalt and PSA (Attachment 2) for Z&K Consultants and future amendments to the agreements within Council authorized limits.
5. Authorized an additional ten percent (10%) contingency in the amount of \$282,800 for construction and also an additional (10%) contingency in the amount of \$29,961 for construction management, as needed for any unforeseen costs related to this project.

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

PUBLIC HEARINGS:

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

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

Presentation by Ms. Le, Economic and Development Services Director.

Public Comments:

Written comments were received from Mary Helen Beatificato with Nsight Psychology and Addiction, Zeenat Hassan with Disability Rights California, Lea Choum with Airport Land Use Commission for Orange County, and Sherry Daley with California Consortium of Addiction Programs and Professionals.

Christine Nolf, Costa Mesa Affordable Housing Coalition, thanked staff for the process and mentioned some items to consider, in program 2L to target income 60% AMI or lower, next is in program 3B language regarding Fairview Developmental Center leaves door open for the state to do nothing and would like to see the city negotiate an agreement within 2-years, next is in program 3F for the city to go beyond State and Federal laws for resident protection against displacement.

Speaker, expressed concerns on the process and environmental issues, requested a full EIR, spoke on local control and citizens supporting Measure Y.

Cynthia McDonald, Costa Mesa, spoke on the protection of Banning Ranch, spoke on State Legislation affecting local governments, environmental documents, spoke on the developmental impacts, an inclusionary housing ordinance, and affordable housing.

Rich Gomez, South West Region Counsel of Carpenters, spoke on utilizing a local workforce.

Mark Vukceovich, Costa Mesa, spoke on levels of government and following the law, spoke on opening up areas for development and density, and more walkable neighborhoods.

Cassius Rutherford, Costa Mesa, spoke in support of the Housing Element.

Speaker, spoke on listening to the voice of the people and the initiative process, and spoke on percentage of people who voted for Measure Y.

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

MOTION: Approve recommended actions.

Council Member Harper spoke on the EIR documents, Measure Y, local control, and not supporting the motion.

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

Nays: Council Member Harper

Absent: None.

Motion carried: 6-1

ACTION:

City Council adopted Resolution No. 2022-06 that approves and adopts the Initial Study/Mitigated Negative Declaration (IS/MND) including the Mitigation Monitoring and Reporting Program, and approved General Plan Amendment 21-01 for the City of Costa Mesa 2021-2029 (Sixth Cycle) Housing Element update.

City Council recessed into a break at 7:50 p.m.

City Council reconvened at 8:05 p.m.

OLD BUSINESS:

1. COMMUNITY WORKFORCE AGREEMENT

Presentation by Mr. Yang, City Engineer.

Public Comments:

Written comments were received from Luis Miramontes with Boilermakers Local 92, Paul Moreno with Ironworkers Local 433, Joseph Hallgren, Mora Juanita, International Associates of Heat and Frost Local 5, Lupe Aldaco with Bricklayers & Allied Craftworkers Local 4, Nick Garcia with Boilermakers Local 92, Mary Beth Dorish, Dana Miranda, Eric Glover, Andre Ramirez with ABC Low-Voltage Apprentice, Luis Aleman with Orange County Labor Federation, Ali Naqvi, Matthew Cocanig with Tradesmen International, John Knapp, Tim Steed with Orange County Employees Association, Russell Johnson with ABC Southern California, Robert James with Plumbers & Steamfitter Local 582 South, Henry Hillebrecht with Plumbers & Steamfitter Local 582 North, Ernesto Medrano with LA/OC Building Construction Trade Council, Norma Lopez with Local Union 952, Randy Wetmur with Ironworkers Local 416, Mel Smith, Andrew Gonzales with SMART Sheet Metal Workers Local 105, Anthony Novello with Plumbers

& Steamfitter Local 582, Dave Everett with Western Electrical Contractors Association, Tony DeTrinidad, and Robert Smith with Direct Council 36 – Painter & Allied Trades.

Ray Baca, Engineering Contractors Association, spoke in support of the Community Workforce Agreement.

Luis Aleman, Orange County Labor Federation, spoke in support of the Community Workforce Agreement.

Eric Christian, Coalition for Fair Employment and Construction, spoke in opposition of the Community Workforce Agreement.

Russell Johnson, spoke on including all apprentices.

Michael Vetter, ABC SoCal chapter, spoke in opposition of the Community Workforce Agreement.

Paul Moreno, spoke in support of the Community Workforce Agreement.

Wendy Leece, spoke in opposition of the Community Workforce Agreement.

Kim Hendricks, spoke on removing the three Fairview Park projects from the list.

Doug Mangione, spoke in support of the Community Workforce Agreement.

Alex Rounaghi, Supervisor Foley's Office, spoke in support of the Community Workforce Agreement.

Natalie Rubalcava Garcia, spoke in support of the Community Workforce Agreement.

Tim Steed, Orange County Employees Association, spoke in support of the Community Workforce Agreement.

Randy Wetmur, spoke in support of the Community Workforce Agreement.

Tony DeTrinidad, spoke in support of the Community Workforce Agreement.

Dave Everett, Western Electrical Contractors Association, spoke in opposition of the Community Workforce Agreement.

Ernesto Medrano, spoke in support of the Community Workforce Agreement.

Fred Flores, spoke in support of the Community Workforce Agreement.

Speaker, spoke in opposition of the Community Workforce Agreement.

Adam Thornton, spoke in opposition of the Community Workforce Agreement.

Sergio Gonzalez, spoke in opposition of the Community Workforce Agreement.

Haltham Awaineh, Ironworkers Local 433, spoke in support of the Community Workforce Agreement.

Edward Ramirez, spoke in opposition of the Community Workforce Agreement.

Aaron Viveros, spoke in opposition of the Community Workforce Agreement.

Andre Ivan Ramirez, spoke in opposition of the Community Workforce Agreement.

Robert Smith, spoke in support of the Community Workforce Agreement.

Sam Hurtado, spoke in support of the Community Workforce Agreement.

John Hannah, Southwest Regional Counsel of Carpenters, spoke in support of the Community Workforce Agreement.

Rich Gomez, spoke in support of the Community Workforce Agreement.

MOVED/SECOND: Council Member Gameros/Council Member Chavez

MOTION: Approve recommended actions.

Council Member Reynolds requested to remove the three Fairview Park projects from the list.

Council Members Gameros (1st) and Chavez (2nd) agreed to the change.

Council Member Harper spoke on excluding non-union workers and not supporting the motion.

MOVED/SECOND: Council Member Gameros/Council Member Chavez

MOTION: Approve recommended actions with the exception of removing the 3 Fairview Park projects from the list.

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:

1. City Council approved on the Community Workforce Agreement (CWA) for a five-year term between the City of Costa Mesa (City) and the Los Angeles/Orange Counties Building and Construction Trades Council (Trades Council).
2. Authorized the City Manager or designee to execute the agreement and accept any minor modifications to the agreement during the CWA term.

Council Member Harper left the meeting at 10:33 p.m. after voting on Old Business item 1.

NEW BUSINESS:

1. PROFESSIONAL SERVICES AGREEMENT FOR BIOLOGICAL MANAGEMENT AND HABITAT REHABILITATION SERVICES AT FAIRVIEW PARK

Presentation by Mr. Dalton, Fairview Park Administrator.

Public Comments:

Written comments were received from Kim Hendricks.

Wendy Leece, Costa Mesa, spoke on working on the issue with the Fairview Park Alliance.

Kim Hendricks, Costa Mesa, spoke on the number of hours in the contract and on proper reporting.

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 Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None.

Absent: Council Member Harper

Motion carried: 6-0

ACTION:

1. City Council awarded a Professional Services Agreement to Endemic Environmental Services, Inc., in an annual amount not-to-exceed \$322,595 for professional biological management and habitat rehabilitation services at Fairview Park for a term of two years, with three one-year extension options, with the option to provide Consumer Price Index (CPI) increases during each one-year extension period, plus a five-percent (5%) annual contingency for unforeseen costs, if needed.
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement, including any amendments to extend the term and increase Endemic's compensation based on CPI or to utilize the contingency authorized herein.

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

ADJOURNMENT – The Mayor Adjourned the meeting at 11:03 p.m. in honor and memory of Abe Jenkins, MaryAnn Stephens, and Dave Gardner.

Minutes adopted on this 15th day of February, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk