

MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING

TUESDAY, MARCH 2, 2021 – 6:00 P.M.

CALL TO ORDER - The regular meeting was called to order by Mayor Foley at 6:25 p.m. via Zoom webinar.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

Led by Council Member Reynolds

MOMENT OF SOLEMN EXPRESSION

Pastor Jordan Hansen, Newport Mesa Church

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

CITY ATTORNEY CLOSED SESSION REPORT – Ms. Hall Barlow reported that on Closed Session items 1-4 direction was given to staff by Council, on items 5 and 7 Council was requested to ratify the cross complaint that was filed in the Insight Psychology case and gave direction to the City Manager and City Attorney to work with outside council to move forward with nuisance abatement actions relating to group home operators who have already been engaged with the city in litigation.

CLOSED SESSION ACTION:

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

ACTION: Ratified the cross complaint that was filed in the Insight Psychology case and City Council directed the City Manager and City Attorney to work with outside council to move forward with nuisance abatement actions relating to group home operators who have already been engaged with the city in litigation.

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

For the remaining Closed Session items 6, 8, 9, and 10, Council provided direction.

PRESENTATIONS:

Ms. Reese and Ms. Yeh provided the OC Human Relations Annual Update.

Mayor Foley, Mayor Pro Tem Marr, and Council Member Reynolds presented a Proclamation for Women's History Month.

Mayor Foley recognized Ms. McNabb for her service to the City of Costa Mesa.

Mr. Polenske, Regional Manager, provided an update on Smart n Final.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Ms. Abraham, Costa Mesa, requested clarification on filling the vacancy process if Mayor Foley should win the Supervisor seat.

Mr. Chan, Costa Mesa, responded to the Smart n Final presentation.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Harper spoke on the Housing Element, RHNA numbers, and community engagement.

Council Member Reynolds spoke on the Housing Element process and outreach, the Planning Commission meeting on March 1st regarding the Housing Element, the Parks, Arts, and Community Services Commission and Open Space discussion, a Caltrans survey on Active Transportation, and safety improvements.

Council Member Chavez spoke on park access and enhancements, the Housing Element, and the Mesa West ownership plan.

Council Member Gameros spoke on the importance of wearing face masks.

Council Member Harlan spoke on the Housing Element workshops, Perez Park, and temporary fencing.

Mayor Pro Tem Marr spoke on the Housing Element workshops and outreach, the new homeless shelter on Airway Ave, and May 15th is Love Costa Mesa Day.

Mayor Foley spoke on the Housing Element Workshops, Target construction, Landscape plans for Fairview replacement of trees, vaccine distribution, sports starting back in schools, and closing the meeting in recognition of Art Goddard and Mike Baker.

REPORT – CITY MANAGER – Ms. Farrell Harrison provided an update on vaccine distributions, COVID-19 numbers, bulky item pick up, the Local Hazard Mitigation Plan, congratulated Mr. Dempsey, Office of Emergency Services Administrator on receiving the Best Example of Using Technology to Combat COVID-19 award by Everbridge.

Mr. Dempsey, Office of Emergency Services Administrator, provided an update on the Local Hazard Mitigation Plan.

REPORT – CITY ATTORNEY – Ms. Hall Barlow reported on obtaining an injunction on illegal marijuana stores and clarified the filling of the Mayor's vacancy.

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 (Mayor Foley recused herself on item number 8 as she has an Accessory Dwelling Unit application pending)

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: Steven Armand, Barbara Jean Blood, and Yusuf Shojaee.

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2655 – Finance Department

ACTION:

City Council approved Warrant Resolution No. 2655 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 21-03 "A" for \$988.60 and 21-04 for \$2,415,793.17; and City operating expenses for \$3,585,442.60.

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

ACTION:

City Council approved the Minutes of January 25, 2019 special meeting, January 30, 2019 special meeting, February 26, 2019 special Closed Session, February 26, 2019 special Study Session, February 26, 2019 special meeting, March 26, 2019 special meeting, April 17, 2019 special Closed Session, May 14, 2019 special Closed Session, May 14, 2019 special Study Session, May 14, 2019 special meeting, August 13, 2019 Study Session, February 4, 2020 regular meeting, May 19, 2020 regular meeting, May 26, 2020 Adjourned regular meeting, November 10, 2020 Study Session, December 15, 2020 Closed Session, December 15, 2020 regular meeting, January 19, 2021 Closed Session, January 19, 2021 regular meeting, and February 23, 2021 special Study Session.

5. DESIGNATION OF VOTING DELEGATES FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2021 REGIONAL CONFERENCE AND GENERAL ASSEMBLY - City Manager's Office/City Clerk's Division

ACTION:

City Council designated Mayor Pro Tem Marr as the delegate and Council Member Harlan as the alternate for the upcoming 2021 Annual Southern California Association of Governments (SCAG) Regional Conference & General Assembly.

6. AMENDMENT NO. 1 TO THE MAINTENANCE SERVICES AGREEMENT WITH F.M. THOMAS AIR CONDITIONING, INC.

Public Services Department/Engineering Division

ACTION:

1. City Council approved Amendment No. 1 to the Maintenance Services Agreement with F.M. Thomas Air Conditioning, Inc., 231 Gemini Avenue, Brea, CA, 92821, increasing the annual amount by \$30,000 for each year of the agreement (2021 and 2022).
2. Authorized the City Manager and the City Clerk to execute the amendment and future authorized amendments to the agreement.

7. AMENDMENT NO. 1 TO THE MAINTENANCE SERVICES AGREEMENT WITH SIEMENS INDUSTRY INC. – Public Services Department/Engineering Division

ACTION:

1. City Council approved Amendment No. 1 to the Maintenance Services Agreement with Siemens Industry, Inc., 6141 Katella Avenue, Cypress, CA, 90630, increasing the annual amount by \$60,000 for Years 1 and 2 of the agreement.
2. Authorized the City Manager and the City Clerk to execute the amendment and future authorized amendments to the agreement.

8. SECOND READING TO AN ORDINANCE REPEALING URGENCY ORDINANCE 19-19 AND APPROVING CODE AMENDMENT CO-2020-04 AMENDING PORTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW REQUIREMENTS - Development Services Department/Planning Division

ACTION:

City Council gave second reading to and adopted Ordinance No. 2021-03 (Code Amendment CO-2020-04) read by title only, repealing Urgency Ordinance 19-19 and amending the Costa Mesa Municipal Code, Title 13, Article 2 pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

9. ADOPT RESOLUTION TO END CHILD MARRIAGE – Legislative Review Team

ACTION:

City Council approved Resolution No. 2021-07 in support of Ending Child Marriage.

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

PUBLIC HEARINGS:

- 1. **AN URGENCY ZONING ORDINANCE NO. 2021-XX OF THE CITY OF COSTA MESA TO EXTEND AND AMEND PREVIOUSLY-APPROVED URGENCY ORDINANCE NO. 2020-14 PROVIDING FOR AN ADDITIONAL 12-MONTH EXTENSION, FOR A TOTAL OF 24 MONTHS, OF THE TIME LIMITS SET FORTH IN ZONING CODE SECTION 13-29(k) (TIME LIMITS AND EXTENSIONS) FOR ALL APPROVED DISCRETIONARY PLANNING APPLICATIONS; AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**
Development Services Department/Planning Division

Presentation by Ms. Bouwens-Killeen, Zoning Administrator.

Discussion ensued on fencing and maintenance of vacant lots, and the number of projects.

Public Comments: None.

MOVED/SECOND: Council Member Reynolds/Council Member Gameros
MOTION: Approve the recommended actions with the condition of staff follow up on maintenance to the vacant lots.

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

Abstain: None

Motion carried: 7-0

ACTION:

City Council held a public hearing and adopted Urgency Ordinance No. 2021-04 to extend and amend previously-approved Urgency Ordinance No. 2020-14 providing for an additional 12-month extension, for a total of 24 months, of the time limits set forth in Zoning Code Section 13-29(k) (Time Limits and Extensions) for all discretionary planning applications; and declaring the ordinance to be an emergency measure to take effect immediately upon adoption with the added condition of staff follow up on maintenance of the vacant lots.

OLD BUSINESS: NONE

NEW BUSINESS:

- 1. APPROVAL OF A RESOLUTION FOR THE APPLICATION OF PROPOSITION 68 GRANT FUNDS FROM THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM FOR THE KETCHUM-LIBOLT PARK RENOVATION/ EXPANSION PROJECT**
Parks and Community Services Department

Presentation by Mr. Minter, Parks and Community Services Director.

Discussion ensued on height of perimeter wall, and parking sign to face the street.

Public Comments: None.

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

MOTION: Approve the 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

Abstain: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2021-08 approving the submittal of a grant application to the California Department of Parks and Recreation, Proposition 68 Statewide Park Development and Community Revitalization Grant Program – also known as the Statewide Park Program (SPP) for the Ketchum-Libolt Park Playground Renovation Project and authorized the City Manager or designee to appropriate and execute any and all actions necessary to fulfill the grant requirements.

- 2. APPROVE THE PROPOSED STAFFING PLAN FOR THE IMPLEMENTATION OF THE RETAIL CANNABIS TAX AND REGULATION MEASURE (MEASURE Q) AND AMEND THE TABLE OF ORGANIZATION AND FY 2020/21 ADOPTED BUDGET – Finance Department**

Presentation by Ms. Molina, Finance Director.

Discussion ensued on workload, salaries and revenues, onboarding new stores, staffing levels and costs, assisting legal dispensaries, financial forecasting, month to month projections, and timeline to hire for the Police Department.

Public Comments:

Tom Pollitt, spoke on more employees per citizen than other cities.

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

MOTION: Approve the 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

Abstain: None

Motion carried: 7-0

ACTION:

City Council approved the staffing increase and appropriated funding for the last quarter of the fiscal year estimated at \$0.3 million for the successful implementation of the Retail Cannabis Tax and Regulation Measure (Measure Q) allowing for cannabis retail storefront (dispensaries) and retail non-storefront (delivery) uses in specified areas of the City subject to limitations.

City Council recessed into a break at 9:04 p.m.

City Council reconvened at 9:14 p.m.

3. FRONTLINE GROCERY WORKERS HAZARD PAY – City Manager’s Office

Presentation by Ms. Farrell Harrison, City Manager.

Discussion ensued on the number of stores, the number of employees, litigation costs, union vs. non-union, and other industries.

Public Comments:

Eva Goodwin-Noriega, spoke in support of the item.

Mary Ann Alercon, spoke in support of the item.

Nora Whittington, spoke in support of the item.

Adam Overton, spoke in support of the item.

Sadie Cullumber, Costa Mesa, spoke in support of the item.

Speaker, representing USCW workers spoke in support of the item.

Hengameh Abraham, Costa Mesa, spoke in support of health care workers receiving hazard pay and is opposed to the item unless it is for everyone.

Lori Wilkerson, spoke in support of the item.

Speaker, spoke in support of the item.

Greg Smith, spoke in support of the item.

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

MOTION: Approve the recommended actions.

The motion carried by the following roll call vote:

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

Nays: Council Member Harper

Absent: None

Abstain: None

Motion carried: 6-1

ACTION:

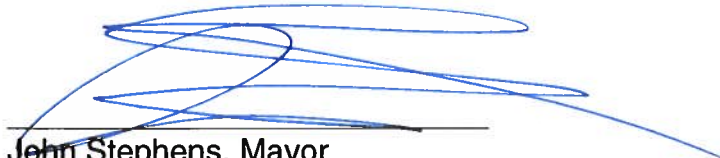
City Council directed the City Attorney to draft an urgency ordinance for consideration at a future City Council meeting requiring local grocery stores to provide hazard pay to their frontline employees for a defined period during the COVID-19 pandemic.

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

Council Member Reynolds reminded everyone to visit the Rose River memorial.

ADJOURNMENT – Mayor Foley adjourned the meeting at 10:48 p.m. in memory of Art Goddard and Mike Baker.

Minutes adopted on this 6th day of April, 2021.



John Stephens, Mayor

ATTEST:



Brenda Green, City Clerk