

**MINUTES OF THE REGULAR CITY COUNCIL, COSTA MESA
FINANCING AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING
AUTHORITY BOARD, COSTA MESA HOUSING AUTHORITY, AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
MEETING**

TUESDAY, JANUARY 19, 2021 – 6:00 P.M.

CALL TO ORDER (00:00:14) - The meeting was called to order by Mayor Foley at 6:02 p.m. via Zoom webinar.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:35)
Led by Council Member Gameros

MOMENT OF SOLEMN EXPRESSION (00:04:09)
Led by Pastor Jordan Hansen Newport Mesa Church

ROLL CALL (00:05:54)

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

CITY ATTORNEY CLOSED SESSION REPORT (00:06:22) – No Reportable Action.

PRESENTATIONS: (00:06:31)

Mayor Foley presented a Tribute to Remember and Honor the Lives Lost to COVID-19. (00:06:35)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA: (00:09:45)

Mr. Smart, spoke on the stay at home order by the Governor and enforcement by the Police Department. (00:10:29)

Ms. Ashendorf, Costa Mesa, expressed concern for isolated senior citizens and not being able to sign up for vaccinations. (00:14:03)

Mr. Chan, Costa Mesa, spoke on problems associated with Smart n Final. (00:17:28)

Speaker, spoke on problems associated with Smart n Final. (00:21:01)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez spoke on resolving Smart n Final problems, additional outreach to senior citizens on vaccinations, and attacks on the U.S. Capitol. (00:23:38)

Council Member Gameros praised the Costa Mesa Police Department and thanked Chief Glass, spoke on COVID-19 deaths and encouraged everybody to wear a mask. (00:29:01)

Council Member Harlan spoke on problems with Short Term Rentals and enforcement, requested clarification on street improvement projects aligning with the Bikeway Master Plan and Transportation Master Plan, and announced the Newport Beach Planning Commission meeting regarding the Westcliff Plaza Parking Waiver. (00:31:45)

Council Member Harper thanked city staff and council for their support during his transition and requested a report on Smart n Final actions. (00:34:28)

Council Member Reynolds thanked staff, reflected on 2020, and spoke on being neighborly. (00:35:58)

Mayor Pro Tem Marr spoke on outreach to senior citizens on vaccinations, and spoke on frustrations associated with the pandemic. (00:38:31)

Mayor Foley spoke on the Othena Application and notifications, provided an update on vaccination distribution and funding, and working with all level of government, spoke on Smart n Final problems, spoke on a letter received from former mayor Norma Hertzog and being grateful for her recognition, and spoke on opening the New Community Center while practicing safety measures. (00:41:08)

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on unity and leadership, quoted Martin Luther King, spoke on COVID-19 statistics, implementation of vaccinations, the Community Center opening delayed and honoring Norma Hertzog. (00:48:22)

Ms. Le, Economic and Development Services Director, provided a status report on Smart n Final. (00:56:40)

REPORT – CITY ATTORNEY – Ms. Hall Barlow advised City Council that the Court of Appeal denied the petition for writ of Sheriff Barnes case and spoke on enforcement actions related to COVID-19. (01:04:31)

CONSENT CALENDAR: (Items 1-12)(01:07:22)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 6.

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: Francisco Carrera, Roseanna Eichenbaum, Shaen Del Fierro, Hilda Hammond, Chris Hardwick, Micael Hauck, Louis A. Montalvo III, John Darel Price, Martha Shalhoub, Robert Daniel Soliz,

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2652 – Finance Department

ACTION:

City Council approved Warrant Resolution No. 2652 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-24 "A" for \$4,814.90, 20-25 for \$2,748,651.53, 20-25 "A" for -\$0.12, 20-26 for \$2,609,150.06, 20-26 "A" for \$16.80, and 21-01 for \$2,690,763.26; and City operating expenses for \$4,578,145.61.

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

ACTION:

City Council Approved the Minutes of the Regular City Council meeting of November 10, 2020.

5. APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE TRANSPORTATION CORRIDOR AGENCIES AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT - City Manager's Office/City Clerks Division

ACTION:

City Council approved the following Mayor's appointments:

1. Transportation Corridor Agencies (TCA): Council Member Arlis Reynolds/Alternate-Council Member Loren Gameros.
2. Orange County Vector Control District (OCVCD): Mr. Bill Turpit, Costa Mesa resident.

7. ADOPTION OF ORDINANCE NO. 2021-02 AMENDING CHAPTER II (CIVIL CITATIONS) OF TITLE 1 (GENERAL PROVISIONS) RELATING TO THE DEFINITIONS OF WORDS AND PHRASES DEFINED THEREIN

Development Services Department/Planning Division

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. Adopted by second reading Ordinance 2021-02 of the City Council of the City of Costa Mesa, California, amending Chapter II (Civil Citations) of Title 1 of the Costa Mesa Municipal Code.

8. ADOPT RESOLUTION APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR FY 2021-22 FOR THE PERIOD OF JULY 1, 2021 TO JUNE 30, 2022 – Finance Department

ACTION:

City Council adopted Successor Agency Resolution No. 2021-02 approving the Recognized Obligation Payment Schedule for Fiscal Year 2021-22 for the period of July 1, 2021 to June 30, 2022, subject to submittal to and review by the Orange Countywide Oversight Board (Oversight Board) and then the State of California, Department of Finance (DOF). Further, the Finance Director, or her authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

9. CITYWIDE ALLEY REHABILITATION PROJECT – CITY PROJECT NO. 20-20
Public Services Department/Engineering Division

ACTION:

1. City Council adopted plans, specifications, and working details for Plumer Street Alley (Alley No. 06), Wallace Avenue Alley (Alley No. 13), 17th Street Alley (Alley No. 55), Tustin Avenue Alley (Alley No. 60), Rosemary Place Alley (Alley No. 105), and Costa Mesa Street Alley (Alley No. 114) Improvement Project – City Project No. 20-20.
2. Approved Budget Adjustment in the amount of \$315,000 from the undesignated fund balance in Fund 416.
3. Accepted the withdrawal of the bid submitted by LCR Earthwork & Engineering, Corp, 3200 Guasti Road, Suite 100, Ontario, CA 91761.
4. Awarded a construction contract to Black Rock Construction Company, 929 Mariner Street, Brea, CA 92821, In the amount of \$976,000 (base bid plus additive bid).
5. Authorized an additional \$59,00 as needed for construction change orders and for construction engineering.
6. Authorized the City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the City Manager to execute future contract amendments within Council authorized limits.

10. LIONS PARK COMMUNITY CENTER AUDIO VISUAL PROJECT, CITY PROJECT NO. 19-17 – Public Services Department/Engineering Division

ACTION:

1. City Council accepted the work performed by EIDIM Group, Inc., for the subject project and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

11. POLICE DEPARTMENT UNIFORMS AND EQUIPMENT CONTRACT

Police Department

ACTION:

1. City Council approved and authorized the City Manager to execute the service agreement and any renewal amendments for an annual contract for equipment through the City of Los Angeles Cooperative Agreement, Contract ID No. 59463, with Galls, LLC, effective January 7, 2013 through January 31, 2021, with the option to renew for two additional one year terms, contingent upon the duration of the City of Los Angeles's agreement with Galls, LLC. City of Costa Mesa agreement terms will be February 1, 2021- January 31, 2023.
2. Approved and authorized the City Manager to execute the service agreement and any renewal amendments for an annual contract for uniforms through the City of Los Angeles Cooperative Agreement, Contract ID No. 59457, with Galls, LLC, effective October 30, 2020 through November 20, 2021, with the option to renew for one additional one year terms, contingent upon the duration of the City of Los Angeles's agreement with Galls, LLC. City of Costa Mesa agreement term will be December 1, 2020- November 30, 2022.

12. UPDATE STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) DESIGNATION OF APPLICANT'S AGENT RESOLUTION

Police Department

ACTION:

1. City Council approved and adopted the State of California, Governor's Office of Emergency Services (Cal OES) Designation of Applicant's Agent Resolution.
2. Authorized submittal of the approved Designation of Applicant's Agent Resolution Forms to the State.

ITEMS PULLED FROM THE CONSENT CALENDAR

- 6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION NO. 5 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES TO SUSPEND ENFORCEMENT OF CERTAIN PARKING REGULATIONS IN RESIDENTIAL NEIGHBORHOODS (01:09:25) - City Manager's Office**

Presentation by Ms. Farrell Harrison, City Manager, Ms. Hall Barlow, City Attorney, and Police Chief Glass.

Public Comments:

Ms. Genis, Costa Mesa, expressed concern due to impeding street sweeping and environmental issues. (01:15:22)

Mr. Taboada, Costa Mesa, spoke on providing more fiscal information and on revenue sources. (01:17:40)

Mr. Smart, spoke on deferment. (01:19:56)

Speaker spoke on loss of income, revenue, and street sweeping contracts, environmental issues, and utilizing the Police Department on parking issues. (01:20:56)

MOVED/SECOND (01:22:41): Council Member Reynolds/Council Member Chavez

MOTION: Approve the staff recommendation.

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:

City Council adopted Resolution No. 2021-01 ratifying Regulation No. 5 issued by the Director of Emergency Services Temporarily Suspending Enforcement of Certain Parking Restrictions in Residential Neighborhoods.

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

PUBLIC HEARINGS: NONE

OLD BUSINESS:

- FIRST READING OF ORDINANCE CHANGING APPOINTMENT PROCESS FOR MEMBERS OF THE PARKS, ARTS AND COMMUNITY SERVICES COMMISSION (01:38:01) - City Manager's Office/City Clerks Division**

Presentation by Ms. Green, City Clerk.

Public Comments: None.

MOVED/SECOND (01:34:52): Council Member Chavez/Council Member Reynolds

MOTION: Approve the staff recommendation.

Mayor Foley requested the following change: in paragraph e relating to appointing the senior and arts liaisons, adding to the beginning of the sentence "if the mayor does not assign".

The maker of the motion and the second agreed to the change.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Approve the staff recommendation with the change relating to appointing the senior and arts liaisons, adding to the beginning of the sentence “if the mayor does not assign”.

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 introduced for first reading, by title only, 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.
2. Approved the terms of the Parks, Arts and Community Services commissioners whose terms are currently set to expire in 2023 to end upon appointment of new commissioners by City Council.
3. Directed the City Clerk to post the special vacancy notices pursuant to GC §54974(a), and to proceed with an extended recruitment to reflect district appointments and the Mayors at large appointment.

NEW BUSINESS: (01:38:01)

1. APPOINTMENTS TO THE PLANNING COMMISSION (01:38:06)

City Manager’s Office/City Clerk’s Division

Presentation by Ms. Green, City Clerk.

Public Comments: None.

MOVED/SECOND (01:39:59): Council Member Harper/Council Member Reynolds

MOTION: Appoint Jon Zich to the District 1 position on the Planning Commission.

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 (01:40:57): Council Member Gameros/Mayor Foley
MOTION: Appoint Kedarious Colbert to the District 2 position on the Planning Commission.

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 (01:42:02): Council Member Harlan/Mayor Pro Tem Marr

MOTION: Appoint Russell Toler to the District 6 position on the Planning Commission.

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 (01:45:40): Mayor Foley/Council Member Chavez

MOTION: Appoint John Stephens to the At-Large position on the Planning Commission.

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:

City Council appointed to the Planning Commission three (3) applicants to fill vacancies in Districts 1, 2, and 6 (4-year terms), and one (1) at large Mayor's selection (2-year term).

2. FISCAL YEAR 2019-20 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY; AND THE HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND UNDER SECTION 34176.1 OF THE DISSOLUTION LAW AND SECTION 34328 OF THE CALIFORNIA HOUSING AUTHORITIES LAW (01:48:01)

Finance Department

Presentation by Ms. King, Assistant Finance Director.

Public Comments: None.

MOVED/SECOND (01:55:07): Mayor Pro Tem Marr/Council Member Chavez

MOTION: Approve the staff recommendation.

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:

City Council and the Housing Authority received and filed the following:

1. The Fiscal Year 2019-20 Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund.
2. The Fiscal Year 2019-20 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority.
3. **RECEIVE AND FILE THE CITY'S AUDITED FINANCIAL REPORTS AND COSTA MESA PUBLIC FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED JUNE 30, 2020 (01:55:57)**
Finance Department

Presentation by Ms. King, Assistant Finance Director.

Discussion ensued on COVID-19 related expenses and reimbursements.

Public Comments: None.

MOVED/SECOND (02:23:38): Council Member Chavez/Council Member Harlan

MOTION: Approve the staff recommendation.

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. Council received and filed the following reports for the fiscal year ended June 30, 2020:
 - a. Comprehensive Annual Financial Report (CAFR);
 - b. Air Quality Improvement Fund Compliance Report;
 - c. Audit Communication Letter;
 - d. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets.

2. City Council and Costa Mesa Public Financing Authority received and filed the Costa Mesa Public Financing Authority audited financial statements for the fiscal year ended June 30, 2020.

4. RECEIVE AND FILE THE COSTA MESA FINANCING AUTHORITY'S AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2020 (02:28:47) - Finance Department

Presentation by Ms. King, Assistant Finance Director.

Public Comments: None.

MOVED/SECOND (02:31:55): Council Member Chavez/Mayor Pro Tem Marr
MOTION: Approve the staff recommendation.

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:

City Council and Costa Mesa Financing Authority received and filed the Costa Mesa Financing Authority audited financial statements for the fiscal year ended June 30, 2020.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (02:32:51)

Mayor Pro Tem Marr spoke on the Orange County Fair subcommittee meeting on diversity and equality.

Mayor Foley spoke on a letter for City Council to sign.

ADJOURNMENT (02:34:37) – Mayor Foley adjourned the meeting at 8:37 p.m.

Minutes adopted on this 2nd day of March, 2021.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk