



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY
DECEMBER 5, 2023 – 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 (Arrived 4:04 p.m.), Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Harper.

Ms. Hall Barlow, City Attorney requested two additional closed session items be added to the agenda, regarding litigation that was brought to the attention of the City after the agenda had been posted and needed to be considered prior to the next regularly scheduled meeting.

1. 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

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Tippet v. City of Costa Mesa

Orange County Superior Court Case No. 30-2022-01243684-CU-PO-NJC.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

MOTION: Add the two Closed Session items as requested by Ms. Hall Barlow, City Attorney.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros and Council Member Harper.

Abstain: None

Motion carried: 5-0

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION - SIX CASES**
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: DBO Investments CM, LLC, a California Liability Company v. City of Costa Mesa
Orange County Superior Court Case No. 30-2023-01360125-CU-CR-NJC.
3. **CONFERENCE WITH LABOR NEGOTIATORS**
Pursuant to California Government Code Section 54957.6 (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager and Alma Reyes, Deputy City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).
4. **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
5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Tippet v. City of Costa Mesa
Orange County Superior Court Case No. 30-2022-01243684-CU-PO-NJC.

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

Closed Session recessed at 5:51 p.m. for Open Session.

Closed Session resumed at 9:07 p.m.

Closed Session adjourned at 9:48 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 Pastor Dave Manne, Calvary Chapel.

ROLL CALL

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

Absent: Council Member Harper.

The Mayor announced the reordering of the Public Hearing agenda to consider Public Hearing item No. 2 prior to Public Hearing item No. 1.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

The Mayor recognized the Newport Mesa Pop Warner Patriots 12U.

The Mayor recognized the South Coast Repertory's 60 Seasons.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Lydia Chavez, representing Supervisor Foley, spoke on priorities, public safety, homelessness, climate resiliency planning, supporting small businesses, advocating for preservation of the equestrian center at the Fairgrounds, and spoke on the coat drive,

Jay Humphrey, Costa Mesa, wished all a happy holiday season.

Speaker, spoke on a letter from the California Department of Housing and Community Development to the City regarding the Housing Element, and requested an update on sober living homes litigation.

Speaker, thanked the City Council for adopting the Tenant Protection Act, and spoke on receiving an eviction notice and problems with the landlord.

Juana Trejo, thanked the City Council for adopting the Tenant Protection Act, spoke on safety in the community.

Ida Wolf, Costa Mesa, requested a new ice machine and blinds at the Senior Center.

Carmen Ramirez, Costa Mesa, thanked the City Council for adopting the Tenant Protection Act, and spoke on families being evicted that need assistance.

Speaker, wished all a happy holiday season, spoke on the value of local government, spoke on AB 413 regarding parking and crosswalks, spoke on updating the codes, and spoke on traffic improvements.

Speaker, requested additional police presence in their neighborhoods and Spanish interpreters at the Communications Center.

Speaker, thanked the City Council for adopting the Tenant Protection Act, spoke on receiving an eviction notice, and spoke on problems with the landlord.

Speaker spoke on safety in the neighborhoods.

Speaker, spoke against the West 19th Street and Monrovia Street improvements.

Hank Castignetti, Orange County Model Engineers, spoke on the North Pole Express, and Santa Claus is Coming to the railroad on December 16th and 17th.

Becca Walls, member of the Animal Services Committee, requested an update on the Animal Services Contract.

Speaker, spoke on preserving Fairview Park, and spoke against the Harbor Soaring Society.

Cynthia McDonald, Costa Mesa, spoke on the recognition of South Coast Repertory, spoke on the December 12th Study Session and requested an advisory committee for the Fairview Developmental Center.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez requested the blinds and ice machine be addressed at the senior center, spoke on the Costa Mesa 311 App, requested lights in alley ways, spoke on Chat with the Chief on Thursday, December 7th, invited everyone to Snoopy House, and spoke on CalOptima allowing undocumented residents to obtain Medicare and Medicaid.

Council Member Gamos wished everyone Happy Holidays, and thanked the Police and Fire Departments for their service.

Council Member Marr spoke on involvement with local government and public education on street calming measures.

Council Member Reynolds spoke on public participation and education on pedestrian safety, spoke on Labors of Love service projects on the first Saturday of every month, spoke on the Mobile Home Advisory Committee meeting, spoke on the Active Transportation Committee and the Pedestrian Master Plan, spoke on attending the holiday lunch with Human Options, complimented the Planning Division staff, and requested lights on the Joann St. trail.

Mayor Pro Tem Harlan spoke on Harper Park, spoke on the Northgate Market opening, spoke on the Segerstrom Tree Lighting Ceremony, spoke on Supervisor Foley's Food Drive, and spoke on the unrest in Israel and hostages, wished everyone a Merry Christmas, Happy Hanukkah, and Kwanza.

Mayor Stephens spoke on the Northgate Market opening, spoke on street improvements and traffic calming measures, spoke on Fairview Developmental Center and the proposed Emergency Operations Center, and spoke on adjourning the meeting in honor of Coach Hicks.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on the December 12, 2023 Study Session on housing, Snoopy House, Costa Mesa Fire and Rescue Annual Toy Drive, City Hall closure Friday, December 22nd - January 1st, and Ms. Molina, Finance Director provided an update on the animal services contract.

REPORT – CITY ATTORNEY – NONE.

CONSENT CALENDAR

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve the Consent Calendar except for Item No. 11.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper.

Abstain: None.

Motion carried: 6-0

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: Jose Israel Gonzalez De La Cruz, Se7enLeaf LLC.

3. ADOPTION OF WARRANT RESOLUTION

ACTION:

City Council approved Warrant Resolution No. 2709.

4. MINUTES

ACTION:

City Council approved the minutes of the regular meeting of November 7, 2023.

5. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JANUARY 2, 2024

ACTION:

City Council canceled the regular meeting of Tuesday, January 2, 2024.

6. APPROVAL FOR THE PURCHASE AND REPLACEMENT OF SECURITY VIDEO CAMERAS FOR THE POLICE DEPARTMENT

ACTION:

1. City Council authorized the use of OMNIA Partners Cooperative Agreement No. R220804 with SHI International Corp. for the purchase of Verkada Camera System in the amount of \$259,114.24.
2. Authorized a 5% contingency of \$12,955.71 for unforeseen costs.
3. Authorized the City Manager or designee to execute the necessary documents to purchase Verkada Camera System.

7. AMENDMENTS TO THE INTEGRATED LAW & JUSTICE AGENCY FOR ORANGE COUNTY (ILJAO) JOINT POWERS AGREEMENT

ACTION:

City Council reviewed and approved the amendments to the Joint Powers Agreement for further review and approval by the Member Agencies.

8. ACCEPTANCE OF THE 2022, 2023 AND 2024 EMERGENCY MANAGEMENT PERFORMANCE GRANT

ACTION:

1. City Council approved the Agreement to Transfer Funds for the 2022 Emergency Management Performance Grant Program (EMPG) (the "Agreement") and authorized the City Manager to execute the agreement.
2. Adopted Resolution No. 2023-54 which authorizes the application for and acceptance of funds under the EMPG Program for Years 2022, 2023, and 2024 and authorizes the City Manager, or designee, to take all action necessary to obtain the funding.
3. Approved revenue and expense appropriations in the amount of \$16,366 respectively, for the 2022 EMPG Program.

9. MEASURE M2 EXPENDITURE REPORT

ACTION:

City Council adopted Resolution No. 2023-55, approving the Measure M2 Expenditure Report and authorizing staff to submit the report to the Orange County Transportation Authority (OCTA.)

10. AWARD OF THE CONNECTOR PIPE SCREEN INSTALLATION PROJECT, PHASE IV, CITY PROJECT NO. 23-08 AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA

ACTION:

1. City Council found the project categorically exempt from CEQA and adopted plans, specifications, and working details for the Connector Pipe Screen Installation Project, Phase IV, City Project No. 23-08.
2. Authorized the City Manager and City Clerk to execute a Public Works Agreement (PWA) in the amount of \$283,500, and future contract amendments within City Council authorized limits to United Storm Water, Inc., 1400 E. Valley Boulevard, Industry, California 91746.
3. Authorized a ten percent (10%) contingency in the amount of \$28,350 for unforeseen construction and miscellaneous costs related to the project.
4. Authorized a budget appropriation from available fund balances from drainage fund in the amount of \$55,967.

ITEMS PULLED FROM THE CONSENT CALENDAR

11. OPEN SPACE EASEMENT DEED AND AGREEMENT (“RAIL TRAIL”) WITH THE PRESS OWNER, LLC

Public Comments:

Cynthia McDonald spoke in favor of the item and requested clarification on the hours of operation.

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

MOTION: Approve staff recommendation with the clarification of the trail hours of operation are from dawn to sunset or 6:00 p.m. whichever is later.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper.

Abstain: None.

Motion carried: 6-0

ACTION:

1. City Council approved the Open Space Easement Deed and Easement Agreement (“Rail Trail”) between the City of Costa Mesa (City) and The Press Owner, LLC (Press LLC).
2. Authorized the City Manager or designee to execute the Open Space Easement Deed and Easement Agreement and any future authorized amendments to this agreement.

PUBLIC HEARINGS:

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

2. FIRST READING OF AN ORDINANCE TO AMEND TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS (CODE AMENDMENT PCTY-23-0002)

Presentation by Ms. Curley, Assistant Planner.

Public Comments:

Speaker, spoke in opposition of the item.

Speaker, spoke in support of the item.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve staff recommendation with the following modifications:

- 1) Update footnote 1 of Table 13-47(b) to permit previously approved outdoor dining areas within the drive aisle provided they do not interfere with the minimum required site access or circulation.
- 2) Update section 13-48(a)(1)(a) to prioritize outdoor dining areas within front setbacks, and classify outdoor dining areas within side and rear setbacks as a secondary preference.
- 3) Update section 13-48(a)(1)(e) to strike out "circulation standards" to also facilitate previously approved outdoor dining areas within the drive aisle.
- 4) Update section 13-48(a)(1)(w) to strike out "on-street," to permit outdoor dining customers to park in "public parking lots" as well as on-street public parking spaces.
- 5) Update section 13-48(a)(2)(b) to prioritize the preservation of mature trees in the design of outdoor dining areas.
- 6) Remove section 13-48(a)(1)(t) regarding barriers and aesthetics of the subject property.

SUBSTITUTE MOTION/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

SUBSTITUTE MOTION: Approve staff recommendation with the following modifications:

- 1) Update footnote 1 of Table 13-47(b) to permit previously approved outdoor dining areas within the drive aisle provided they do not interfere with the minimum required site access or circulation.
- 2) Update section 13-48(a)(1)(a) to prioritize outdoor dining areas within front setbacks, and classify outdoor dining areas within side and rear setbacks as a secondary preference.
- 3) Update section 13-48(a)(1)(e) to strike out "circulation standards" to also facilitate previously approved outdoor dining areas within the drive aisle.

- 4) Update section 13-48(a)(1)(w) to strike out “on-street,” to permit outdoor dining customers to park in “public parking lots” as well as on-street public parking spaces.
- 5) Update section 13-48(a)(2)(b) to prioritize the preservation of mature trees in the design of outdoor dining areas.
- 6) Keep section 13-48(a)(1)(t) barriers or other improvements installed as part of the outdoor dining area shall be consistent with the aesthetics of the subject property; and
- 7) Existing and newly constructed establishments that propose new outdoor dining areas shall comply with the aesthetic development standards outlined in Section 13-48 within six-months from the time of the Ordinance adoption, with an allowed six-month extension of time.

The motion carried by the following roll call vote:

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

Nays: Council Member Marr and Council Member Reynolds.

Absent: Council Member Harper.

Abstain: None.

Motion carried: 4-2-1

ACTION:

1. City Council found that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) (“General Rule”); and
2. Introduced for first reading, by title only, Ordinance No. 2024-01 amending Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) to modify the City’s outdoor dining provisions.

1. PUBLIC HEARING REGARDING THE DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023 AND THE TRAFFIC IMPACT FEE ANALYSIS

Presentation by Ms. Molina, Finance Director.

Public Comments: None.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Approve staff recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Harper.

Abstain: None.

Motion carried: 6-0

ACTION:

1. City Council received and filed the Development Impact Fees Annual Report for the Fiscal Year ended June 30, 2023.

2. Adopted Resolution No. 2023-56 continuing the citywide traffic impact fee for new development that incorporates recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:
 - Continue a traffic impact fee of \$235 per Average Daily Trip (ADT) based on the Capital Improvement Projects in Attachment 4 and Active Transportation projects in the adopted Active Transportation Plan (ATP).
 - Approve allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.
 - Approve a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements.
 - Approve the annual accounting of the Citywide Traffic Impact Fee Program.

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT – Mayor Stephens adjourned the meeting back to Closed Session at 9:07 p.m. in memory of Coach Hicks.

Minutes adopted on this 16th day of January, 2024.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT