



CITY OF COSTA MESA

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

Agenda

Tuesday, February 7, 2023

6:00 PM

**City Council Chambers
77 Fair Drive**

*** INCLUDING REGULAR MEETING OF THE COSTA MESA PUBLIC FINANCING
AUTHORITY, AND COSTA MESA FINANCING AUTHORITY**

**Note: All agency memberships are reflected in the title "Council Member"
4:00 P.M. Closed Session**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361(Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, or if you've been exposed to someone with COVID-19, you may still participate in the meeting via Zoom.

2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at cityclerk@costamesaca.gov NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5): Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 48 horas de anticipación.

CLOSED SESSION - 4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Carrin A. Leaman vs. City of Costa Mesa
Orange County Superior Courts Case No. 30-2021-01196302-CU-OR-CJC
2. 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.
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9, (d)(1)
Name of Case: Raw Recovery, LLC et al v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR
4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Ohio House, LLC v. City of Costa Mesa, USDC, Central District of CA, Case No. 8:19-cv-01710-DOC (KESx)
5. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).
6. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Firefighters Management Association (CMFMA).

7. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA).
8. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Management Association (CMDMA).
9. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Executive Employees
10. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Confidential Management Unit
11. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa Unrepresented Part Time Employees
12. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - TWO CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY, COSTA MESA PUBLIC FINANCING
AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND HOUSING
AUTHORITY**

FEBRUARY 7, 2023 – 6:00 P.M.

**JOHN STEPHENS
Mayor**

**JEFFREY HARLAN
Mayor Pro Tem - District 6**

**ANDREA MARR
Council Member - District 3**

**MANUEL CHAVEZ
Council Member - District 4**

**LOREN GAMEROS
Council Member - District 2**

**ARLIS REYNOLDS
Council Member - District 5**

**DON HARPER
Council Member - District 1**

**KIMBERLY HALL BARLOW
City Attorney**

**LORI ANN FARRELL HARRISON
City Manager**

CALL TO ORDER

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

MOMENT OF SOLEMN EXPRESSION

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. [Proclamation: Black History Month](#)

[23-1064](#)

Attachments: [1. Proclamation: Black History Month](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Chavez
2. Council Member Gameros
3. Council Member Harper
4. Council Member Marr
5. Council Member Reynolds
6. Mayor Pro Tem Harlan
7. Mayor Stephens

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR (Items 1-6)

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. [PROCEDURAL WAIVER: WAIVE THE FULL READING OF AL123-1010 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. [READING FOLDER](#) [23-1011](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Adrian Aguilar, Julio Ascencio, State Farm Mutual with Jefferson Kirk Given, William Harvill, Mark Herschthal, Victoria Maldonado, Piotr Pramowski, Juan David Veramancini.

3. [ADOPTION OF WARRANT RESOLUTION](#) [23-1056](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2693.

Attachments: [1. Summary Check Register week of 1-9-23](#)
[2. Summary Check Register week of 1-16-23](#)

4. [MINUTES](#) [23-1012](#)

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of January 17, 2023 and the Special Study Session of January 24, 2023.

Attachments: [1. 01-17-2023 Draft Minutes](#)
[2. 01-24-2023 Draft Minutes](#)

5. [AUTHORIZE THE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF NEW AND REPLACEMENT CITY VEHICLES AND EQUIPMENT](#) [23-1000](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the use of Sourcewell's National Cooperative Agreement No. 091521-NAF (Attachment 1) with National Auto Fleet Group for the purchase of new and replacement City fleet vehicles - cars, vans, SUV's, trucks and related equipment - as approved during the annual budget process.
2. Authorize the City Manager and the City Clerk to execute all documents necessary to utilize the Sourcewell National Cooperative Agreement for one year with two one-year renewals authorized in respective annual budgets through FY 2024-25 for an annual not-to exceed amount of \$2,000,000.

Attachments: [1. NAFG Sourcewell Contract](#)

6. [SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND 3-1006 THE CITY OF COSTA MESA'S MUNICIPAL CODE 3-151 APPEALS FROM ACTION OF POLICE CHIEF](#)

RECOMMENDATION:

Staff recommends that the City Council give second reading and adopt: Ordinance No. 2023-01 to amend Section 3-151 (Appeals from Action of Police Chief) Chapter VI (Special Animal Permit) of Title 3 (Animal Regulations) of the CMMC to grant appeal authority to the City Manager in place of the City Council for Special Animal Permit related actions taken by the Chief of Police.

Attachments: [1. Ordinance No. 2023-01](#)

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

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

PUBLIC HEARINGS:

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

1. [REPEAL OF THE ORDINANCES UNDER CHAPTER I \(BICYCLES AND MOTORIZED BICYCLE LICENSING\) TO TITLE 4 \(BICYCLES\) OF THE COSTA MESA MUNICIPAL CODE](#)

RECOMMENDATION:

Staff recommends that the City Council introduce for first reading the attached Ordinance No. 2023-xx to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.

Attachments: [1. Ordinance to Repeal of Title 4 of Chapter I Bicycle Licensing](#)

2. [CITY COUNCIL FIRST READING OF AN ORDINANCE TO AMEND 23-1009 TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(ZONING CODE\) TO MODIFY EXISTING ACCESSORY DWELLING UNIT \(ADU\) STANDARDS TO CONFORM WITH RECENT REVISIONS TO STATE LAW AND TO CLARIFY LOCAL PROVISIONS TO IMPROVE PERMIT PROCESSING \(CODE AMENDMENT CO 2022-01\)](#)

RECOMMENDATION:

Introduce for first reading, by title only, Ordinance No. 2023-XX approving Code Amendment CO-2022-01, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) to modify the City's accessory dwelling unit (ADU) standards to conform to recent revisions to State law, and to clarify several existing provisions to improve ADU permit processing.

Attachments: [1. Draft Ordinance](#)
[2. Exhibit A to the Draft Ordinance \(track changes\)](#)
[3. HCD Letter](#)

OLD BUSINESS:

1. [RETAINER AGREEMENTS BETWEEN THE CITY OF COSTA MESA 23-1063 AND COMPLEX APPELLATE LITIGATION GROUP, LLP FOR LEGAL SERVICES](#)

RECOMMENDATION:

It is recommended the City Council:

1. Approve the Agreements between the City of Costa Mesa and the law firm of Complex Appellate Litigation Group, LLP in connection with the pending lawsuits entitled The Ohio House LLC v. City of Costa Mesa, United States District Court for the Central District of California, Case No. 8:19-cv-01710 -JVS (GJSx), Insight Psychology and Addiction, Inc. v. City of Costa Mesa, United States District Court for the Central District of California, Case No. 8:20-cv-00504-MEMF-JDE, SoCal Recovery, LLC v. City of Costa Mesa, 9th Circuit Court of Appeals No. 20-55820, RAW Recovery, LLC v. City of Costa Mesa, 9th Circuit Court of Appeals No. 20-55870.
2. Authorize the City Manager and the City Clerk to execute the Agreements.

Attachments: [1. SoCal and RAW Recovery](#)
[2. Ohio House](#)
[3. Insight Psychology](#)

NEW BUSINESS:

1. **[CDBG CV HOMELESSNESS PREVENTION AND SERVICES TO 23-1004
LOW/MODERATE INCOME HOUSEHOLDS](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the recommended reallocation of \$344,000 in Community Development Block Grant - Coronavirus (CDBG-CV) funds from Program Administration (\$274,000) and the Motel Isolation Voucher Program (\$70,000) for street outreach, workforce development, senior meals, and homeless youth programs.
2. Authorize the City Manager (or their designee) and the City Clerk to execute all agreements and/or amendments to the agreements to award CDBG-CV funding in the amount of \$70,000 for Trellis International, \$189,000 for City Net, and \$35,000 for Project Hope Alliance, each for a one-year term.
3. Approve the appropriation of \$50,000 in CDBG-CV funds to provide meals for Costa Mesa senior citizens.

Attachments: [1.City Net Amendment 2](#)
[2. Trellis Amendment 2](#)
[3. Project Hope Alliance Sub Agreement](#)

2. [CITY OF COSTA MESA, COSTA MESA PUBLIC FINANCING 23-998 AUTHORITY, COSTA MESA FINANCING AUTHORITY, AND COSTA MESA HOUSING AUTHORITY FINANCIAL STATEMENTS, AND HOUSING SUCCESSOR ANNUAL REPORT FOR THE PERIOD ENDING JUNE 30, 2022.](#)

RECOMMENDATION:

1. Staff recommends the City Council receive and file the following reports for the fiscal year ended June 30, 2022:
 - a. Annual Comprehensive Financial Report (ACFR) (Attachment 1);
 - b. Air Quality Improvement Fund Compliance Report (Attachment 2);
 - c. Audit Communication Letter (Attachment 3); and
 - d. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets (Attachment 4).
2. Staff recommends the City Council and Costa Mesa Public Financing Authority receive and file the Costa Mesa Public Financing Authority audited financial statements for the fiscal year ended June 30, 2022 (Attachment 5).
3. Staff recommends the City Council and Costa Mesa Financing Authority receive and file the Costa Mesa Financing Authority audited financial statements for the fiscal year ended June 30, 2022 (Attachment 6).
4. Staff recommends the City Council and Housing Authority receive and file the following reports for the fiscal year ended June 30, 2022:
 - a. Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund (Attachment 7); and
 - b. The Fiscal Year 2021-22 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority (Attachment 8).

- Attachments:** [1. FY 2021-22 Annual Comprehensive Financial Report](#)
[2. FY 2021-22 Air Quality Improvement Fund Compliance Report](#)
[3. FY 2021-22 Audit Communication Letter](#)
[4. FY 2021-22 Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets](#)
[5. FY 2021-22 Costa Mesa Public Financing Authority Financial Statements](#)
[6. FY 2021-22 Costa Mesa Financing Authority Financial Statements](#)
[7. FY 2021-22 Costa Mesa Housing Authority Financial Statements](#)
[8. FY 2021-22 Housing Successor Annual Report](#)

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

ADJOURNMENT