



REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY SEPTEMBER 20, 2022 - MINUTES

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 Gameros, Council Member Harlan, Council Member Reynolds (Arrived at 4:08 p.m.), Mayor Pro Tem Marr (Arrived at 4:05 p.m.), and Mayor Stephens.

Absent: Council Member Harper.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6, (a)

Agency Designated Representative: Daniel A. Stefano, Acting City Manager

Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to California Government Code Section 54957.6 (a)

Agency Designated Representative: Daniel A. Stefano, Acting City Manager

Name of Employee Organization: Costa Mesa Police Association (CMPA).

City Council recessed at 4:01 p.m. for Closed Session.

Closed Session adjourned at 5:44 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 6:03 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

The National Anthem and Pledge of Allegiance was led by Mariachi Juvenil Herencia Michoacana.

MOMENT OF SOLEMN EXPRESSION

Led by Rev. Dr. George Okusi, St. John the Divine Episcopal 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.

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens presented certificates to the Costa Mesa Pony League 14U Super Regional Champions.

Dr. Fred Smoller spoke on the Orange County Sustainability Decathlon 2023.

Mayor Stephens presented a proclamation in honor of 2022 Hispanic Heritage Month to the Vanguard University Jesse Miranda Center for Hispanic Leadership.

Mayor Stephens presented a proclamation in honor of 2022 National Forensic Science Week.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Flo Martin, spoke on a firefighter's prayer, and praised paramedics.

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

Suzanne Woodland, lives next to Lions Park, and spoke on the noise problems caused by the zipline at the playground.

Elizabeth Dorn Parker, spoke in support of Measure K.

Jay Humphrey, spoke against Measure K.

Ralph Taboada, spoke on utilizing the \$1 million budgeted for the Ketchum Libolt Park for two bicycle projects on Adams Ave. between Harbor Blvd. and Fairview Road.

Speaker, spoke on the City of Santa Ana General Plan update process.

Speaker, spoke against the process of adding Measure K to the ballot, donations to candidate committees, meeting rooms not being available, and against Measure K.

Chris Corum, spoke on problems associated with the fire at his home.

Marc Vukceovich, spoke on the importance of market rate housing, and in support of Measure K.

Hank Castignetti, spoke on the train rides by the Orange County Model Engineers and upcoming Spooky Days.

Speaker, spoke against Measure K.

Tom Arnold, spoke in support of Measure K.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harper thanked speakers for their comments, and requested the plexiglass panels to be removed from the dais.

Council Member Reynolds spoke on housing assistance programs, volunteer opportunities, the Police Chief Listening tour on 9/21/22, the Wild and Scenic Film Festival on Saturday, bike rides on Wednesday evenings at Airplane Park, and the Trellis Labors of Love projects to assist neighbors in need.

Council Member Chavez thanked students for attending, spoke on parklets, State of California new law removing bike licensing requirements, and the firefighter's community tournament.

Council Member Gameros recognized Costa Mesa Pony League and youth sports.

Council Member Harlan thanked staff for ArtVenture and for improvements at Jordan Park, and praised CMTV.

Mayor Pro Tem Marr requested an update on parklets and outdoor dining use permits, spoke on sustainability, praised staff on the ArtVenture event, clarified RHNA numbers are at 11,000 units, and requested a briefing on cannabis applications.

Mayor Stephens requested a briefing on The 12 gym, spoke on Chief Lawrence Listening Tour on September 21st, spoke on the Brackens Kitchen event that provides food to the Bridge Shelter, spoke on Measure K, and the State of the City event on September 23rd.

REPORT – CITY MANAGER – Acting City Manager Daniel Stefano spoke on National Preparedness Month, stated Costa Mesa facilities will be available for rentals in October, Ms. Le provided an update on the draft Outdoor Dining Ordinance and an extension on temporary permits, and Mr. Stefano stated staff will provide an update on cannabis applications, spoke on the September 23rd State of City event, and praised CMTV for receiving awards.

REPORT – CITY ATTORNEY – None.

CONSENT CALENDAR (Items 1-8)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for 7.

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: Mayor Stephens recused himself on items 3 and 8 due to contributions received from the Buchalter law firm.

Motion carried: 7-0

1. PROCEDURAL WAIVER: WAIVE THE FULL READING 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 the Claim received by the City Clerk: Lauren Funke.

3. ADOPTION OF WARRANT RESOLUTION

Mayor Stephens recused himself on this item due to campaign contributions received from the Buchalter law firm.

ACTION:

City Council approved Warrant Resolution No. 2686.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of September 6, 2022.

5. MONTHLY UPDATE OF STRATEGIC PLAN GOALS AND OBJECTIVES

ACTION:

City Council approved the September 2022 update to the City of Costa Mesa's Strategic Plan Goals and Objectives.

6. I-405 IMPROVEMENT PROJECT - AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION SUPPORT SERVICES

ACTION:

1. City Council approved Amendment No. 3 to Cooperative Agreement No. C-5-3612 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) to increase OCTA's maximum obligation to the City by \$50,000 for a total not-to-exceed amount of \$644,594.
2. Authorized the City Manager and City Clerk to execute the amendment, in a form approved by the City Attorney, and future amendments to the agreement within City Council authorized limits.
3. Approved revenue and expense appropriations in the amount of \$50,000 respectively, for the I-405 Improvement Project, per Amendment No. 3 to the Cooperative Agreement C-5-3612 between the City of Costa Mesa and OCTA.
4. Approved Amendment No. 3 to the Professional Services Agreement (PSA) with Interwest Consulting Group Inc., 15140 Transistor Lane, Huntington Beach, CA 92649, increasing the maximum compensation by \$50,000 for construction support services, on an as-needed basis, for the I-405 Improvement Project, for a total not-to-exceed amount of \$400,000.
5. Authorized the City Manager and the City Clerk to execute the amendment and future authorized amendments to the Professional Services Agreement.

8. RETAINER AGREEMENTS BETWEEN THE CITY OF COSTA MESA AND BUCHALTER, A PROFESSIONAL CORPORATION FOR LEGAL SERVICES

Mayor Stephens recused himself on this item due to campaign contributions received from the Buchalter law firm.

ACTION:

1. City Council approved the Agreements between the City of Costa Mesa and the law firm of Buchalter, a Professional Corporation 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) and *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.
2. Authorized the City Manager and City Clerk to execute the Retainer Agreement and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Buchalter as co-counsel in the legal matter.
3. Authorized the City Manager to appropriate additional funding amounts, as necessary, to pay legal costs above the amount budgeted for litigation costs in Non-Departmental in the Adopted FY 2022-23 Budget from unassigned fund balance in the General Fund for attorneys' services, if needed, to represent the City in these cases through completion.

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

7. REJECT ALL BIDS - WEST 19TH STREET BICYCLE IMPROVEMENTS AND STRIPING PROJECT, CITY PROJECT NO. 22-06

Public Comments:

Ralph Taboada, spoke on cost impacts and budgets, spoke on transparency and requested additional cost information in the staff reports.

Marc Vukceovich, spoke on staff recommending a prudent fiscal decision.

Speaker, spoke on the importance of the project addressing safety problems, and providing the CIP list.

Flo Martin, spoke on the delays of the 19th street project, and supports funding the project.

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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Abstain: None

Motion carried: 7-0

ACTION:

City Council rejected all bids for the West 19th Street Bicycle Improvements and Striping Project, City Project No. 22-06, and directed staff to modify the scope of the project and re-advertise.

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

City Council recessed into a break at 8:08 p.m.

City Council reconvened at 8:20 p.m.

PUBLIC HEARINGS: NONE.

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

OLD BUSINESS: NONE.

NEW BUSINESS:

1. COSTA MESA TENNIS CENTER: SCOPE OF SERVICES

Presentation by Mr. Minter, Parks and Community Services Director.

Discussion ensued on financial terms and structure, sharing data, upgrades and costs, court priorities, defining scholarship programs, scheduling systems, pickle ball courts, capital improvements, utility costs, terms of the agreement being mutually agreed upon, and flexibility in the Request for Proposals.

Public Comments:

Amy Pazahanick, owner of Agape Tennis Academy, stated the 20% of gross revenue is too high.

Joanne Copp, spoke on keeping all of the tennis courts.

Speaker, spoke on keeping the costs to the citizens as low as possible, the City should pay for all capital improvements, and to keep all the tennis courts.

Speaker, spoke on the benefits to the community and building a premier tennis center, and the city should provide all capital improvements.

Steve McEvoy, Top Seed Tennis Center, spoke on the current operations and staff, and that 20% of gross revenue is too high.

Speaker, spoke on the City providing the capital improvement projects.

Dick Goode, praised the current operators.

Speaker, praised the current operators.

Taylor Bow, praised the current operators.

Donna McKennan, praised current operators.

Carl Smith, spoke on keeping it a tennis center, and no pickle ball courts.

Speaker, spoke on the private/public partnerships, requested the 2022 revenues, spoke on the survey and pickle ball courts, and spoke on transparency.

Speaker, spoke on the scope of the RFP and who will pay for utilities.

Speaker, spoke in favor of Agape Tennis Academy.

MOVED/SECOND: Council Member Harper/Council Member Harlan

MOTION: Approve the extension with Top Seed, the bid to be based primarily on a flat monthly rent, no percentages, the quality of services based on a scoring table and have a committee that independently reviews the bids, the City to pay for Capital Improvement Projects (CIP) including nets and court resurfacing, the CIP to be brought to Council later, the City to pay for the utilities and basic repairs, the City to set standards with regards to programs for the community such as scholarship programs and/or free clinics, and the City to consider adding pickle ball courts and not to replace any tennis courts, and the item is to come back to council at the next meeting.

Mayor Stephens requested to change that the bidder may propose a flat fee or a percentage.

Discussion ensued on the monthly fee to be a flat fee or a percentage or a combination of both, allowing proposers maximum flexibility.

Council Member Harper changed the motion that monthly fees may be a flat fee or a percentage or a combination of both, allowing proposers to define that fee.

Council Member Harlan (second) concurred.

Discussion ensued on clear direction to staff to release the RFP, best practices for scoring, all Capital Improvements, daily maintenance vs. major maintenance, consideration of pickle ball courts during the next CIP process, and for staff to proceed with the RFP and the item does not need to come back to the City Council.

MOVED/SECOND: Council Member Harper/Council Member Harlan

MOTION: Approve the extension with Top Seed, the bid to be based primarily on a monthly rent and may be a combination of flat rate and/or a percentage, the City to pay for Capital Improvement Projects (CIP) including nets, center straps, windscreens, lighting, and court resurfacing, the City to pay for the utilities, the City to set standards for the community such as scholarship programs and/or free clinics, and the City to commit to consider adding pickle ball courts and to not replace any tennis courts.

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: None

Motion carried: 7-0

ACTION:

City Council approved the extension with Top Seed Tennis Academy and provided direction on the Scope of Services for the RFP.

Council Member Harper left the meeting at 10:15 p.m.

2. APPOINTMENTS TO THE ARTS COMMISSION AND VARIOUS CITY COMMITTEES

Presentation by Ms. Green, City Clerk.

Public Comments:

Ms. Zuckerman, CEO and Director of OMCA, introduced self to City Council.

Samuel Abram Helm, introduced self to City Council.

Alisa Ochoa, introduced self to City Council.

Skeith DeWine, introduced self to City Council.

Allison Mann, introduced self to City Council.

Charlene Ashendorf, introduced self to City Council.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

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

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Arts Commission: Mayor Stephens appointed Deborah Wondercheck – Jan. 2024, Council Member Chavez appointed Erica Lucia - Jan. 2026, Mayor Pro Tem Marr appointed Charlene Ashendorf - Jan. 2026, Council Member Harlan appointed Heidi Zuckerman - Jan. 2024, Council Member Gameros appointed Allison Mann - Jan. 2024, Council Member Reynolds appointed Alisa Ochoa - Jan. 2026.

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 Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Animal Services Committee: Council Member Gameros appointed Emily Cummings-Nelson and Elise Gates as two alternate members with term expirations of April, 2024.

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 Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Active Transportation Committee: Council Member Harlan appointed Robert Morse to the Alternate position with term expiration of April, 2024.

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 Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Fairview Park Steering Committee: Council Member Reynolds appointed Edwin Glover for the 1 regular member with expiration of April 2025, Kohl Crecelius and Cynthia D'Agosta for the 2 regular members expiration of April 2023, Matthew Garcia for the alternate member with the expiration of April 2025, and Daniel Baume for the alternate member expiration of April 2023.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

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

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Historical Preservation Committee: Council Member Chavez appointed Lambert Higuera and Janice Hansen for the two alternate members with the expiration of April 2024.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

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

Abstain: None

Motion carried: 6-0-1

ACTION: City Council approved the appointments to the Mobile Home Park Advisory Committee: Mayor Stephens appointed Joy Young for expiration of April 2023 and waived the independent citizen at large requirement.

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

ADJOURNMENT – The Mayor adjourned the meeting at 10:34 p.m.

Minutes adopted on this 4th day of October, 2022.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT