



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY
MARCH 21, 2023 – 6:00 P.M. - 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 Harper, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: None.

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: 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
ANTICIPATED LITIGATION - ONE CASE**
Pursuant to California Government Code Section 54956.9 (d)(2)
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to California Government Code Section 54957, (b)(1)
Title: City Manager

City Council recessed at 4:03 p.m. for Closed Session.

Closed Session adjourned at 5:49 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

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

MOMENT OF SOLEMN EXPRESSION - Led by Mr. John Begin.

ROLL CALL

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

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens recognized Pacifica Christian High School Boys' Basketball Team for winning the CIF SoCal Regional Division II championship.

Mayor Stephens presented a proclamation to Hengameh Abraham in recognition of 2023 Nowrūz- Persian New Year.

Ralph Taboada, Chair and Bridget Gleason, Vice Chair, presented the Active Transportation Committee annual report.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Speaker, encouraged improvements at Brentwood Park.

T.J. Kelly spoke on a cat having an infected wound, expressed concerns on Newport Animal Hospital, and requested an audit.

Jay Humphrey, Costa Mesa, spoke on recognition for student academic achievements, requested the Active Transportation Committee to address electric bikes, spoke on Measure K and an inclusionary housing ordinance.

Speaker, spoke on high rents, on safety issues at their apartment, and the landlord not making repairs.

Janis Celeste, Fentanyl Solutions Inc., spoke on their mission and preventing Fentanyl deaths.

Juana Trejo spoke on homelessness, high rents and substandard living conditions, invited council to tour their districts, and spoke on Project Homekey and housing for veterans and seniors.

Speaker, spoke on high rents, and on substandard living conditions.

Speaker, spoke on a proposed State Emergency Operations Center at Fairview Developmental Center site, spoke on the Active Transportation Committee recommendations, and requested the meetings to be recorded.

Speaker, spoke on safety in schools, safety on the streets, and spoke on drugs destroying youth.

Kevin Cook thanked the City for providing sandbags.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on Newport Animal Hospital, spoke on Project Homekey and that it is housing for veterans and seniors, spoke on the proposed Emergency Operations Center at Fairview Developmental Center site, spoke on meeting with residents to tour neighborhoods, and spoke on having a representative at the Airport Commission meetings.

Council Member Reynolds spoke on priorities and the Council's Strategic Planning retreat, acknowledged women on staff for Women's History Month, spoke on an event on March 29th highlighting women in engineering fields at the Norma Hertzog Community Center, spoke on committee appointments and requested the City Council review the purpose, scope, and duties of the committees prior to appointments.

Council Member Chavez spoke on the Save Our Youth bike safety event, spoke on addressing citizen concerns on safety issues, engagement with the community to build trust, the difficulty of high rents and living conditions, spoke on the possibility of inspecting apartments, requested the Council review the purpose, scope, and duties of the committees prior to appointments and one person only on one committee or commission at a time, and requested to adjourn the meeting in memory of Huy Pham.

Council Member Gamos thanked staff for their hard work.

Council Member Harper thanked people for public comments, spoke on Fentanyl and drug issues, requested to look at committees and subcommittees and provide clear objectives, thanked staff for the installation of the Flock camera system, and requested an update on the Costa Mesa Tennis Center Request For Proposal.

Mayor Pro Tem Harlan spoke on improvements at Brentwood Park, requested an Inclusionary Housing Ordinance update, spoke on the Motel 6 Homekey conversion, and congratulated the El Matador for their 57th anniversary.

Mayor Stephens spoke on attending the Women Making a Difference event in Dana Point honoring Roxy Fyad and Jennifer Friend from Project Hope Alliance, spoke on hosting Nate Robbins on his podcast, spoke on addressing homelessness, and recognized the 10th anniversary of Trellis.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on the first art crawl, provided a homelessness update, spoke on the rental assistance programs available, spoke on a Fair Housing workshop for Spanish speakers on March 23rd at 5:00 p.m., spoke on a bicycle wayfinding signage project and a public outreach zoom webinar, will follow up on a representative at the Airport Commission meetings, spoke on Project Homekey, spoke on Parks and Recreation Department employment positions available, spoke on an investigation regarding the cat incident and Newport Animal Hospital, and Carol Molina, Finance Director provided an update on the Tennis Center Request For Proposal.

REPORT – CITY ATTORNEY – Ms. Hall Barlow stated that the claim from Mr. Corum regarding a house fire has been dismissed.

CONSENT CALENDAR (Items 1-10)

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 working 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: Mario Andrade, Eric Irwin, Jesse Isais, Joe Marchese, Linda Paz, Javier Rodriguez, Lieu Tran.

3. ADOPTION OF WARRANT RESOLUTION

Council Member Gameros recused himself on this item due to his wife working for Priceless Pets.

ACTION:

City Council approved Warrant Resolution No. 2696.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of March 7, 2023.

5. INCREASE COMPENSATION TO VINCENT BENJAMIN GROUP, LLC AGREEMENT FOR TEMPORARY STAFFING SERVICES

ACTION:

1. City Council approved the increase of an additional \$100,000 to the Vincent Benjamin Group, LLC agreement and revised language for temporary Citywide staffing services.

2. Authorized the City Manager and City Clerk to accept and execute future amendments to the agreement.

6. CITY E-MAIL MANAGEMENT POLICY

ACTION:

City Council adopted Resolution No. 2023-04 approving the City E-Mail Management Policy.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING THE TERMINATION OF THE LOCAL STATE OF EMERGENCY DECLARED BY PROCLAMATION 2020-01 AND RATIFIED BY RESOLUTION NO. 2020-09, RESCINDING RESOLUTION NO. 2020-09 AND RESOLUTION NO. 2021-24

ACTION:

City Council adopted Resolution No. 2023-05 to terminate the City's State of Emergency related to the COVID-19 Pandemic and certain related emergency actions.

8. RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2023 ORANGE COUNTY MARATHON RUNNING FESTIVAL

ACTION:

City Council adopted Resolution No. 2023-06, designating event routes for the 2023 Orange County (OC) Marathon Running Festival and approving the temporary street closures for May 6, 2023 and May 7, 2023, as requested for the 2023 OC Marathon Running Festival.

9. AUTHORIZE THE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH NATIONAL AUTO FLEET FOR THE PURCHASE OF TWENTY-ONE (21) ALLMAND PORTABLE LIGHT TOWERS

ACTION:

1. City Council authorized the use of Sourcewell's National Cooperative Agreement No. 091521-NAF with National Auto Fleet Group for the purchase of twenty-one (21) Allmand GR Series portable light towers.
2. Authorized the purchase of twenty-one (21) Allmand GR Series portable light towers for \$310,971.15 through National Auto Fleet Group.

10. APPROVAL FOR THE PURCHASE OF AUTOMATIC EXTERNAL DEFIBRILLATORS FOR FIRE DEPARTMENT AND CITY FACILITIES AND PURCHASE OF "X" SERIES ADVANCED MONITOR /DEFIBRILLATORS

ACTION:

1. City Council authorized the use of GPO NPP contract no. PS20200 with Zoll Medical Corporation for the purchase of thirty-one (31) AEDs for the Fire Department and twenty-four (24) for City Facilities. (Attachment 1)
2. Authorized the use of GPO NPP contract no. PS2022 with Zoll Medical Corporation for the purchase of twelve (12) "X" Series Advanced Monitors/Defibrillators. (Attachment 2)

3. Approved and authorized the City Manager and City Clerk to execute the necessary documents to purchase the automatic external defibrillators (AED's) and "X" series monitors/defibrillators.

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

PUBLIC HEARINGS: NONE.

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

OLD BUSINESS: NONE.

City Council recessed into a break at 8:00 p.m.

City Council reconvened at 8:13 p.m.

NEW BUSINESS:

1. **ADOPTION OF THE SIDE LETTERS OF AGREEMENT BETWEEN THE CITY OF COSTA MESA (CITY) AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA), THE COSTA MESA FIRE MANAGEMENT ASSOCIATION (CMFMA), THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA), ADOPTION OF ACCOMPANYING SALARY RESOLUTIONS FOR THE CMPMA, CMFMA, CMFA, COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA), EXECUTIVE EMPLOYEES, AND THE CONFIDENTIAL MANAGEMENT UNIT**

Presentation by Ms. Lee, Human Resources Manager.

Public Comments: None.

MOVED/SECOND: Council Member Marr/Council Member Gameros

MOTION: Approve recommended actions.

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

ACTION:

1. City Council approved and Adopted the Side Letter of Agreement between the City of Costa Mesa and CMPMA.
2. Approved and Adopted the Side Letter of Agreement between the City of Costa Mesa and CMFMA.

3. Approved and Adopted the Side Letter of Agreement between the City of Costa Mesa and CMFA.
4. Approved and Adopted Resolution Nos. 2023-07, 2023-08, 2023-09, 2023-10, 2023-11, and 2023-12 revising the pay ranges for CMPMA, CMFMA, CMFA, CMDMA, Unrepresented Executive Employees and the Confidential Management Unit.
5. Approved the Fiscal Impact Analyses.
6. Authorized the City Manager and members of the City's Negotiation Team to execute the MOU documents and appropriate into the respective departmental budgets.

2. FISCAL YEAR 2022-23 MID-YEAR BUDGET UPDATE AND ADJUSTMENTS INCLUDING RECOMMENDED STAFFING CHANGES

Presentation by Ms. Molina, Finance Director.

Public Comments: None.

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

1. City Council approved FY 2022-23 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds for multi-year projects.
2. Approved key staffing changes and compensation adjustments in order to: recruit for and hire certain hard to fill classifications in the Parks and Community Services Department; enhance productivity in the Public Works, Development Services and Information Technology Departments; and create stronger succession plans in the City Manager's Office and Police Department.
 - a. Approved Resolution No. 2023-13, approving the new classification and salary/pay ranges for a Deputy City Manager and Deputy Police Chief and compensation adjustments for the Assistant City Manager.
 - b. Approved Resolution No. 2023-14, approving new classifications and salary/pay ranges for the Planning and Sustainable Development Manager and a Deputy Director of Public Works.

- c. Approved Resolution No. 2023-15, approving compensation adjustments and title changes for Parks and Community Services classifications and a title change for the Principal Civil Engineer.
- d. Approved Resolution No. 2023-16, approving compensation adjustments for Community Services Leaders and Lifeguards.

3. PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DESIGN OF FIRE STATION NO. 4 TRAINING FACILITY

Presentation by Mr. Yang, City Engineer.

Public Comments:

Betina Eastman spoke on considering bird strike through glass.

Speaker, spoke on College Hospital.

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

1. City Council awarded the Professional Services Agreement to PBK Architects, Inc., 8163 Rochester Avenue, Suite 100, Rancho Cucamonga, California, for two years, with three one-year renewal periods, in an amount not to exceed \$362,000.
2. Authorized the City Manager and the City Clerk to execute the agreement and any future amendments to the agreement within Council authorized limits.

4. DISCUSSION REGARDING ENVIRONMENTAL INCOMPATIBILITY OF MODEL AIRCRAFT FLYING FIELD AT FAIRVIEW PARK AND CONSIDERATION OF STAFF'S RECOMMENDATION TO CLOSE THE MODEL AIRCRAFT FLYING FIELD TO PROTECT SENSITIVE AND RARE SPECIES AND HABITATS AT THE SITE

Presentation by Mr. Dalton, Fairview Park Administrator.

Council Member Marr clarified that only allowing gliders is under consideration.

Discussion ensued on impacts to the vernal pools, the difference between motorized aircraft and gliders, the frequency of flyers at the park, tracking measures, shifting the landing space, enforcement strategies, frequency of rangers at the park, nesting season, status of the master plan and timeline, flight operational guidelines, options outside of the park, ideal flying conditions, the number of permits typically issued, permit cost, signage, staff resources, retrieval protocols when a plane falls into a vernal pool, the location of the launch site, and regulatory agencies.

Public Comments:

Kyle Nazeer spoke on considering deterrents and incentives, spoke on the 4th Amendment search and seizure rules, and spoke on encouraging good behavior.

Bill Shaeffer, spoke in support of allowing glider flying.

Speaker on behalf of the Sea and Sage Audubon Society, spoke in support of closing the flying field.

Richard Morley spoke in support of allowing glider flying.

Speaker, spoke on the Police Department.

Jim Hanson, Costa Mesa, spoke in support of allowing glider flying.

Jay Humphrey, Costa Mesa, spoke in support of closing the flying field.

Andy Campbell, Costa Mesa, spoke in support of closing the flying field.

Josh Johnson, Costa Mesa, spoke in support of allowing glider flying.

Annie Younglove, Costa Mesa, spoke on CT programs for high school students, and spoke on benefits and opportunities for students.

Betina Eastman, spoke in support of closing the flying field.

Speaker, spoke in support of allowing glider flying.

Adam Ereth, Costa Mesa, spoke on Fairview Park being a mixed-use park for passive recreation, spoke on the Orange County Model Engineers long term use in the park, glider flying is an allowable use in Measure AA, and recommended options.

Speaker, spoke in support of allowing glider flying.

Daniel Rossovsky spoke in support of allowing glider flying.

Cassius Rutherford spoke in support of allowing glider flying.

James Robertson spoke in support of allowing glider flying.

Wendy Leece, Costa Mesa, spoke in support of closing the flying field.

Daniel Baume spoke in support of closing the flying field.

Speaker, spoke in support of allowing glider flying.

Cynthia McDonald spoke in support of closing the flying field.

Donald Wittenberg spoke in support of allowing glider flying.

Kevin Cook spoke in support of allowing glider flying.

Jim Erickson, Costa Mesa, spoke in support of allowing glider flying.

Mike Costello spoke in support of allowing glider flying.

Henry Smith spoke in support of allowing glider flying.

Speaker, spoke in support of allowing glider flying.

Speaker, spoke on Measure AA, spoke in support of allowing glider flying, and that the item should go to a vote of the people.

Cynthia D'Agosta spoke in support of closing the flying field.

Puneet Singh spoke in support of allowing glider flying.

John Rittenhouse spoke in support of allowing glider flying.

Hank Castignetti spoke in support of closing the flying field.

Discussion ensued on scientific data on harmful effect on species, degradation to the vernal pools and habitat due to encroachment, data on endangered species thriving during the shutdown, revisiting the compatibility study and recommendations to Council from the Fairview Park Steering Committee and the Parks and Community Services Commission, any notice of violations from regulatory agencies and compliance issues, a 2019 correspondence from the U.S. Department of Fish and Wildlife Service regarding endangered species and a series of recommendations, and conservation easements and mitigation agreements.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Continue the item to the April 18, 2023 City Council meeting.

Council Member Reynolds spoke to the motion which will allow time to review new information and conflicting information, review impacts and consequences, spoke on the Fairview Park Master Plan Update that will be a comprehensive update, and to explore alternative solutions and impacts.

The Council clarified public comments will be allowed at the April 18th meeting.

Council Member Marr spoke to the motion that there is time to postpone to address issues and additional questions, reviewing what the Master Plan allows, and forming a compromise.

Mayor Stephens requested any excerpts from the Master Plan pertaining to the flyfield and would like to see contracts or wording in the contracts that are a potential risk.

Council Member Gamos spoke on an operating model like the Orange County Model Engineers.

Council Member Chavez spoke on waiting to make a decision until after the Fairview Park Master Plan Update is completed.

Council Member Harper stated that Fairview Park is not a nature reserve and suggested special enforcement during the busiest flying times.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Continue the item to be heard at the April 18, 2023 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gamos, 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

ACTION:

City Council continued the item to be heard at the April 18, 2023 City Council meeting.

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

ADJOURNMENT –The Mayor adjourned the meeting at 11:46 p.m. in memory of Huy Pham.

Minutes adopted on this 2nd day of May, 2023.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT