

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

**TUESDAY, APRIL 6, 2021**

**CLOSED SESSION  
4:00 P.M.**

**CALL TO ORDER** - The Closed Session meeting was called to order by Mayor Stephens at 4:00 p.m.

**ROLL CALL**

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

Absent: Council Member Gameros

**PUBLIC COMMENTS – NONE.**

Ex-parte communications: Council Member Chavez spoke with a CMFA representative, Mayor Pro Tem Marr spoke with a CMFA representative, and Mayor Stephens spoke with a CMFA representative.

**CLOSED SESSION ITEMS:**

**1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representatives: Peter Brown, Partner, Liebert Cassidy Whitmore, Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA), Costa Mesa Fire Management Association (CMFMA)

**2. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA)

**3. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA)

**4. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa Division Managers Association (CMDMA)

**5. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Unrepresented Employees: Confidential Unit, Confidential Management Unit, Executive Employees, Part-Time Employees.

**6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code  
Bernede v. Costa Mesa (Schaefer), OCSC Case No. 30-2019-01041552-CU-PO-CJC

**7. THREAT TO SECURITY**

Pursuant to subdivision (a) of Section 54957, California Government Code  
Consultation with: Costa Mesa Director of Emergency Services, and City Manager, Lori Ann Farrell Harrison; Bryan Glass, Police Chief; Dan Stefano, Fire Chief; and Jason Dempsey, Emergency Services Administrator.

City Council recessed at 4:07 p.m. for Closed Session.

Closed Session adjourned at 5:53 p.m.

**CALL TO ORDER** - The Regular City Council and Successor Agency to the Redevelopment Agency meeting was called to order by Mayor Stephens at 6:04 p.m. via Zoom webinar.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Mayor Stephens

**MOMENT OF SOLEMN EXPRESSION**

Pastor Christine Nolf, Redemption Church, Costa Mesa.

**ROLL CALL**

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

Absent: Council Member Gameros

**CITY ATTORNEY CLOSED SESSION REPORT** – No Reportable Action.

## **PRESENTATIONS:**

1. Mayor Stephens recognized former Costa Mesa Mayor, Supervisor Katrina Foley.
2. Mayor Stephens proclaimed April as Sexual Assault Awareness Month.

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

Speaker, spoke on profanity and censorship.

Wendy Leece, Costa Mesa, congratulated Supervisor Foley and Mayor Stephens, and spoke in support of opening the Council Chambers.

Flo Martin, Costa Mesa, spoke on the bike route on Wilson Street and safety concerns.

Mimi Turgeon, Costa Mesa, spoke on a problem with a neighbor.

Nicole McMillon, Costa Mesa, spoke on a raccoon problem.

Jay Humphrey, Costa Mesa, spoke against the appointment process of the mayor at the 3/16/21 City Council meeting.

Speaker, spoke on issues associated with Smart n Final and spoke in support of hybrid meetings that allows for public participation.

Speaker, spoke against the appointment process of the mayor at the 3/16/21 City Council meeting.

Mary Pham, expressed concern on cannabis businesses being allowed in a commercial industrial area in close proximity to a school.

Angel Ayapantecatt, spoke on how basketball courts are not available.

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

Council Member Chavez spoke on the walk audit, the homeless shelter opening, Housing and Public Grants Committee meeting, the OC Fairgrounds Super POD for vaccines, Smart n Final update, and a light out on Monrovia street.

Council Member Harlan spoke on addressing citizens' concerns, expressed concern on a bicyclist fatality on the Eastside, and spoke on safety concerns.

Council Member Harper spoke on assisting constituents, was in support of an application process for filling the mayor's seat, requested that controversial items be moved to the front of the agenda, and for streamlined presentations, for the meetings to end at 11:00 p.m., and for agendas to be released earlier.

Council Member Reynolds spoke on walking and biking safety, relaunching the bike rides for Earth Week, attending a community meeting on housing, and spoke on the shelter transition.

Mayor Stephens spoke on meetings returning to City Hall, limiting PowerPoint presentations, responded to public comments on the mayor's appointment, and requested a video be played regarding opening day of the Costa Mesa Little League 2021.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison spoke on vaccines, the ribbon cutting for the homeless shelter, April is “Let’s Be Kind” month, and Dispatchers Appreciation Week.

**REPORT – CITY ATTORNEY** – Ms. Hall Barlow spoke on illegal dispensaries that were shut down, and requested the public to not patronize the illegal dispensaries, and thanked the dispatchers.

**CONSENT CALENDAR: (Items 1-8)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 8.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Motion carried: 6-0-1

**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: Luis Collado, Peter Do, David Dunne, Interinsurance Exchange of the Automobile Club, Joseph Jones, Cynthia Sandoval, Dania Tobar Soyos.

**ACTION:**

City Council received and filed.

**3. WARRANT RESOLUTION NO. 2657 – Finance Department**

**ACTION:**

City Council approved Warrant Resolution No. 2657 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 21-05 "A" for -\$646.15 and 21-06 for \$2,510,176.08; and City operating expenses for \$4,527,270.83.

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

**ACTION:**

City Council approved the Minutes of the Special Strategic Planning Workshop of January 29, 2021, the regular meetings of March 2, 2021 and March 16, 2021, and the Special Study Session of March 23, 2021.

**5. PROFESSIONAL SERVICES AGREEMENT WITH NATIONAL DEMOGRAPHICS CORPORATION FOR DEMOGRAPHIC SERVICES AND PUBLIC PARTICIPATION SERVICES RELATED TO THE 2021 REDISTRICTING PROCESS - City Manager's Office/City Clerk's Division**

**ACTION:**

1. City Council approved and authorized a Professional Services Agreement with National Demographics Corporation (NDC) and the City of Costa Mesa for a total not-to-exceed \$80,000, for demographics analysis of census data, drawing draft maps of proposed boundaries of districts, public outreach, and interactive web tools related to the City's 2021 Redistricting Process.
2. Authorized the City Manager and City Clerk to execute a Professional Services Agreement, in substantially the form as attached and in such final form as approved by the City Attorney and future amendments to the agreement.

**6. APPROVAL OF THE PURCHASE OF ADDITIONAL MOBILE VIDEO EQUIPMENT WITH WATCHGUARD VIDEO – Police Department**

**ACTION:**

1. City Council authorized the purchase of additional body worn cameras (BWCs), cloud based video storage, and related equipment (mounts, charging/transfer stations, and warranties) from WatchGuard Video in an amount not to exceed \$166,687.00 to supplement the Police Department's current system.
2. Authorized the City Manager and City Attorney to execute an agreement with WatchGuard Video, Inc., in a form approved by the City Attorney.

**7. ACCEPTANCE AND ALLOCATION OF THE 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS – Police Department**

**ACTION:**

1. City Council approved Resolution No. 2021-09 authorizing acceptance of the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) funds and authorized the City Manager to execute the Memorandum of Understanding (MOU) with the County of Orange and the Certifications and Assurances for the 2020 Edward Byrne Memorial JAG.
2. Accepted \$20,928.43 in JAG funds and appropriated funding in the Police Department budget for the specified purpose.

**8. GRANT AWARD ACCEPTANCE - VOLKSWAGEN MITIGATION TRUST FUND TRANSIT BUS – Public Services Department**

**ACTION:**

1. City Council accepted a grant for \$159,985.41 from San Joaquin Valley Unified Air Pollution Control District, administrator of Volkswagen (VW) Mitigation Trust Funds for Zero-Emission Transit, School and Shuttle Bus Project.
2. Approved a budget adjustment appropriating the \$159,985.41 for the purchase of a new electric shuttle bus.
3. Authorized the purchase of a new e-shuttle from Creative Bus Sales, 14740 Ramona Avenue, Chino, CA 91710, for \$159,985.41.

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

**PUBLIC HEARINGS:**

1. **AN ORDINANCE FOR AN EXTENSION TO AND AMENDMENT OF THE SAKIOKA FARMS DEVELOPMENT AGREEMENT DA-99-02 (DA-20-03), SAKIOKA LOT 2, 14850 SUNFLOWER AVENUE**  
Development Services Department/Planning Division

Ex-parte communications: Council Member Harper spoke with Planning Commissioner Zich and Mr. Sakioka, Council Member Harlan spoke with Mr. Sakioka, Mayor Pro Tem Marr spoke with Mr. Sakioka, and Mayor Stephens spoke with Mr. Sakioka and Planning Commissioner De Arakal.

Staff presentation by Ms. Walsh, Assistant Planner.

Mr. Sakioka, representing the applicant, requested a 10-year extension of the development agreement, the effective date memorialized with the language the city attorney and staff recommended, and spoke on participating in the Housing Element process.

Public Comments:

Christine Nolf, representing the Costa Mesa Affordable Housing Coalition, spoke in opposition of the item as it is currently written, and creating a new development agreement to include affordable and high density housing.

Speaker, spoke in opposition of the item and creating a new development agreement.

Amy Forbes, representing the applicant, spoke on the provisions in the development agreement, the 2016 General Plan, and affordable housing.

Discussion ensued regarding density, public uses, long term planning, the General Plan, the Housing Element, downzoning, and community benefits,

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

**MOTION:** Approve recommended actions with the amendments to memorialize the updated general plan and specific plan documents previously approved by the City Council, on page 9 of the staff report, as follows: Effective Date. Section 3.1 of the Development Agreement is hereby deleted in its entirety and replaced with the following: "This Agreement shall be effective as of May 15, 2001 (the "Effective Date"). However, notwithstanding anything to the contrary in this Agreement, including but not limited to Exhibit B to this Agreement (and consistent with Section 2.2 (ii) of this Agreement), the "City of Costa Mesa General Plan (2015-2035)" as adopted June 21, 2016 and the "North Costa Mesa Specific Plan" as adopted on September 6, 2016 shall be the versions of these documents included in the terms "Existing Land Use Regulations", "Existing Development Approvals", and "Project" as those terms are utilized in this Agreement."

Ms. Hall Barlow, City Attorney clarified that adding the amended language allowing the applicant to develop pursuant to the 2016 development approvals should also include the 2016 impact fees that would be applicable.

Council Member Harlan spoke in support of the motion.

Mayor Stephens spoke in support of the motion.

Ms. Hall Barlow, City Attorney clarified that under the terms of the existing development agreement, the applicant will already pay the then current traffic impact fees at the time of issuance of building permits, and the motion is not intended to change that. The 2016 impact fees would be used for those which might be lower under the existing development agreement if they used the 2001 approvals, including park impact fees and any other impact fees, subject to the credits provided in the development agreement.

Mayor Pro Tem Marr spoke in support of the motion.

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

**MOTION:** Approve recommended actions with the amendments to memorialize the updated general plan and specific plan documents previously approved by the City Council, on page 9 of the staff report, as follows: Effective Date. Section 3.1 of the Development Agreement is hereby deleted in its entirety and replaced with the following: "This Agreement shall be effective as of May 15, 2001 (the "Effective Date"). However, notwithstanding anything to the contrary in this Agreement, including but not limited to Exhibit B to this Agreement (and consistent with Section 2.2 (ii) of this Agreement), the "City of Costa Mesa General Plan (2015-2035)" as adopted June 21, 2016 and the "North Costa Mesa Specific Plan" as adopted on September 6, 2016 shall be the versions of these documents included in the terms "Existing Land Use Regulations", "Existing Development Approvals", and "Project" as those terms are utilized in this Agreement."

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Motion carried: 6-0-1

**ACTION:**

1. City Council found the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061 (b) (3) (general rule) of the CEQA Guidelines because the amendment is merely a time extension for an existing development agreement and does not change the underlying project. In addition, the relevant environmental analysis contained in the approved 2015-2035 General Plan EIR (SCH No. 2015111053, June 2016) is still valid and applicable to the project such that no further environmental review is required.
2. Gave first reading to Ordinance 2021-07 to approve the time extension and amendment to Development Agreement 99-02 (Development Agreement 20-03).

City Council recessed into a break at 8:36 p.m.

City Council reconvened at 8:46 p.m.



2. **CITY COUNCIL REVIEW OF PLANNING APPLICATION 20-10 AND TENTATIVE TRACT MAP T-21-01 (TTM NO. 19120) FOR A MASTER PLAN FOR AN EIGHT-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT UNDER THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN AT 1978 MEYER PLACE AND 1979 ANAHEIM AVENUE**

Development Services Department/Planning Division

Ex-parte communications: Council Member Reynolds spoke with the applicant and Planning Commissioner Tourje, Council Member Harper spoke with Planning Commissioner Zich, Council Member Chavez spoke with the applicant, residents, and Planning Commissioner Tourje.

Mayor Stephens recused himself as he previously voted on the item while on the Planning Commission.

Staff presentation by Ms. Huynh, Associate Planner.

Discussion ensued on the difference between a deviation and a variant, the justification for deviations, and the number of projects approved under the current urban plan.

Mr. Jones, applicant, provided a presentation on the item.

Discussion ensued on current rentals on the property, shade and shadow, privacy of the neighbors, including affordable housing, the expected price point, total neighbors adjacent, narrowing the driveway, street frontage, condition of no walls at public sidewalks, lot area, open space, height and stories, and eliminating 2 parking spaces.

Public Comments:

Michael Moses Nolf, Costa Mesa, spoke on displacement of neighbors, including affordable units, and favors two stories.

Christine Nolf, Costa Mesa, spoke on displacement, including affordability units, and the height of the building.

David Martinez, Costa Mesa, spoke in support of a pedestrian pass through, removing the 2 outer parking spaces, and affordability.

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

**MOTION:** Approve recommended actions with the addition of removing the 2 outer parking spaces and include one moderate affordability unit.

Council Member Chavez spoke on the outdated overlay and spoke on the motion.

Council Member Reynolds spoke on the walkthrough and affordability components.

Discussion ensued on displacement benefits for the current tenants and current rent.

Council Member Harlan spoke on the need to revisit the overlay, and not legislating affordability from the dais.

Council Member Harper agreed with Council Member Harlan, expressed concern on removing two parking spaces and the height.

Ms. Hall Barlow, City Attorney, suggested an alternative in lieu of an affordable unit, the applicant to work with city staff on a first time home buyer program.

Council Members Chavez and Reynolds agreed to the change.

Mr. Jones, applicant, agreed to eliminate two parking spaces, working with staff on the first time home buyer program.

Ms. Farrell Harrison, City Manager, spoke on funding sources and working with the developer on the first time home buyer program.

**MOVED/SECOND:** Council Member Chavez/Council Member Reynolds  
**MOTION:** Approve recommended actions with the addition of having the applicant work with city staff to remove 2 parking spaces to create a proper walkthrough and to work with city staff to create a process where 2 of the units go to first time home buyers, preferably Costa Mesa residents.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Abstain: Mayor Stephens

Motion carried: 5-0-1-1

**ACTION:**

City Council upheld the Planning Commission's decision to adopt Resolution No. 2021-10.

1. Found that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 (In-fill Development Projects).
2. Approved Planning Application 20-10 and Tentative Tract Map T-21-01 with changes.
3. Modified the project to eliminate two parking spaces to allow for a connected pedestrian pathway between Meyer Place and Anaheim Avenue.
4. Requested two of the eight dwelling units be intended for first time homebuyers for preferably Costa Mesa residents through the City's first time homebuyer program.

**OLD BUSINESS: NONE**

City Council recessed into a break at 10:16 p.m.

City Council reconvened at 10:23 p.m.

**NEW BUSINESS:**

1. **ADOPTION OF URGENCY ORDINANCE NO. 2021-XX TO REPEAL ORDINANCE NO. 2020-11 RELATING TO TEMPORARY MORATORIA ON EVICTING TENANTS, AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION**  
City Attorney's Office/Development Services Department

Staff presentation by Ms. Farrell Harrison, City Manager and Ms. Hall Barlow, City Attorney.

Discussion ensued on rent due dates.

Public Comments:

Jose Cornejo, spoke in support of the item.

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

**MOTION:** Approve recommended actions.

Discussion ensued on public outreach on the item.

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

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Motion carried: 6-0-1

**ACTION:**

City Council introduced and adopted Urgency Ordinance No. 2021-06 to take effect immediately, to repeal the temporary moratorium on the eviction of commercial tenants who are unable to pay rent due to the impacts of the novel coronavirus disease (COVID-19).

**2. PROPOSED PLAN FOR USE OF FEDERAL AMERICAN RESCUE PLAN FUNDS DUE TO THE CITY IN FISCAL YEAR 2020-2021 AND RELATED BUDGET ADJUSTMENTS - Finance Department**

Staff presentation by Ms. Molina, Finance Director.

Public Comments: None.

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

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Motion carried: 6-0-1

**ACTION:**

1. City Council approved the use of the City's first 50 percent allocation of \$14.2 million of the \$28.3 million American Rescue Plan multi-year allocation to Costa Mesa and authorized the budget appropriations accordingly.
2. Authorized the City Manager, or her designee, to negotiate the elimination of the five percent (5%) pay furloughs prospectively with all employee associations and unrepresented groups, reimburse employees for the 5% paycuts incurred since July 1, 2020, and reinstate the personnel adopted budget accordingly. Revised Side Letters will be submitted to the City Council in a subsequent meeting for final approval upon final negotiation and ratification by the associations.

**3. REQUEST COUNCIL DIRECTION FOR A MINI-PITCH SOCCER FACILITY  
Parks and Community Services Department**

Council Member Reynolds recused herself on this item as she sits on the board of one of the organizations on the application and left the meeting at 10:48 p.m.

Staff presentation by Mr. Minter, Parks and Community Services Director.

Discussion ensued on expanding to look for fields as well.

Public Comments:

Jeff Gamer spoke in support of the item.

Discussion ensued on management of the facilities.

**MOVED/SECOND:** Council Member Chavez/Council Member Harper  
**MOTION:** Approve staff recommendation and directed staff to move forward with the understanding that they will come back with grant information.

Council Member Harper requested to add that a financial report be included.

Council Member Chavez agreed to the change.

**MOVED/SECOND:** Council Member Chavez/Council Member Harper  
**MOTION:** Approve staff recommendation and directed staff to move forward with the understanding that they will come back with grant information and to include a financial report.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Gameros

Abstain: Council Member Reynolds (recused herself on this item as she sits on the board of one of the organizations on the application and left the meeting at 10:48 p.m.)

Motion carried: 5-0-1-1

**ACTION:**

City Council provided direction to pursue a proposal from the US Soccer Foundation and the Orange County Soccer Club for the installation of a Mini-pitch facility and authorized staff to research the feasibility of potential locations in the City to support the facility and to include a financial report.

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

Council Member Marr spoke on addressing the Westside Overlay and disseminating legislative information.

Council Member Harlan inquired if amending the Westside Overlay would trigger Measure Y.

Ms. Hall Barlow, City Attorney, clarified if the revision does not increase density or zoning, it would not be subject to Measure Y.

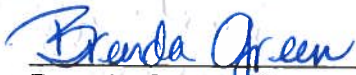
**ADJOURNMENT** – Mayor Stephens adjourned the meeting at 11:10 p.m.

**Minutes adopted on this 4<sup>th</sup> day of May, 2021.**



John Stephens, Mayor

ATTEST:



Brenda Green, City Clerk