

**ACTION REPORT
(FINAL MOTIONS ONLY)
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, DECEMBER 15, 2020
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
REGULAR MEETING 6:00 P.M.**

KATRINA FOLEY
Mayor

MANUEL CHAVEZ
Council Member

ANDREA MARR
Mayor Pro Tem

LOREN GAMEROS
Council Member

DON HARPER
Council Member

JEFFREY HARLAN
Council Member

ARLIS REYNOLDS
Council Member

City Attorney
Kimberly Hall Barlow

City Manager
Lori Ann Farrell Harrison

CALL TO ORDER - The regular meeting was called to order by Mayor Foley at 6:03 p.m. via Zoom webinar.

ROLL CALL

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

Absent: None

CONSENT CALENDAR: (Items 1-9)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9.

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 Foley.

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 and Agency Board approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Mariela Burket, Daniela Mowery, and Linsy Yang.

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2651 – Finance Department

ACTION:

City Council approved Warrant Resolution No. 2651 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-23 "A" for -\$3,849.22 and 20-24 for \$2,451,159.81; and City operating expenses for \$5,891,336.88.

4. MINUTES - City Manager's Office/City Clerk's Division

ACTION:

City Council Approved the Study Session Minutes of October 13, 2020, Regular Minutes of December 1, 2020, and Emergency Minutes of December 5, 2020.

**5. TERMINATION OF THE JOINT EXERCISE OF POWERS AGREEMENT AND DISSOLUTION OF THE JOINT POWERS EMPLOYEE BENEFIT AUTHORITY
City Manager's Office/Human Resources Division**

ACTION:

City Council adopted Resolution No. 2020-61 to terminate the Joint Exercise of Powers Agreement and dissolve the Joint Powers Employee Benefit Authority (JPEBA), effective June 30, 2021.

FOR INFORMATIONAL PURPOSES ONLY

6. MEASURE M2 EXPENDITURE REPORT

Public Services Department/Transportation Services

ACTION:

City Council adopted Resolution No. 2020-64, approving the Measure M2 Expenditure Report and authorizing staff to submit the report to OCTA.

7. RECOGNIZE GRANT FUNDS FOR THE TIER 1, ENVIRONMENTAL CLEANUP PROGRAM GRANT AND APPROVE BUDGET ADJUSTMENT FOR THE CONNECTOR PIPE SCREEN INSTALLATION PHASE III PROJECT

Public Services Department/Engineering Division

ACTION:

1. City Council accepted grant funds from the Orange County Transportation Authority (OCTA), Environmental Cleanup Program (ECP), Tier 1 program in the amount of \$107,326.80 and accepted the grant funds upon the City's request for reimbursement after the project's completion.
2. Approved Budget Adjustment in the amount of \$107,326.80 to appropriate the awarded ECP grant funds for the Connector Pipe Screen Installation Phase III project.

8. CALRECYCLE COMPETITIVE GRANT PROGRAM AUTHORIZATION

Public Services Department

ACTION:

City Council adopted Resolution No. 2020-65:

1. Authorizing City staff to submit applications for CalRecycle Beverage Container Recycling Grant Program, for which the City is eligible.
2. Authorizing the City Manager or designee with signature authority to execute all required documents and appropriate, if awarded, to implement the program.

9. DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2020 - Finance Department

ACTION:

City Council received and filed the Development Impact Fees Annual Report for the Fiscal Year ended June 30, 2020.

PUBLIC HEARINGS:

- 1. EXTENSION OF A MORATORIUM (ORDINANCE NO. 2020-17) AS AN INTERIM URGENCY MEASURE TO PROHIBIT OR LIMIT THE OPERATION OF SHORT TERM RENTALS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA** – Development Services Department/Planning Division

REVOTE OF THE ORIGINAL MOTION//SECOND: Mayor Pro Tem Marr/Council Member Harlan

ORIGINAL MOTION: Approve recommended actions with changes.

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council found that the Ordinance No. 2020-20 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (general rule) because it can be seen with certainty that there is no possibility that the proposed amendment to the CMMC will have a significant effect on the environment.
2. Adopted the Report of the City Council: Extension of Urgency Ordinance 2020-17 as the Report of the City Council describing the measures taken to alleviate the condition which led to the adoption of the Moratorium pursuant to Government Code Section 65858.
3. Introduced and adopted as an interim urgency measure Ordinance No. 2020-20 that extends the Moratorium enacted by Ordinance No. 2020-17 for a period of 10 months and 15 days to expire on November 10, 2021, unless otherwise extended. The Moratorium prohibits the establishment and/or operation of STRs within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code Section 65858, exempting owner occupied home share from the moratorium.

MOVED//SECOND: Mayor Foley/Mayor Pro Tem Marr

MOTION: Move up New Business item #2 to be heard before Public Hearing item #2.

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

NEW BUSINESS:

2. COVID-19 SMALL BUSINESS BRIDGE GRANT PROGRAM

Development Services Department/Economic Development

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: To extend the meeting past midnight.

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

MOVED/SECOND: Mayor Pro Tem Marr/Mayor Foley

MOTION: Approve recommended actions with changes.

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council authorized the City Manager to take any and all actions necessary to develop and administer a Small Business Bridge Grant Program, including the execution of any agreements in connection with administration of the Program, with \$1.995 million appropriated from Disaster Recovery Reserve Funds, for the provision of grants to local restaurants, and personal care services businesses; with the following changes:
 - The business within Costa Mesa must not generate more than an average annual gross-receipts of \$2.5 million (change from \$1.5 million); and
 - Phase 2 grants will be \$10,000 each (change from \$5,000 each), not to exceed the total of \$800,000.
2. Adopted the proposed Resolution No. 2020-63, authorizing the use of up to \$1.995 million for the Costa Mesa Bridge Grant Program with potential reimbursement in whole or in part from pending Federal Stimulus Act funding legislation.
3. Found there is a public purpose of providing financial support to Costa Mesa businesses in establishing the Bridge Grant Program during the pandemic.

PUBLIC HEARINGS:

2. **INTRODUCTION OF ORDINANCE NO. 2021-02 AMENDING CHAPTERS I (GENERAL) AND II (CIVIL CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) RELATING TO ENFORCEMENT PENALTIES AND THE ISSUANCE OF CIVIL CITATIONS FOR BUILDING AND ZONING CODE VIOLATIONS**

ADOPTION OF RESOLUTION NO. 2020-66 ESTABLISHING THE CIVIL FINES AND PENALTIES FOR VIOLATION OF UNCODIFIED ORDINANCES AND MORATORIA AND AMENDING THE CIVIL FINES AND PENALTIES SCHEDULE PURSUANT TO SECTION 1-40 OF THE COSTA MESA MUNICIPAL CODE

REVISIONS TO CHAPTERS I (GENERAL) AND II (CIVIL CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) RELATING TO BUILDING AND ZONING CODE ENFORCEMENT PENALTIES AND THE ISSUANCE OF CIVIL CITATIONS

Development Services Department

MOVED/SECOND: Council Member Chavez/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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council found that Ordinance No. 2021-02 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (general rule) because it can be seen with certainty that there is no possibility that the proposed amendment to the CMMC will have a significant effect on the environment.
2. Introduced for first reading, by title only, Ordinance No. 2021-02 of the City Council of the City of Costa Mesa, California, amending Chapters I (General) and II (Civil Citations) of Title 1 of the Costa Mesa Municipal Code.
3. Adopted Resolution No. 2020-66 establishing the Civil Fines and Penalties for violation of uncodified ordinances and moratoria and amending the Civil Fines and Penalties Schedule pursuant to Section 1-40 of the Costa Mesa Municipal Code.

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OLD BUSINESS:

- FIRST READING OF ORDINANCE CHANGING APPOINTMENT PROCESS FOR MEMBERS OF THE PARKS, ARTS AND COMMUNITY SERVICES COMMISSION** - City Manager's Office/City Clerk's Division

SUBSTITUTE MOTION/SECOND: Council Member Reynolds/Council Member Chavez
SUBSTITUTE MOTION: Structure the Commission the same as the Planning Commission with one member from each electoral district of the city and one at-large member and the commission shall designate one (1) member of the commission to serve as the liaison for the senior center, and one (1) member of the commission to serve as the liaison for arts and culture related initiatives and activities in the city

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

Introduced for first reading, Ordinance No. 2021-01 of the City Council of the City of Costa Mesa, California, amending Chapter III (Parks, Arts and Community Services Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code.

NEW BUSINESS:

- REALIGNMENT OF BIKEWAY AND WALKABILITY COMMITTEE, AND RESTRUCTURING OF THE FINANCE AND PENSION ADVISORY COMMITTEE**
City Manager's Office/City Clerk's Division

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION: To reduce the Bikeway and Walkability Committee to 11 and the Finance and Pension Advisory Committee to 9 and to receive and file the report on restructuring the Finance and Pension Advisory Committee with direction to discuss economic development options at the City Council goal setting meeting.

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 Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council reduced the membership numbers on the Bikeway and Walkability Committee to eleven members and the Finance and Pension Advisory Committee to nine members, serving staggered two-year terms,

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2. Received and filed the report to change the name of the Finance and Pension Advisory Committee to the Economic Development and Finance Committee.
3. Received and filed the report to revise the membership, scope and responsibilities of the Economic Development and Finance Committee.

ADJOURNMENT – Mayor Foley adjourned the meeting at 1:15 a.m., December 16, 2020 in memory of Noel Bascon, Kim Folsom, and Jay Kelly.