



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY*
JUNE 6, 2023 - 6:00 P.M. - MINUTES**

CALL TO ORDER –The Closed Session meeting was called to order by Mayor Stephens at 4:13 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Harper (arrived 4:20 p.m.), Council Member Reynolds (arrived 4:25 p.m.), Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Marr.

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: Ohio House, LLC v. City of Costa Mesa, USDC, Central District of CA, Case No. 8:19 cv 01710 DOC (KESx)

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to California Government Code Section 54957 (b) (1)

Title: City Manager

City Council recessed at 4:15 p.m. for Closed Session.

Closed Session adjourned at 5:45 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

A video was played of the National Anthem and Mayor Stephens led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION – Led By Pastor Monica Corsaro

ROLL CALL

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

Present Via Zoom Webinar: Council Member Marr (Excused at 9:50 p.m.).

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens recognized the Estancia High School Girls Softball CIF Southern Section Playoffs Champions.

Mayor Stephens recognized the Costa Mesa High School Boys' Swimming CIF Southern Section Division Champions.

Mayor Stephens recognized the Newport Harbor High School Boys Volleyball CIF Southern Section Division Champions.

Mayor Stephens recognized 2023 National Gun Violence Awareness Day.

Mayor Stephens recognized 2023 Pride Month.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Speaker, spoke on locked fencing at parks and requested sports fields at Jack Hammet and Luke Davis parks be available to the public.

Cynthia Blackwell spoke on the barriers on South Coast Drive and the red tagged block wall.

David Haithcock, President and CEO of the Costa Mesa Chamber of Commerce, spoke on the Chamber's activities.

Kim Hendricks spoke on Fairview Park and against the flyfield.

Juana Trejo spoke on people getting evicted and having to live in motels, and spoke on safety and gang activity.

Jenn Tanaka requested the fencing at Harper Park to be removed.

Carmen Ramirez thanked the City for participating at the Shalimar Park event and for the Housing workshops, and requested attorney services.

Jay Humphrey, Costa Mesa, spoke on recognizing academic achievements at the Council meetings, spoke on an inclusionary housing ordinance and requested public input and outreach, and spoke on protecting Fairview Park.

Steve McNally spoke on Narcan and free distribution, spoke on substance abuse disorders, spoke on expanding child development programs, and spoke on mental health issues.

Wendy Leece, Costa Mesa, spoke on providing Narcan, spoke on preserving and protecting Fairview Park, spoke against the flyfield at Fairview Park, and spoke in support of Our Neighborhood Voices regarding planning and local control.

Mat Garcia, President of Harbor Soaring Society, spoke on the Society's activities.

Speaker, spoke on National Police Week 2023, spoke in support of law enforcement, and spoke on flying the flag in honor of the Police Department.

Speaker, spoke in favor of preservation at Fairview Park and CEQA environmental protection.

Chris McEvoy spoke on issues associated with the new parking permit program.

Hank Castignetti spoke on the Orange County Model Engineers and provided information for Dr. Mehren's Celebration of Life.

Cynthia McDonald spoke on issues regarding the Inclusionary Housing Ordinance and the Housing Element, and spoke in memory of Frank Randall.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gameros spoke on fencing at parks and reviewing the Field Use Allocation Policy (FUAP).

Council Member Harper spoke on the Flock Camera System, spoke on the timeliness of the Costa Mesa Tennis Center Request for Proposal, and requested abundant detail when the proposals are released.

Council Member Reynolds spoke on free access to parks, sports, park equity, collaboration with the Newport Mesa Unified School District (NMUSD), thanked everybody that assisted with the Walk and Roll event, spoke on the availability of the rental assistance programs, requested the City's mission statement and core values be posted for residents to see in a prominent location, spoke in remembrance of Frank Randall and requested to adjourn the meeting in his honor.

Council Member Chavez congratulated the graduating High School Seniors, spoke on the Police Department's promotions and connecting with the community, spoke on communication with the NMUSD on opening the fields, spoke on open space and creating access, spoke on curtailing speeding and the improvements on Meyer Place, and spoke on measures to reduce speeding on Placentia Ave. and South Coast Drive.

Mayor Pro Tem Harlan congratulated the graduating High School Seniors, spoke on attending the Newport Mesa Soccer Classic, and spoke on removing the fencing at Harper Park.

Mayor Stephens spoke on attending the Chamber of Commerce Les Miller awards ceremony, spoke on attending the Newport Mesa Soccer Classic, attending the Little League Closing Day, spoke on the Memorial Day event, the City's 70th anniversary of the City's incorporation, the Baker Street Bash, Lions Club Fish Fry, July 3rd Independence Day Celebration, spoke on the removal of the fence at Harper Park, requested a briefing on South Coast Drive block wall, spoke on an incident at Wakeham Park, and thanked the police and fire departments for their response and customer service.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on the Employment Fair on June 10th, the Luke Davis field opening celebration on June 17th from 1:00 p.m. to 4:00 p.m., spoke on Harper Park, spoke on the June 23rd to June 25th Fish Fry, scheduling the Inclusionary Housing Ordinance at the July Study Session, and Alma Reyes, Deputy City Manager spoke on the Rental Assistance activities and food programs available.

REPORT – CITY ATTORNEY – No Reportable Action.

CONSENT CALENDAR:

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

MOTION: Approve recommended actions for consent calendar items 1-10.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: Council Member Gameros recused himself on item 3 the Warrant Resolution due to his wife's employment at Priceless Pets.

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 Claims received by the City Clerk: Hallock Derickson Davis, Geico (Claire Ting), Kailyn Mensing, Melissa Moore, Chad Peters, The Ledger Law Firm (Landon Hurtado), Daniel Vo.

3. ADOPTION OF WARRANT RESOLUTION

Council Member Gameros recused himself on this item due to his wife's employment at Priceless Pets.

ACTION:

City Council approved Warrant Resolution No. 2699.

4. MINUTES

ACTION:

City Council approved the Minutes of the Strategic Planning Retreat of March 10, 2023, the Regular meeting of May 2, 2023, the Study Session meeting of May 9, 2023, and the Special Joint Study Session of May 16, 2023.

5. SERVICE AGREEMENT AMENDMENT WITH TYLER TECHNOLOGIES TO MODIFY THE AGREEMENT FROM A NAMED USER LICENSE TO A CITY-WIDE SITE LICENSE FOR THE CITY'S LAND MANAGEMENT SYSTEM

ACTION:

City Council authorized the City Manager and City Clerk to execute Amendment No. 3 with Tyler Technologies to modify the agreement to provide for a citywide site license, increasing the total compensation by \$150,000 for a not-to-exceed amount of \$1,210,856, in substantially the form as attached and in such final form as approved by the City Attorney.

6. AWARD OF CITY SIDEWALK AND GUTTER FLOW GRINDING SERVICES TO BPR, INC.

ACTION:

1. City Council awarded the Maintenance Services Agreement (MSA) for citywide sidewalk grinding and gutter flow grinding with BPR, Incorporated, for an initial three-year period with two one-year renewal periods for a not to exceed annual amount of \$150,000.
2. Authorized a 10% contingency annually for emergency response, special events and other unforeseen costs; and approval for Consumer Price Index (CPI) escalation and de-escalation.
3. Authorized the City Manager and the City Clerk to execute the agreement and future amendments to this agreement within Council authorized limits.

7. REJECT ALL BIDS - PLACENTIA AVENUE STORM WATER QUALITY IMPROVEMENT PROJECT, CITY PROJECT NO. 23-02

ACTION:

City Council rejected all bids for the Placentia Avenue Storm Water Quality Improvement Project, City Project No. 23-02.

8. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2023-24 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 AND RE-ALLOCATE FISCAL YEAR 2018-19 CAPITAL IMPROVEMENT PROGRAM ROAD MAINTENANCE AND REHABILITATION ACCOUNT FUNDS

ACTION:

1. City Council adopted Resolution No. 2023-22 approving the Fairview Road Improvement Project (Adams Avenue to Fair Drive) for funding with Road Maintenance and Rehabilitation Account (RMRA) revenues for Fiscal Year 2023-24.
2. Appropriated previously approved allocation of Fiscal Year 2018-19 Capital Improvement Program RMRA Funds from the Fairview Road (I-405 to Adams Avenue) project, in the amount of \$1,178,820, to the Newport Boulevard (Victoria Street / 22nd Street to 19th Street) project.

9. SENATE BILL 1205 COMPLIANCE REPORT FOR 2022 STATE-MANDATED ANNUAL FIRE INSPECTIONS

ACTION:

City Council adopted Resolution No. 2023-23 to accept this Compliance Report as its report on the status of all 2022 state-mandated annual fire inspections in the City as required by California Health and Safety Code Section 13146.4.

10. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JULY 5, 2023

ACTION:

City Council cancelled the regular meeting of Wednesday, July 5th, 2023.

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

City Council recessed into a break at 8:03 p.m.

City Council reconvened at 8:13 p.m.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

MOTION: To consider Public Hearing Item #4 first - the Fiscal Year 2023-24 Proposed Operating and Capital improvement Program and Housing Authority Budget.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

PUBLIC HEARINGS:

4. FISCAL YEAR 2023-24 PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM AND HOUSING AUTHORITY BUDGET

Presentation by Ms. Farrell Harrison, City Manager, and Ms. Molina, Finance Director.

Discussion ensued on allocation of funds for projects at the Tewinkle Sports Complex; collaborating with the Newport Mesa Unified School District on opening the fields and staffing resources; moving the Energy and Sustainability Manager into the City Manager's Department; assigning the vacant Senior Management Analyst in the City Manager Department to do community engagement; adding the word "Health" to the goal "Strengthen the Public's Safety and Improve the Quality of Life"; allocating \$900,000 for the Tennis Center projects; vehicle leases and debt obligations; sales tax revenues; pension debt; performance metrics; and the cannabis tax revenue funding the Arts and Culture Master Plan expenses.

Public Comments:

Jaclyn Russo spoke in support of renovations at Brentwood Park in phase 1.

Megan Sampson spoke in support of renovations at Brentwood Park in phase 1.

Speaker spoke in support of renovations at Brentwood Park in phase 1.

Becca Walls expressed concern on the lack of transparency in changing oversight of the Animal Services back to the Police Department, spoke on the timing of the animal services contracts, and spoke on accountability.

Speaker, spoke in support of Brentwood Park improvements and requested swings.

Speaker, spoke in support of Brentwood Park improvements.

Speaker, spoke in support of Brentwood Park improvements.

Jenn Tanaka spoke on staffing positions at the parks and contingency funds, requested collaboration with NMUSD, spoke on the actual budget and the spending on CIP's; and spoke on advancing projects sooner.

Speaker, spoke on addressing the animal services issues and contracts.

Cynthia McDonald spoke on grant funding and the housing element, developer fees, funding for environmental impact reports, expressed concern on the cannabis tax calculations, requested removing the Belfast Signal project, and adding the McCormick crosswalk and medians project.

Marc Vukceovich spoke on the parks budget and is in support of the budget for Active Transportation projects.

MOVED/SECOND: Council Member Chavez/Mayor Stephens

MOTION: Approve staff recommendation.

Council Member Harlan requested the improvements to Brentwood Park be accelerated to Phase 1.

Council Member Chavez (1st) agreed, with the caveat to prioritize the projects utilizing State and County resources.

Mayor Stephens (2nd) agreed to the change.

Council Member Reynolds requested the Energy and Sustainability Manager position be moved to the City Manager's Department.

Council Member Chavez (1st) and Mayor Stephens (2nd) agreed to the change.

Council Member Reynolds requested adding the word "health" to the public safety goal.

Council Member Chavez (1st) and Mayor Stephens (2nd) did not agree to the change.

Council Member Reynolds requested the focus of the Senior Management Analyst position be towards community engagement.

Council Member Chavez (1st) did not agree to the change.

Council Member Reynolds submitted a substitute motion (previous requests were withdrawn).

SUBSTITUTE MOTION/SECOND: Council Member Reynolds/Council Member Marr

SUBSTITUTE MOTION: Approve staff recommendation and move the position of Energy and Sustainability Manager to the City Manager's Department.

The motion failed by the following roll call vote:

Ayes: Council Member Marr and Council Member Reynolds.

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

Absent: None.

Abstain: None.

Motion failed: 2-5

MOVED/SECOND: Council Member Chavez/Mayor Stephens

MOTION: Approve staff recommendation and accelerate the improvements to Brentwood Park to Phase 1.

The motion carried by the following roll call vote:

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

Nays: Council Member Harper and Council Member Reynolds.

Absent: None.

Abstain: None.

Motion carried: 5-2

ACTION:

The City Council:

1. Approved Resolution 2023-31, adopting the Proposed Fiscal Year 2023-24 Operating and Capital Improvement Program (CIP) Budget; and
2. Approved Joint Resolution 2023-26 adopting the Housing Authority Budget including Housing and Community Development expenditures for Fiscal Year 2023-24; and
3. Authorized and approved staffing as follows:
 - a. Authorized the following full-time positions: Business License Inspector, Cyber Security Analyst, Associate Engineer, and a Management Analyst (Solid Waste Coordinator) for an increase of 4.0 FTE as presented at the May 9, 2023 Study Session; and
 - b. Authorized the following part-time to full-time conversions: Animal Control Officer, Community Services Specialist to Crime Analyst, Property Evidence Specialist, four Recreation Specialists, Video Production Specialist, and a Maintenance Worker to one Equipment Mechanic for a net 2.62 FTE increase as presented at the May 9, 2023 Study Session; and
 - c. Authorized an additional 0.25 FTE to convert a part-time Management Aide to full-time in the Homeless Services Division to help support increasing homeless services; and
 - d. Consolidated the Animal Services and Enforcement Program by transferring the Animal Services Program and associated staff from the Parks and Community Services Department to the Police Department and authorize a full-time Animal Control Supervisor position in the Police Department; and
 - e. Approved Salary and Classification Updates Resolution 2023-28 (new Assistant Fire Chief positions); and
 - f. Approved Salary and Classification Updates Resolution 2023-27 for (Animal Control Supervisor and Cyber Security Analyst); and
4. Authorized the City Manager, or her designee, to appropriate funding to fully cover all prior years and new FY 2023-24 Arts and Culture Master Plan costs by utilizing FY 2022-23 General Fund year-end savings; and
5. Authorized the City Manager, or her designee, to work with the City Attorney's Office to execute any and all documents necessary to finance and purchase the large equipment and machinery purchases: water truck, stake bed, sign truck, street stencil truck, asphalt roller truck, and two Fire pumper trucks (one partially offset by CDBG funds) for an estimated lease amount of \$2.3 million; and

6. Authorized the City Manager, or her designee, to work with the Newport Mesa Unified School District for the use of school fields for expanded community and recreational use and open space opportunities, including but not limited to, the addition of new full time or part time staff and operating appropriations; and
7. Approved Resolution 2023-29 establishing the Fiscal Year 2023-2024 GANN Appropriations Limit for the City of Costa Mesa at \$298,356,781, by using Orange County's growth for population adjustment, and the California per capita income growth for inflationary adjustment; and
8. Approved the City of Costa Mesa's Revised Special Event Rates; and
9. Received and filed the 2023 Annual AB 481 Report after taking public comment; and approved Resolution 2023-30 Renewing Ordinance No. 2022-03, the AB 481 Equipment Use Policy of the City of Costa Mesa, California, governing the use of police safety equipment.

2. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION TO LEVY ANNUAL ASSESSMENT

Presentation by Ms. Reyes, Deputy City Manager and Paulette Lombardi Fries, Travel Costa Mesa.

Discussion ensued on collaboration with the Chamber of Commerce, advertising and FIFA.

Public Comments: None.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

MOTION: Approve staff recommendation.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: Council Member Marr.

Abstain: None.

Motion carried: 6-0

ACTION:

1. The City Council conducted a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for Fiscal Year 2023-2024.
2. Adopted Resolution No. 2023-24, confirming the annual report filed by Travel Costa Mesa and levying an annual assessment for Fiscal Year 2023-2024 for the Business Improvement Area covering certain Costa Mesa hotels and motels.

3. CONSOLIDATED MASTER FEE SCHEDULE

Presentation by Ms. Molina, Finance Director and Terry Madsen, Consultant.

Discussion ensued on facility rental fees, the business licensing fee, and a sliding scale fee.

Public Comments:

Jenn Tanaka, member of the Finance and Pension Advisory Committee (FiPAC), spoke on the FiPAC subcommittee working on the item and providing a recommendation.

MOVED/SECOND: Council Member Reynolds/Council Member Harper

MOTION: Approve staff recommendation.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: Council Member Marr.

Abstain: None.

Motion carried: 6-0

ACTION:

1. The City Council conducted the Public Hearing; and
2. Adopted Resolution No. 2023-25 of the City Council of the City of Costa Mesa, California, Adopting a Consolidated Schedule of User and Regulatory Fees for Various City Services.

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT –The Mayor adjourned the meeting at 10:48 p.m. in honor of Mr. Tom Pollitt and Mr. Frank Randall.

Minutes adopted on this 20th day of June, 2023.



John Stephens, Mayor

ATTEST:



Brenda Green, City Clerk