



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY\*  
JULY 18, 2023 - 6:00 P.M. - MINUTES**

**CALL TO ORDER** –The Closed Session meeting was called to order by Mayor Stephens at 4:01 p.m.

**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.

**PUBLIC COMMENTS**

Speaker, spoke on transparency and the City Manager’s performance.

**CLOSED SESSION ITEMS:**

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
Pursuant to California Government Code Section 54957, (b)(1)  
Title: City Manager

City Council recessed at 4:05 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 6:00 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 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 presented a Certificate of Recognition to the 2023 OC Artist of the Year - Alexandra Hernandez.

Mayor Stephens recognized July 2023 as Parks and Recreation Month.

Mr. Inloes, Economic Development Administrator, provided a demonstration on TESSA.

## **PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Speaker, spoke on preserving the environment, global warming, and active transportation.

Alexander Haberbusch spoke on the proliferation of cannabis businesses on the Eastside of Costa Mesa.

Cynthia McDonald spoke on modernizing the Costa Mesa Tennis Center facilities.

Kim Hendricks spoke on the Harbor Soaring Society fly field and preserving Fairview Park.

Speaker, spoke on solutions to permit parking and against the new permit parking program.

Wendy Leece, Costa Mesa, spoke on the numerous services Costa Mesa provides for homeless services, spoke on the number of staff at Fairview Park, and spoke on restructuring city committees and memberships.

Wendy Simoa spoke on noise complaints at The 12 gym.

Speaker, spoke against the permit parking program.

Speaker, spoke on issues at the Orange County Animal Shelter.

Speaker, expressed concerns on the new permit parking program.

Jennifer Tanaka spoke on opening the fence at Harper Park and spoke on improving communications.

Sergio Vallarta spoke on officers at Fairview Park and spoke against the fly field at Fairview Park.

## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Marr spoke on the number of cannabis dispensaries, and requested to bring the ordinance back for discussion.

Council Member Reynolds spoke on TESSA, spoke on the new permit parking program, cooling centers, shading for the bus shelters, staff vacancies, and communications regarding street projects.

Council Member Chavez thanked Assembly Member Cottie Petrie Norris for hosting a free “Dump Day”, requested a power wash of concrete at Shalimar Park, requested calming measures on Anaheim Street and Maple Street, spoke on the free lunch program available for children at Donald Dungan library, and requested The 12 gym noise complaint be addressed.

Council Member Gamos spoke on safety for firefighters.

Council Member Harper spoke in support of revisiting the cannabis ordinance and thanked Cynthia McDonald for her presentation on the tennis center facilities.

Mayor Pro Tem Harlan spoke on TESSA, and requested updates on Harper Park and The 12 gym.

Mayor Stephens thanked staff for the July 3<sup>rd</sup> event, spoke on the new business, Goop Kitchen at the old Grants for Guns location, and spoke on the noise complaint at The 12 gym.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison spoke on communication on construction projects, spoke on an update for access to open space, and Chief Stefano spoke on the thresholds for opening up cooling centers, and spoke on water safety and Children Drown Without a Sound.

**REPORT – CITY ATTORNEY – NONE.**

**CONSENT CALENDAR**

**MOVED/SECOND:** Council Member Chavez/Council Member Marr

**MOTION:** Approve recommended actions for consent calendar items 1-9.

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: Council Member Gamos recused himself on item 3 the Warrant Resolution due to his wife’s employment at Priceless Pets and Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.

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: Lindsey Biurquiz, Delco Company, Robert De Pasquale, Evangelina Espinosa, Lorie Milton, Nicholas Patrick, Jake Querry, Angela Vargas.

**3. ADOPTION OF WARRANT RESOLUTION**

Council Member Gameros recused himself on this item due to his wife's employment at Priceless Pets and Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.

ACTION:

City Council approved Warrant Resolution No. 2701.

**4. MINUTES**

ACTION:

City Council approved the minutes of the regular meeting of June 20, 2023.

**5. FINAL MAP FOR TRACT NO. 19120 LOCATED AT 1978 MEYER PLACE AND 1979 ANAHEIM AVENUE, COSTA MESA**

ACTION:

City Council approved the final Tract Map No. 19120 and authorized the signing of the map by the City Clerk and the City Engineer.

**6. TRAFFIC MANAGEMENT SERVICES AGREEMENTS WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION**

ACTION:

1. City Council approved the 2023 agreement between the City and the 32nd District Agricultural Association for traffic management services for the Orange County Fair.
2. Approved the 2023 agreement between the City and the 32nd District Agricultural Association for traffic management services for all designated year-round events at the Orange County Fair and Event Center ("OCFEC").
3. Authorized the City Manager, or her designee, to execute the agreements.
4. Authorized the City Manager, or her designee, to execute any amendments to the agreements, including but not limited to, amendments increasing the maximum compensation to be paid to the City.

**7. AMENDMENT TO EXTEND TERM OF FALCK AMBULANCE SERVICES AGREEMENT**

ACTION:

City Council approved Amendment Number One extending the term of the Ambulance Services Agreement with Falck Mobile Health Corp, (Previously known as Care Ambulance) for the continuation of emergency ambulance operator and support services until July 31, 2024, adjust the compensation as discussed herein, appropriate the increase of \$550,00 in the Fire Department's operating budget, and authorize the City Manager to execute the Amendment.

**8. ONE YEAR EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH WITTMAN ENTERPRISES, LLC FOR AMBULANCE BILLING AND COST RECOVERY SERVICES RFP 18-03**

**ACTION:**

1. City Council approved Amendment Number One to extend the term of the Professional Services Agreement for Ambulance Billing and Cost Recovery Services between Wittman Enterprises, LLC and the City of Costa Mesa for one additional year expiring on July 31, 2024, for a total not-to-exceed amount of \$240,000.
2. Authorized the City Manager to execute the Amendment

**9. 2021 AND 2022 ANNUAL REVIEW OF THE COSTA MESA 2015-2035 GENERAL PLAN**

**ACTION:**

City Council approved the 2021 and 2022 Annual Review of the 2015-2035 Costa Mesa General Plan for submittal to the State Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

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

**PUBLIC HEARINGS:**

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

**1. REVIEW OF PLANNING COMMISSION APPROVAL CONDITIONS FOR THE NORTHGATE MARKET AT 2300 HARBOR BOULEVARD (UNIT C)**

Mayor Stephens spoke on the conditions for review.

A representative from Northgate Market spoke on their application, the patio area and hours of operation.

Public Comments: None.

**MOVED/SECOND:** Mayor Stephens/Council Member Chavez

**MOTION:** Uphold the Planning Commissions approval with modified conditions to allow the applicant to serve breakfast on the patio.

Council Member Reynolds requested to strike the conditions #14 and #18 that do not allow live entertainment.

Mayor Stephen (1<sup>st</sup>) and Council Member Chavez (2<sup>nd</sup>) agreed to the change.

**MOVED/SECOND:** Mayor Stephens/Council Member Chavez

**MOTION:** Uphold the Planning Commissions approval with modified conditions to allow the applicant to serve breakfast on the patio and to strike conditions #14 and #18.

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 found that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) for Existing Facilities; and Section 15303 (Class 3), New Construction or Conversion of Small Structures.
2. Reviewed and considered the May 15, 2023 Application for Review and the May 8, 2023 Planning Commission staff report, final resolution, and meeting minutes.
3. Upheld the Planning Commissions approval with modified hours of operation to allow serving breakfast and use of the outdoor patio, and struck conditions #14 and #18 to allow live entertainment conditioned on proceeding through the annual live entertainment permit process.

**OLD BUSINESS: NONE.**

City Council recessed into a break at 7:50 p.m.

City Council reconvened at 8:00 p.m.

**NEW BUSINESS:**

**1. COSTA MESA TENNIS CENTER OPERATIONS**

Presentation by Ms. Molina, Finance Director.

Discussion ensued on the information available to the public, the government contracting and request for proposal process, negotiating the contract, and on information that is available to the City Council and the public.

The team from Agape Tennis Academy spoke on their operations.

A representative from Hard Court Tennis spoke on their operations.

A representative from Top Seed Tennis Academy spoke on their operations.

**MOVED/SECOND:** Council Member Marr/Council Member Chavez

**MOTION:** Limit public comments to 2 minutes each.

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: Council Member Harper.

Absent: None.

Abstain: None.

Motion carried: 6-1

Public Comments:

Speaker, spoke in support of Agape Tennis Academy.

Margot Faris spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Fin Allred spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Ronna Graff spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Randy Myers spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Robert Martinez spoke in support of Agape Tennis Academy.

Dean Sexton spoke in support of Top Seed Tennis Academy.

Cory Stewart spoke in support of Top Seed Tennis Academy.

Ronald Yates spoke in support of Hard Court Tennis.

John Tenny spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Hard Court Tennis.

David Callahan spoke in support of Agape Tennis Academy.

Nicole Martinez spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Christine Furman spoke on converting tennis courts into pickle ball courts and spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Celia Lett spoke in support of Agape Tennis Academy.

Mark Hoffman, Costa Mesa, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Victor Pham spoke in support of Agape Tennis Academy.

Julianne Blocker, Costa Mesa, spoke in support of Agape Tennis Academy.

Kim Shatinger spoke in support of Top Seed Tennis Academy.

Lynn Holiday spoke in support of Top Seed Tennis Academy.

Cheryl Kimmy spoke in support of Top Seed Tennis Academy.

Kira McLain spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Josh McLain, Ladera Ranch, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Janine Wynn spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.



Laura Garner spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Evan Garner spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Jamie Winterton spoke in support of Top Seed Tennis Academy.

Christine Machado, Huntington Beach, spoke in support of Agape Tennis Academy.

David Hotwald spoke in support of Top Seed Tennis Academy.

Hadley Stauffer spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Shannon Patterson spoke in support of Top Seed Tennis Academy.

Chelsea Bailey, Costa Mesa, spoke in support of Top Seed Tennis Academy.

Speaker, spoke on supporting each other, spoke in support of Agape Tennis Academy, and spoke in favor of pickle ball.

Speaker, spoke in support of Agape Tennis Academy.

Trevor Kronemann spoke on the need for tennis facilities.

Sheree Kimble, Laguna Beach, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Liam Clark spoke in support of Top Seed Tennis Academy.

Terri Rasmussen spoke in support of Top Seed Tennis Academy.

Gene Clark spoke in support of Top Seed Tennis Academy.

Ashley Carlton spoke in support of Top Seed Tennis Academy.

Eduardo Reyes, spoke on being a coach at the Costa Mesa Tennis Center.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Agape Tennis Academy.

Speaker, spoke in support of pickleball and hosting 3 tournaments at the Costa Mesa Tennis Center, and spoke in support of Top Seed Tennis Academy.

Paul Banfeld spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Speaker, spoke against the Request For Proposal process.

Speaker, spoke in support of Top Seed Tennis Academy.

Rick Huffman, Costa Mesa, spoke in support of Top Seed Tennis Academy.

Jacob Williams spoke in support of Top Seed Tennis Academy.

Bogdan Popa spoke in support of Top Seed Tennis Academy.

Dimitry Tsukerman spoke in support of Agape Tennis Academy.

Speaker, spoke in support of Top Seed Tennis Academy.

Max McKennan spoke in support of Top Seed Tennis Academy.

Written communications received:

Morgan Deisner, Amie Escalette, Donna McKennon, Rick Foster, Lori DiSilva, Ron Levy, Liz Kirksey, Michael Sullivan, Lindsay Levenas, Lisa Levanas, Carole Call, Chris Ketchum, JoAnn Copp, Julie Mellies, Ann Lyons, Marni Clark, Terri Rasmussen, Gretchen Allren, Mimi Toberman, Laurie Martin, Francesca Ligman, Shannon Ross, Cynthia McDonald, Diane Heimstaedt, Jennifer Watkins, Patricia Davino, Maria Solomon, Andrew Patterson, Lindi Oldham, Debbie Drummond, Kiera McLane, Angela Vrebalovich, Laura O'Leary, Cheryl Kimme, Lea Tamblyn, Kristina Jubinville, Laura Garner, Katie Heggerick, Bogdan Popa, Brittney Vaughn, Alex Shakas, Matt Ploski, Alicia Fillmore, Cheryl Smith, Stacy Tzur, Sofia Dickens, Suzanne Olsen, Dean Sexton, Christine Stoeckel, Jody Brennan, Jill Brown, Gretchen Allred, Brittany Nevins, Janine Wynn, David Hochwald, Amy Rice, Mandy Wheeler, Dan Wateska, Ann Stevenson, Dee Harriman, Jennifer and Douglas Richardson, Cherie Sharp, Rachel de los Santos, Laura Garner, Diane Beach, Jamie Winterton, Rachel Waite, Brandon McKennon, Richard Gude, Barbara Hinshaw, Tony Mathews, Mark Melanson, Stefan Manns, Michael Hull, Jenny Angulo, William Vinovich, James Ni, Laurie Martin, Hayden Nguyen, Kacey Gill, Jeff Gillard, Jake Halladay, Angela Eyre, Jennifer Aguilar, Trudy Ferris.

**MOVED/SECOND:** Council Member Gamos/Council Member Harlan

**MOTION:** Approve Top Seed Tennis Academy as the operators of the Costa Mesa Tennis Center.

Council Member Gamos spoke in support of the motion.

Mayor Pro Tem Harlan spoke on the process and serving the community.

Council Member Chavez requested to include in the contract that outreach and access be required to all of Costa Mesa residents.

Council Member Gameros (1<sup>st</sup>) and Council Member Harlan (2<sup>nd</sup>) agreed to Council Member Chavez request.

**MOVED/SECOND:** Council Member Gameros/Council Member Harlan

**MOTION:** Approve Top Seed Tennis Academy as the operators of the Costa Mesa Tennis Center and to include in the contract that outreach and access be required to all of Costa Mesa residents.

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 an operation agreement to Top Seed Tennis Academy for the Management and Operation of the Costa Mesa Tennis Center.
2. Authorized the City Manager or her designee to negotiate the terms and conditions for the financial share between the City and Top Seed Tennis Academy.
3. Authorized the City Manager and the City Clerk to execute the operating agreement and future amendments to the agreement within City Council authorized limits.
4. Directed the contract to include that outreach and access be required to all of Costa Mesa residents.

**2. AUTHORIZE THE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH WHP TRAININGTOWERS FOR THE PURCHASE OF A PRE-FABRICATED TRAINING TOWER AT FIRE STATION NO. 4**

Presentation by Mr. Yang, City Engineer.

Public Comments: None.

**MOVED/SECOND:** Council Member Marr/Council Member Chavez

**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 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 authorized the use of Sourcewell's National Cooperative Agreement No. 011822-JHK with WHP Training towers for the purchase and installation of a pre-fabricated training tower at Fire Station No. 4 in the amount of \$2,178,190.05.

2. Authorized an additional ten percent (10%) contingency of \$217,819.05 for unforeseen costs.

**3. RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21221, FOR THE REHIRE OF EMERGENCY SERVICES MANAGER BRENDA EMRICK**

Presentation by Ms. Lee, Human Resources Manager.

Public Comments: None.

**MOVED/SECOND:** Mayor Stephens/Council Member Marr

**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 Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

**ACTION:**

City Council adopted Resolution No. 2023-40 for the exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21221(h) to retain the services of retired Emergency Services Manager Brenda Emrick.

**ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Marr spoke on the Orange County League of Cities large city representative seat is available.

Council Member Reynolds thanked Public Works staff for taking care of the tree that fell during the council meeting.

Mayor Stephens thanked Public Works staff for work at Wilson Park.

**ADJOURNMENT** –The Mayor adjourned the meeting at 11:49 p.m.

**Minutes adopted on this 5<sup>th</sup> day of September, 2023.**

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John Stephens, Mayor

ATTEST:

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Brenda Green, City Clerk

DRAFT