



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY AND HOUSING AUTHORITY
JUNE 7, 2022 – CLOSED SESSION - 4:00 P.M. - MINUTES**

CALL TO ORDER - The Closed Session meeting was called to order by Mayor Stephens at 4:07 p.m.

ROLL CALL

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

Absent: Council Member Chavez, Council Member Reynolds, and Council Member Harper.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **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.
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 all v. City of Costa Mesa, United States District Court, Central District of California.
4. **CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - ONE CASE**
Pursuant to California Government Code Section 54956.9(d)(4), Potential Litigation.
5. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant California Government Code Section 54957.6, (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

City Council recessed at 4:10 p.m. for Closed Session.

Closed Session adjourned at 5:45 p.m.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY AND HOUSING AUTHORITY
JUNE 7, 2022 – 6:00 P.M. - MINUTES**

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 6:04 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Led by Chara Wondercheck.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Phil Eyskens, Lighthouse Church.

ROLL CALL

Present: Council Member Chavez (Via Zoom Webinar), 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 of Recognition to Coach Nate Goellrich of Estancia Baseball Team CIF Southern Section Champions.

Mayor Stephens Presented Certificates of Recognition to Coach Eric Vallely of Newport Harbor High School Boys' Volleyball team CIF Champions.

Mayor Stephens presented a proclamation in honor of Juneteenth 2022.

Mayor Stephens presented a proclamation in honor of LGBTQ+ Pride Month 2022.

Mayor Stephens presented a proclamation in honor of National Gun Violence Awareness Day.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Mari Anne Hahn, Newport Harbor Lions Club, thanked City Council and staff for assisting with the Fish Fry.

Marc Vukceovich, spoke on the history of the symbol of the pink triangle and on LGBTQ+ recognition.

Gretchen Harvey, member of the Newport Harbor Lions Club, thanked the City Council and staff for assistance on the Fish Fry, thanked the sponsors, and is proud to have the event come back to the community.

Eric Garcia, spoke on excessive speeding, graffiti around the city, and requested speed bumps at various streets, and unsafe school zones.

Speaker, expressed appreciation to Code Enforcement and the Police Department for solving noise problems on Bay Street.

Jay Humphrey, Costa Mesa, expressed appreciation for the head phones provided during council meetings, spoke on the importance on voting, spoke on development on Harbor Blvd. and no setbacks, and spoke on potential measures on the ballot.

Bonnie Copeland, Newport Harbor Lions Club member, spoke on the Fish Fry event and the carnival, thanked everybody for the community event, and thanked staff and City Council.

Taoward Lee, Newport Harbor Lions Club, thanked staff and Council for supporting the Lions in helping the community, and thanked Council for opening up the street and making space for the carnival.

Speaker, spoke in opposition of the conversion of Motel 6 to a homeless center next to her house on Newport Blvd.

Lily Garcia, Costa Mesa, spoke in opposition of the conversion of Motel 6 to a homeless center next to her house on Newport Blvd.

Matt Garcia, Harbor Soaring Society President, spoke on Harbor Soaring Society educational events, and supports opening the flying field.

Henry Smith, spoke in support of Harbor Soaring Society and opening the flying field.

Wendy Leece, President of Fairview Park Alliance, spoke on Measure AA to preserve Fairview Park as a nature park, protection of vernal fields, and relocating the flying fields away from the vernal pools.

Kim Hendricks, spoke on the fly field in Fairview Park, and spoke on a restoration day on June 11th at 9:00 a.m.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harper requested an update on any ballot measures, and the Harbor Soaring Society, spoke on a Motel 6 conversion, and spoke on urban coyote issues.

Council Member Reynolds addressed Mr. Garcia's issues, requested an update on Fairview Park and Harbor Soaring Society, requested a Project Homekey update and outreach to the community on permanent supportive housing, spoke on the Fish Fry, spoke on the Pilot Cup, Memorial Day parade, Les Miller awards, thanked volunteers for their contribution to the community.

Council Member Chavez spoke on addressing Mr. Garcia's concerns regarding speeding, provided information on My Costa Mesa app for graffiti, spoke on assisting residents that were being displaced, thanked City staff for helping all residents, thanked the Fire Department and Police Department for Memorial Day parade and celebration, and spoke on the importance of voting.

Council Member Gameros thanked the Fire Department strike team for fighting fires in New Mexico, spoke on attending a Memorial Day event at the Harbor Lawn cemetery, and spoke in support of police presence at schools.

Council Member Harlan appreciated and thanked community organizations for their work and events around the city.

Mayor Pro Tem Marr thanked staff for work at the Fish Fry, responded to Marc Vukceвич public comment, requested an update on the City's rental assistance program, clarified that if the One Metro West is on the ballot is up to the applicant not the city, spoke on joining leaders for climate accountability, and requested clarification on the Motel 6 conversion.

Mayor Stephens thanked the Fire and Rescue Department for fighting fires in New Mexico, spoke on the City receiving a \$2.5 million check from Assembly Member Cottie Petrie Norris for a Regional Training Center at Fire Station #4, spoke in memory of Ann Pallo and adjourning the meeting in her honor, and provided information on the July 3rd celebration at the Fairgrounds.

CITY MANAGER REPORT – Ms. Farrell Harrison announced Brenda Emerick as Acting Emergency Services Manager, congratulated Mr. Sethuraman on the Stormwater community meeting, thanked Lt. Hildemann for his service, spoke on attending the Fish Fry, and thanked the Parks and Community Services Department, and spoke on the Wilson St. Learning Center event.

CITY ATTORNEY REPORT – None.

CONSENT CALENDAR (Items 1-9)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 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, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

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: Interinsurance Exchange of the Automobile Club of Southern California, Chris and Joni Corum, Bret Evans, Alexander Fernando, Philip Josephs, Faye Saur, Kim Schmidt, Carissa Williams.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2681.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meetings of May 3, 2022, May 17, 2022, and the Study Session minutes of May 10, 2022.

6. ACCEPTANCE OF THE LIONS PARK PLAYGROUND IMPROVEMENT PROJECT, CITY PROJECT NO. 20-15

ACTION:

1. City Council accepted the work as complete performed by Handy Industrial, Inc., 4228 Lewis Street, Oceanside, California 92056, for the Lions Park Playground Improvement Project, City Project No. 20-15, and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date and Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

7. ACCEPTANCE OF CITYWIDE ALLEY IMPROVEMENT PROJECT, CITY PROJECT NO. 20-20

ACTION:

1. City Council accepted the work performed by Black Rock Construction Company, 929 Mariner Street, Brea, CA 92821, for the Citywide Alley Improvement Project, City Project No. 20-20, and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

8. SECOND READING AND ADOPTION OF AN ORDINANCE ENTITLED: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER XV (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER) TO TITLE 11 (OFFENSES-MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY

Written communication was received from Barbara Morihiro.

ACTION:

City Council gave second reading to and adopted Ordinance No. 2022-02, entitled: An Ordinance of the City Council of the City of Costa Mesa, California, adding Chapter XV (Unlawful Possession of a Catalytic Converter) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful possession of catalytic converters in the City.

9. SB 1205 COMPLIANCE REPORT FOR 2021 STATE-MANDATED ANNUAL FIRE INSPECTIONS

ACTION:

City Council adopted Resolution No. 2022-30 to accept the Compliance Report as its report on the status of all 2021 state-mandated annual fire inspections in the City as required by California Health and Safety Code Section 13146.4.

ITEMS PULLED FROM THE CONSENT CALENDAR

5. RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2022

Public Comments:

Jay Humphrey, Costa Mesa, spoke on candidate statements and rules regarding measures.

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

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

Motion carried: 7-0

ACTION:

1. City Council adopted Resolution No. 2022-27, read by title only and waived further reading, calling and giving notice to conduct a General Municipal Election on November 8, 2022 for the purpose of electing a Mayor for the full term of two years; and election of three members of the City Council from the third, fourth, and fifth districts, for the full term of four years.
2. Adopted Resolution No. 2022-28, read by title only and waived further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election.
3. Adopted Resolution No. 2022-29, read by title only and waived further reading, adopting regulations pertaining to Candidate Statements submitted to the voters at a General Municipal Election to be held on November 8, 2022.

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

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

1. **FISCAL YEAR 2022-23 PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM AND HOUSING AUTHORITY BUDGET AND INTRODUCTION OF AN ORDINANCE TO ESTABLISH CHAPTER VII (AB 481 EQUIPMENT USE POLICY) TO TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE**

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

Public Comments:

Written communications were received from Jenn Tanaka and Roberto Herrera.

Marc Vukceovich, Costa Mesa, expressed appreciation for funding active transportation.

Cynthia McDonald, Costa Mesa, spoke on committing a certain amount to active transportation, spoke on federal funding to build out projects, safe routes to all schools, using monies for staffing, the need to build out the grid, and adopting an ordinance for a bike plan.

Speaker, spoke on creating a law to help with rent control and creating a rent control program.

Roberto Herrera, Resilience OC, sent a letter and survey regarding housing and security concerns and addressing rising rents.

Ralph Taboada, Costa Mesa, spoke on the 115 Trust and agreed with recommendation Number 7 to deposit up to \$1.5 million from newly available General Fund Balances to the Section 115 Trust Plan to expedite the pay down of pension obligations, develop a written procedure to fund the trust long term, spoke on active transportation projects, and funding for bike racks and signage.

Speaker, spoke on rent control.

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Francis Garcia, spoke on rent control.

Juan Trejo, spoke on rent control.

Eric Garcia, spoke on rent control.

Speaker, Resilience OC, spoke on housing and security being a high priority and advocating for rental assistance and rent control.

Speaker, spoke on the budget process.

Speaker, spoke on monthly income not matching the high cost of housing.

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

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

Motion carried: 7-0

ACTION:

1. City Council approved Resolution 2022-32, adopting the Proposed Fiscal Year 2022-23 Operating and Capital Improvement Program (CIP) Budget; and
2. Approved Salary and Classification Updates Resolutions 2022-35, 2022-36, 2022-37, 2022-38, 2022-39, 2022-40, and 2022-41 to comply with the bargaining groups' MOUs as approved in May and June of 2020, and to update classifications consistent with the Proposed Budget recommendations; and
3. Authorized the appropriation of one additional full time Police Officer position (School Resource Officer) to the City's Table of Organization with a corresponding 50 percent cost sharing from the Newport Mesa Unified School District; and
4. Authorized the appropriation and entered into a purchase agreement for two ambulances through the Houston-Galveston Area Council of Governments (H-GAC) Buy Coop Purchasing contract with Redsky Emergency Vehicles, and authorized the City Manager and City Clerk to execute the necessary documents to support public safety to be funded from the \$500,000 legal settlement set-aside for this purpose; and
5. Authorized the City Manager and/or Finance Director to appropriate upon receipt and transfer American Rescue Plan Act (ARPA) Federal Funds as needed to comply with U.S. Treasury Guidelines and to facilitate audit review and compliance; and return to City Council with a proposed plan to best utilize the second available tranche of ARPA funds to offset economic losses as a result of the pandemic; and
6. Approved Joint Resolution 2022-34 adopting the Housing Authority Budget including Housing and Community Development expenditures for Fiscal Year 2022-23; and
7. If available, upon the closing of FY 2021-22, considered depositing up to \$1.5 million from newly available General Fund Balances to the Section 115 Trust Plan to expedite the pay down of pension obligations; and
8. Approved the City of Costa Mesa's Revised Special Event Rates and request that said rates be reviewed on an annual basis and submitted to City Council for approval; and

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

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

Motion carried: 7-0

9. Introduced for first reading, by title only, Ordinance No. 2022-03, adding Chapter VII (AB 481 Equipment Use Policy) to Title 14 (Police and Law Enforcement) pursuant to Assembly Bill 481 (AB 481) of Gov. Code Title 1, Div. 7, Chapter 12.8, to establish the City's AB 481 Equipment Use Policy and AB 481 Equipment Inventory.

2. ADOPTION OF FISCAL YEAR 2022-23 APPROPRIATIONS LIMIT

Presentation by Ms. Molina, Finance Director.

Public Comments: None.

MOVED/SECOND: Mayor Pro Tem Marr/ 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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2022-33 establishing the Fiscal Year 2022-2023 Appropriations Limit for the City of Costa Mesa at \$286,881,520, by using Orange County's growth for population adjustment, and the California per capita income growth for inflationary adjustment.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. PROFESSIONAL SERVICES AGREEMENT FOR ON-CALL PLAN REVIEW, INSPECTIONS, AND STAFFING SERVICES

Presentation by Mr. Doudar, Building Official.

Public Comments: None.

MOVED/SECOND: Mayor Pro Tem Marr/ Mayor Stephens

MOTION: Approve recommended actions.

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

Motion carried: 7-0

ACTION:

1. City Council approved and authorized the City Manager and City Clerk to execute a five-year Professional Service Agreement (PSA) with each consulting firm listed below from July 1, 2022 - June 30, 2027 in substantially the form as attached and in such final form as approved by the City Attorney for on-call plan review, inspections, and staffing services:
 - 4Leaf, Inc.
 - Bureau Veritas, North America, Inc.
 - CSG Consultants, Inc.
 - Dennis Grubb & Associates, LLC
 - Interwest Consulting Group
 - Melad and Associates, Inc.
 - Scott Fazekas & Associates, Inc.
 - The Code Group, Inc.
2. Authorized the City Manager and City Clerk to execute future amendments with the above listed firms including any potential increases in compensation as long as the amendments are within the annual budget.

2. ADOPT A RESOLUTION 22-XX AND APPROVE A LETTER OF SUPPORT FOR HOUSE RESOLUTION 8

Presentation by Ms. Farrell Harrison, City Manager.

Public Comments:

Written communications were received from lou@majorsurplus.com, Shane Fox, Ronald Chee, Martin Millard, David Hillberg, Durwin Coustaut, Erick Erickson, Dave Evenson, Patrick Caswell, and Heather Hawke from Orange County Gun Owners PAC.

Marc Vukceovich spoke in support of the item and in support of gun control.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Marr

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: Council Member Harper.

Absent: None

Motion carried: 6-1

ACTION:

City Council adopted of Resolution 2022-31 approving a letter in support of the United States House of Representatives' Resolution 8 (H.R. 8), the Bipartisan Background Checks Act of 2021.

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

ADJOURNMENT – The Mayor adjourned the Meeting in Memory of Ann Pallo at 11:01 p.m.

Minutes adopted on this 19th day of July, 2022.


John Stephens, Mayor

ATTEST:


Brenda Green, City Clerk