



**CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY AND HOUSING AUTHORITY**

MINUTES – APRIL 5, 2022

CLOSED SESSION 4:00 P.M.

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 4:01 p.m.

ROLL CALL

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

Absent: Council Member Reynolds.

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–INITIATION OF LITIGATION–TWO CASES -**
Pursuant to California Government Code Section 54956.9 (d)(4) Potential Litigation.
3. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
Pursuant to California Government Code Section 54956.8, APN: 420-012-16
Agency Negotiators: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: State of California
Under Negotiation: Price and Terms of Payment
4. **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, United States District Court, Central District of California, Case No. 8:19-cv-01710 DOC (KESx).

Ms. Hall Barlow, City Attorney, requested to add an item to the Closed Session Agenda. The item came to the City's attention after the agenda was posted.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

MOTION: Add an item to the Closed Session Agenda

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

5. 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 4.

City Council recessed at 4:04 p.m. for Closed Session.

Closed Session adjourned at 5:50 p.m.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY
APRIL 5, 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 6:01 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

National Anthem was led by Jeanette Chervony and Council Member Gameros led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Ian Stevenson, Trellis.

ROLL CALL

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

Absent: Council Member Reynolds.

CITY ATTORNEY CLOSED SESSION REPORT - No reportable action.

PRESENTATIONS

Mayor Stephens recognized the Costa Mesa High School Cheerleading Team for winning the CIF state championship.

Mayor Stephens recognized the Sage Hill High School Girls' Basketball Team for winning the CIF Division II state championship.

Mayor Stephens presented a proclamation for Sexual Assault Awareness Month.

Presentation on the Bikeway and Walkability Committee by Chair McDonald.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Flo Martin, spoke on speeding on Arlington Drive and requested safety improvements.

Wendy Leece, commended Chair McDonald on the presentation, thanked the City Council for the Sexual Assault Awareness Month Proclamation, requested additional police focus on massage parlors, spoke on speeding problems, and spoke on Camp Lila.

Speaker, spoke on the Sexual Assault Proclamation, spoke on the importance of prioritizing the budget to support bikeway and walkability projects, and spoke on state legislation.

Wendy Simao, spoke on noise problems at The 12 Gym.

Jenn Tanaka, spoke in support of a letter by the Bikeway and Walkability Committee regarding budget recommendations and spoke in support of projects that promote bikeability, walkability and safer streets.

Kim Hendricks, showed a powerpoint presentation on Fairview Park.

Chris Collum, spoke on problems associated with a fire at his home.

Daniel Baume, spoke on volunteering for the Labors of Love events and invited volunteers to join the Fairview Park Alliance to remove non-native plants at Fairview Park.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez congratulated the Sage Hill Girls' Basketball team and the Costa Mesa High School Cheerleading team, thanked the volunteers that participated in the Shalimar neighborhood clean-up event, congratulated Brenda Emrick on being recognized at the Orange County Women Making a Difference awards ceremony, spoke on the police department's appreciation banquet, and spoke on a free eye clinic.

Council Member Gameros, spoke on attending the police appreciation banquet and thanked the police and fire departments.

Mayor Pro Tem Marr spoke on attending a meeting with Supervisor Bartlett, attending the South Orange County multi-model stakeholders meeting, spoke in support of active transportation projects, and spoke on replacing turf with California native plants.

Mayor Stephens spoke on attending the police department awards recognition banquet, spoke on the passing of CMPD Sergeant Larry Bersch, CMFD Firefighter Gerald Poarch and Captain Barry Adams, and Barbara Van Holt, Estancia High School veteran drama teacher.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on attending the police department awards recognition banquet, spoke on the Earth Day festival on April 22nd, thanked Supervisor Foley for recognizing Brenda Emrick, spoke on National Denim Day on April 27th, and spoke on the Costa Mesa Firefighter and Firefighter/Paramedic recruitment.

REPORT – CITY ATTORNEY – Requested to adjourn the meeting in memory of her father, and former Assistant City Attorney Harold Potter Jr.

CONSENT CALENDAR

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for item #5 which was 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 Harper, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

CONSENT CALENDAR ITEMS

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: Ronald Brewer, Chris Corn, Glenn Halperin, Emma Andrade Luna & Cynthia White House, Paula Kemp, Thomas Serra, and United Services Automobile Association (USAA).

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2677

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of March 15, 2022.

6. ACQUISITION AND REPLACEMENT OF ESSENTIAL POLICE DEPARTMENT EQUIPMENT FROM AXON ENTERPRISE, INC.

ACTION:

1. City Council authorized the use of NPPCGov Contract (League of Oregon Cities) No. PS20270 with Axon Enterprise, Inc. for the purchase of Axon Tasers T7.
2. Authorized the City Manager to purchase the Axon Tasers T7 replacing the current and outdated Axon Tasers for \$446,576 and to execute any necessary documents in connection with such purchase, in a form approved by the City Attorney.
3. Authorized a budget adjustment appropriating \$446,576 from the unassigned fund balance in the Asset Forfeiture Fund in the Police Department budget for this purpose

AT THIS TIME THE CITY COUNCIL WILL ADDRESS ANY ITEMS WITHDRAWN FROM THE CONSENT CALENDAR.

5. ORANGE COUNTY REGISTRAR OF VOTERS BALLOT DROP BOX LICENSE AGREEMENT

Marc Vukceovich, spoke in appreciation of the additional ballot drop box on the Eastside, and spoke on the long lines at the previous election.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council approved the License Agreement with the Orange County Registrar of Voters (ROV) for placement of Official Ballot Drop Box on City property at the Boys and Girls Club of Costa Mesa.

PUBLIC HEARINGS:

1. RESOLUTION OF THE CITY'S INTENT TO OVERRULE THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S INCONSISTENCY DETERMINATION FOR THE CITY OF COSTA MESA'S 2021-2029 6TH CYCLE HOUSING ELEMENT UPDATE

Presentation by Scott Drapkin, Assistant Development Director

Discussion on modifications to specific plans and if modifications would trigger further review by the ALUC, and clarification that ALUC is an advisory agency,

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION:

1. City Council conducted a public hearing and adopted a Resolution regarding the City's intent to overrule the Orange County Airport Land Use Commission's inconsistency determination for the City of Costa Mesa's 2021-2029 6th Cycle Housing Element Update.
2. Directed City staff to forward the Resolution to the Airport Land Use Commission (ALUC), and after 45 days schedule a City Council public hearing to consider overruling ALUC's determination.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. APPOINTMENTS TO THE PARKS, ARTS AND COMMUNITY SERVICES COMMISSION, AND VARIOUS CITY COMMITTEES

Public Comments:

Wendy Leece requested the appointments to the Fairview Park Steering Committee be rescheduled since Council Member Reynolds is absent, spoke on a possible conflict concerning Matthew Garcia, an applicant to the Fairview Park Steering Committee as he is also a member of the Harbor Soaring Society, and requested to be reappointed to the Finance and Pension Advisory Committee, and also as the citizen at large to the Mobile Home Park Advisory Committee.

Marc Vukceovich spoke in support of all the current Bikeway and Walkability Committee members to be reappointed and also supports the appointment of Jenn Tanaka to the Finance and Pension Advisory Committee.

Kim Hendricks requested the appointments to the Fairview Park Steering Committee be rescheduled since Council Member Reynolds is absent, spoke on a possible conflict concerning Matthew Garcia, an applicant to the Fairview Park Steering Committee as he is also a member of the Harbor Soaring Society.

End of Public Comments

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council deferred the appointments to the Fairview Park Steering Committee to a future meeting per the request of Council Member Reynolds.

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed Michelle Murphy to the Parks, Arts, and Community Services Commission – District 3.

MOVED/SECOND: Council Member Gameros/Mayor Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Animal Services Committee: Regular Members - Christina Poulos, Lisa A. Harker, Angela Minjares, Sharon Elder, and as Alternates – Brian Buckner and Jennifer Tanaka.

MOVED/SECOND: Council Member Harlan/Mayor Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Bikeway and Walkability Committee: Regular Members – Ralph Taboada, Flo Martin, Jimmy Vivar, Bridget Gleason, Andrew Barnes, Jennifer Vavra, and as Alternates – Richard Huffman and Benjamin Lechler.

MOVED/SECOND: Council Member Gameros/Council Member Chavez

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Cultural Arts Committee: Regular Members – Rocky Evans, Charlene Ashendorf, Justin Fong, Nadine Breslo, Brian Buckner (Term ending 2023).

MOVED/SECOND: Mayor Stephens/Council Member Harlan

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Finance and Pension Advisory Committee: Regular Members – Felice Shiroma, Gary Craig, Altaf Wahid, Jennifer Tanaka, Wendy Leece (Term ending 2023).

MOVED/SECOND: Council Member Chavez/Council Member Gameros

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Historical Preservation Committee: Regular Members – Gary Parkin, Shaun McGuinness, John McQueen, Lisa Harker, and as Alternate – Brian Buckner.

MOVED/SECOND: Council Member Chavez/Council Member Gameros

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Housing and Public Service Grants Committee: Regular Members – Virginia Walker, Michael Tou, Christian Sotelo, Lisa Buchanan, and as Alternate – Jennifer Vavra.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council appointed to the Mobile Home Park Advisory Committee: Independent Citizen at Large – Wendy Leece; Resident Owners – Leslie Chaney-Eames, Tony Dougher; Park Owner or Representative – Vickie Talley.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Reynolds

Motion carried: 6-0

ACTION: City Council renamed the Bikeway and Walkability Committee to the Active Transportation Committee.

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

ADJOURNMENT – The Mayor adjourned the meeting at 8:19 p.m. in memory of Barbara Van Holt, Barry Adams, Harry Potter Jr., Larry Bersch, Patrick Banks Hall, and Gerald Poarch

Minutes adopted on this 3rd day of May, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk