



CITY OF COSTA MESA

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

MAY 3, 2022 - 4:00 P.M.

Closed Session

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 Reynolds (arrived 4:02 p.m.), Council Member Harlan, Mayor Pro Tem Marr, and Mayor Stephens.

Absent: Council Member Gameros and 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: Katherine Sherouse individually and doing business as Camp Lila v. City of Costa Mesa, et al., United States District Court, Central District of California, Civil Action No. 8:22-cv-00756-JVS-ADSx
- 2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: RDX CATALYST – COSTA MESA LLC, a California limited liability Company v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30 2021 01214880 CU WM CJC
- 3. 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.
- 4. 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 Council recessed at 4:02 p.m. for Closed Session.

Closed Session adjourned at 5:20 p.m.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY
MAY 3, 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 Stephens at 6:00 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Led by Mariachi Juvenil Herencia Michoacana and Council Member Harlan led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Christine Wallington, Seventh Day Adventist Church.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros (via Zoom), Council Member Harlan, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Absent: Council Member Harper

CITY ATTORNEY CLOSED SESSION REPORT - No reportable action.

PRESENTATIONS:

Mayor Stephens presented a proclamation for Asian American Pacific Islander Heritage Month to Kelani Silk.

Mayor Stephens presented a proclamation for Lupus Awareness Month to Mayala Gaerlan.

Mayor Stephens presented a proclamation for National Bike Month to The Cyclist, the Unlikely Cyclist, and The Electric Bike Company.

Presentation by Adam Eliason on the Orange County Housing Finance Trust.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Written communications were received from Ms. Duarte and Cynthia McDonald.

Flo Martin, Costa Mesa, spoke on the accomplishments and progress with Bikeability and Walkability since the inception of the Active Transportation Committee and thanked Raja Sethuraman, Jennifer Rosales and Brett Atencio Thomas.

Marc Vukceovich, Costa Mesa, spoke on attending the California Bicycle Coalition Summit 2022 on Bikeability, including Quick Builds, Bike Education, and how to fund projects.

David Martinez, Costa Mesa, pulled consent calendar items #5 and #6, spoke on bicycle safety, updating the safe routes to school map, and spoke on funding the installation of bike racks at local businesses.

Kim Hendricks, Costa Mesa, spoke on the Fairview Park Alliance and volunteering on projects at Fairview Park, spoke on Earth Day and lack of coordination with the Fairview Park Alliance, and requested changing Concerts in the Park to another park instead of Fairview Park.

Speaker spoke on problems with a food truck on Newport Boulevard, thanked Chief Lawrence for his attention to the matter, spoke on waiting on an investigation and police report, and problems associated with no restroom and operating hours.

Wendy Leece, Costa Mesa, thanked Kim Hendricks for the Fairview Park Alliance PowerPoint, spoke on Measure AA to preserve Fairview Park, spoke on the Earth Day tour at Fairview Park and the lack of coordination with the Fairview Park Alliance, and spoke on phone calls to the city not being returned.

Speaker spoke on meeting with the Police Department staff regarding a food truck incident, and spoke on problems associated with the food truck.

Speaker spoke on problems associated with the food truck and requested a restraining order and having the food truck removed from the area.

Hank Castignetti, spoke in remembrance of Gary Kimble.

Carlia Oldfather, Director of Program and Business Operations for Stand Up for Kids Orange County, spoke on homelessness and students in need of housing.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harlan reported on taping the Costa Mesa Now podcast on Costa Mesa Eastside eateries, and congratulated Eat Chow on their 10th Anniversary and Mi Casa celebrating 50 years.

Council Member Reynolds requested follow up on the food truck complaints, spoke on attending a meeting with the Orange County Human Relations team and working on a campaign against hate crimes, thanked the Chamber of Commerce for their work in promoting local businesses, spoke on bike racks in front of businesses and not in the back, spoke on a letter of support for acquisition of Banning Ranch, thanked staff for Arbor Day events, acknowledged community organizations that volunteered including Fairview Park Alliance, spoke on Bike to School Day Wednesday, May 4th, thanked Hank Castignetti for remembrance of Gary Kimble and requested to adjourn the meeting in honor of him.

Council Member Chavez commended the Police Chief for addressing citizen concerns, spoke on attending a tree planting event, requested Shalimar Drive be open to parking for everyone, requested dedicated funding for rental assistance and additional public outreach, spoke on planting white clovers instead of grass at the dog park, spoke on AB 2439 regarding converting DMV buildings into affordable housing, and spoke in memory of Julian Collin Zuniga, a student that passed away from a fentanyl overdose and requested to adjourn in memory of her.

Mayor Pro Tem Marr thanked Hank Castignetti for the remembrance of Gary Kimble, reported on attending Cal Cities Public Safety meeting and discussions on legalizing Cannabis, spoke on a ride-along with the police department, thanked staff for the CIP Study Session, and acknowledged and thanked all for Public Service Week.

Mayor Stephens spoke on Public Service Week and thanked all employees for their service, spoke on adjourning the meeting in memory of Joanne Taylor, spoke on the OC Marathon, tree planting, will be attending an interfaith prayers breakfast, and spoke on the ducks killed at Tewinkle Park.

REPORT – CITY MANAGER - Susan Price, Assistance City Manager, spoke on funding for rental assistance, spoke on two organizations to contact, Serving People in Need 714-751-1101 and Families Forward 949-552-2727, spoke on the Earth Day Festival, spoke on an Earth Day survey, and Happy Public Services Week.

REPORT – CITY ATTORNEY – NONE.

CONSENT CALENDAR (Items 1-6)

MOVED/SECOND: Council Member Chavez/Council Member Harlan

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for items 5 and 6 which were pulled from the Consent Calendar.

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

1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY 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: Linda Fredrick Oneill; Debra Von Trapp.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2679

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of April 5, 2022.

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

5. WILSON STREET IMPROVEMENT PROJECT, CITY PROJECT NO. 22-01

Presentation by Mr. Sethuraman, Public Services Director, Mr. Yang, City Engineer, and Mr. Atencio Thomas, Active Transportation Coordinator.

Public Comments:

Written communications were received from Cynthia McDonald on this item.

Flo Martin, Costa Mesa, spoke on speeding and reckless driving on Fair Drive and on Wilson Street, the need for more patrol officers issuing citations, and requested revising the plans on the project.

Marc Vukceovich, Costa Mesa, provided a PowerPoint presentation, requested a bike box at Wilson St., requested a sidewalk connection instead of a dirt patch, requested painted bulb outs, marked crosswalks at Wilson Street and Pomona Ave., and a mid-block crossing between Maple and Minor St.

David Martinez, Costa Mesa, provided a PowerPoint presentation, spoke on the Wilson Street & Harbor intersection, spoke on a Class II Street, additional crosswalks, and suggested the Active Transportation Committee to review.

Rick Huffman, Costa Mesa, suggested the plans be provided to the Active Transportation Committee prior to coming before Council.

Jennifer Tanaka, Costa Mesa, spoke in support of the Wilson Street plans, thanked staff for combining with the Mesa Water project.

Cynthia McDonald, Costa Mesa, spoke on the class 2 and class 3 bike lanes, the area between Fairview and Harbor, and bus lanes.

MOVED/SECOND: Council Member Reynolds/Mayor Stephens

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 adopted plans, specifications, and working details for the Wilson Street Improvement Project, City Project No. 22-01.
2. Awarded a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$1,795,390.50 (Base Bid including Additive Bids).
3. Authorized the City Manager and City Clerk to execute the PWA for All American Asphalt and future amendments to the agreements within Council authorized limits.
4. Authorized a ten percent (10%) contingency in the amount of \$179,539 for construction and unforeseen costs related to this project.
5. Approved a budget transfer, reallocating available Community Development Block Grant (CDBG) budget in the amount of \$600,000 to the Wilson Street Improvement Project.
6. Authorized appropriation of Gas Tax Fund balance in the amount of \$435,000 to the Wilson Street Improvement Project.

6. AWARD OF CITYWIDE TRAFFIC SIGNAL MAINTENANCE CONTRACT

Public Comments:

David Martinez, Costa Mesa, spoke on adding leading pedestrian intervals and automatic pedestrian signals.

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 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 approved the Maintenance Services Agreement (MSA) with Yunex LLC for the maintenance of the City's traffic signals in an amount not to exceed \$400,000 annually, for an initial term of three (3) years with two (2) one-year renewal options for a total of five years.
2. Approved a 10% contingency annually for unforeseen costs relating to the City's traffic signals.
3. Authorized the City Manager and the City Clerk to execute the agreement and future amendments to the agreement.

City Council recessed into a break at 8:25 p.m.

City Council reconvened at 8:35 p.m.

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

PUBLIC HEARINGS:

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

1. FISCAL YEAR 2022-2023 ANNUAL ACTION PLAN IDENTIFYING FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS GRANT (HOME) PROGRAMS

Presentation by Ms. Daily, Grant Administrator.

Michelle Murphey, spokesperson for the Housing and Public Services Ad Hoc Committee, spoke on the committee's selection process.

Public Comments:

Marc Vukceovich, Costa Mesa, requested clarification on the Mercy House high score and amount received not matching what was requested.

Michael Tou, new member of the Housing and Public Service Grants Committee, thanked staff and previous committee members for doing the work for this year's application process.

Madelynn Hirneise, with Families Forward, thanked staff for their consideration of grant opportunities; also, indicated Families Forward will participate in outreach efforts.

MOVED/SECOND: Council Member Harlan/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 held a Public Hearing regarding the 2022-2023 Annual Action Plan.
2. Approved the allocation of \$1,137,737 for the Fiscal Year 2022-2023 Community Development Block Grant.
3. Approved the allocation of \$501,749 for the Fiscal Year 2022-2023 HOME Investment Partnerships Grant.
4. Adopted Resolution No. 2022-21 in order to:
 - a. Approve the 2022-2023 Annual Action Plan.
 - b. Authorize the City Manager, or the City Manager's designee, to submit the 2022-2023 Annual Action Plan 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 subrecipient agreements for the use of funds approved in the 2022-2023 Annual Action Plan.
5. Authorized the City Manager or designee to approve staff procedures and guideline for the implementation of CDGB- and HOME-funded programs.

2. 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:

Madelynn Hirneise, with Families Forward, thanked city staff, noted they are seeing an increase in referrals, and spoke on the eviction moratorium.

Discussion ensued on Tenant Based Rental Assistance (TBRA), evictions due to the building being sold or remodeled, tailoring various programs to various housing scenarios, funding sources, addressing assistance for the mental health community, providing assistance to the Spanish population, utilizing SOY as a resource, and assistance for eviction prevention.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

MOTION: Continue the item to a later date; hold another public hearing, and add assistance programs address to various housing scenarios.

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 held a Public Hearing regarding the FY 2021-2022 Substantial Amendment to the Annual Action Plan.
2. Continued the item to a later date; schedule another public hearing, and add assistance programs address to various housing scenarios.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. RESIDENTIAL PERMIT PARKING PROGRAM

Presentation by Ms. Rosales, Transportation Services Manager and Julie Dixon, President of Dixon Resources Unlimited.

Public Comments:

Written communications were received from Pat Shaffer, Jennifer Tanaka, Marc Vukceovich, and David Martinez on this item.

Marc Vukceovich, Costa Mesa, spoke on a letter written by Jennifer Tanaka, shared parking lots, single-family home garages, private parking costs, inducing demand, reducing prices for low income residents but not free, and where does the money go.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Approve recommended actions with the following change; for low income residents charge \$5 for the first permit, and \$10 for the second permit and the rest remains the same.

Council Member Harlan spoke on not supporting the motion with the proposed cost structure and requested more discussion.

Council Member Chavez spoke on not changing his current motion.

City Attorney Hall Barlow suggested tabling the specific fee amounts until the fee resolution comes back to council for adoption.

Discussion ensued regarding fee structure.

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

SUBSTITUTE MOTION: Approve recommended actions but do a fee study later for more specific details.

Mayor Stephens spoke on not supporting the substitute motion.

Discussion ensued on the timing of adjusting the fees and rate structure.

Council Member Harlan withdrew his motion with the understanding that the fees and rate structure would be coming back to council for further action.

ORIGINAL MOTION/SECOND: Council Member Chavez/Council Member Reynolds

ORIGINAL MOTION: Approve recommended actions with the following change; for low income residents charge \$5 for the first permit, and \$10 for the second permit and the rest stays the same.

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 approved the revised Residential Permit Parking program guidelines and policies.
2. Approved an annual residential parking permit fee with an escalating rate structure and discount for qualifying low-income residents.
3. Authorized staff and the City Attorney to initiate amendments to the Costa Mesa Municipal Code (CMMC) incorporating proposed changes to the Residential Permit Parking program and return to City Council for approval through the Public Hearing process.

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

ADJOURNMENT – The Mayor adjourned the meeting at 11:18 p.m. in memory of Gary Kimble, Joanne Taylor, Julian Collin Zuniga.

Minutes adopted on this 7th day of June, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT