

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

**TUESDAY, MAY 4, 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 Gameros, Council Member Harlan, Council Member Harper, Council Member Reynolds (Arrived at 4:02 p.m.), Mayor Pro Tem Marr (arrived 4:45 p.m.), and Mayor Stephens.

Absent: None.

**PUBLIC COMMENTS – NONE.**

## **CLOSED SESSION ITEMS:**

### **1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Section 54956.8, California Government Code  
APN:139-031-62,139-651-14; Property:1683 Sunflower Avenue, Costa Mesa, CA  
92626 Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Brent Stoll, Rose Equities

### **2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – ONE CASE** - Pursuant to subdivision (d)(2) of Section 54956.9 California Government Code.

### **3. 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 4:03 p.m. for Closed Session.

Closed Session adjourned at 5:50 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 6:03 p.m. via Zoom webinar.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Harper

**MOMENT OF SOLEMN EXPRESSION**

Pastor Christine Wallington – Seventh Day Adventist Church, Costa Mesa

**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 Stephens.

Absent: None.

**CITY ATTORNEY CLOSED SESSION REPORT** – Ms. Hall Barlow reported, on item #2 on the Closed Session agenda is related to the public hearing item on the agenda. There was a communication received late last week relating to Council Member Harper and campaign statements that were made. The City Attorney's office has also been asked to provide an opinion on a potential conflict with Council Member Harlan on the same project due to the fact that he was on the Planning Commission when it was previously considered. As a result of the lateness that these issues were brought up and communicated to City Council, there was a request to continue the Closed Session discussion. After further discussion, it appeared to staff that it would be appropriate to pull the item from the agenda in order to give Council Member Harper adequate time to consider whether or not he must recuse himself from participation in the item. Council Member Harlan has indicated he will recuse himself from the item. As a result, staff is pulling the item to give full and fair consideration to these issues and to allow constituents from all the districts to communicate with other council members if Council Members Harper or Harlan are their district representatives. For these reasons staff is pulling the item from the agenda this evening and it will be rescheduled and re-noticed.

**PRESENTATIONS:**

1. Mayor Stephens presented a Proclamation for Asian American Pacific Islander Heritage Month.
2. Mayor Stephens presented a Proclamation for National Bike Month.
3. Mayor Stephens presented a Proclamation for National Travel and Tourism Week.

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

Larry Hagman, spoke on Police and Fire Departments funding and on salaries and benefits.

Hank Castignetti, presented a PowerPoint presentation on repairing the Hank Hornsveld Trestle bridge.

Speaker, spoke on the municipal golf course for low income housing and noise problems.

Jay Humphrey, Costa Mesa, spoke on council meetings being back in Council Chambers and open to the public.

Wendy Leece, Costa Mesa, spoke on council meetings being back in Council Chambers and open to the public, requested clarification on which item was removed from the agenda, and spoke in opposition of the Triangle Square signage.

Salina Mendoza, local artist, spoke on the police coming to her home and harassment by her neighbor.

Speaker, spoke on opening the Council Chambers and on police salaries and benefits.

Cindy Brahs, spoke on waiving ADU fees like Newport Beach.

Hengameh Abraham, Costa Mesa, spoke on Love Costa Mesa Day on May 15<sup>th</sup>.

Cassius Rutherford, Costa Mesa, read a letter from Orange County United Way in support of an Inclusionary Housing Ordinance.

Speaker, spoke on Council Members expressing opposition to Measure Y and other Council Members expressing support for the One Metro West project and that they should recuse themselves.

Ben Chapman, Costa Mesa, spoke on opening Council Chambers, in opposition to the Triangle Square signage, and expressed concerns on the One Metro West project.

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

Council Member Harlan spoke on consideration on waiving ADU fees similar to Newport Beach, thanked staff for organizing the Arbor Day celebration, and congratulated Captain Bakkila for his retirement from the US Army Reserves.

Council Member Harper thanked council for deferring the public hearing item to allow him time to consider the issue, spoke on a letter from Rose Equities to recuse himself on the One Metro West item due to a campaign statement made and making an informed decision, spoke on having a longer period of time to review documents for the One Metro West project and to consider the item after opening Council Chambers, and spoke on pension liability.

Council Member Reynolds spoke on supporting a project to engage the youth on designing housing in the city sponsored by One Metro West, spoke on serving on the Transportation Corridor Agency (TCA) environmental committee, spoke on the next community bike ride on May 23<sup>rd</sup>, the Tour de OC charity event, and congratulated Jim Erickson for receiving an award for his bike rides from SOY.

Council Member Chavez spoke on attending the grand opening of Scuba.com, attending the Arbor Day event and planting trees, congratulated Captain Bakkila on retiring from the US Army Reserves, spoke on broken glass in alleys and moving trash cans to the front of the street to beautify the alleys, that residents have expressed difficulty turning on Pomona Street from James Street, and spoke on the difficulties of Davis Field at Lions park being closed.

Council Member Gameros spoke on Davis Field at Lions Park, attending the One Metro West community outreach event, and is excited to see youth sports returning.

Mayor Stephens recognized International Firefighters Day and thanked firefighters for their dedication, spoke on Saint Florian Day, Public Service Employee Week and thanked all employees, spoke on Cinco de Mayo, and Love Costa Mesa Day is May 15<sup>th</sup>, congratulated Captain Bakkila on his retirement from the US Army Reserves, and encouraged vaccinations.

**REPORT – CITY MANAGER –** Ms. Farrell Harrison spoke on reopening City Hall to the public, aligning opening council chambers with the Governor’s guidance of opening on June 15<sup>th</sup>, Orange County is still in the orange tier, provided a homelessness update, and spoke on vaccinations being available at the Orange County Fairgrounds.

**REPORT – CITY ATTORNEY –** None.

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

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for 5 and 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 Stephens.

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: Birgitta Schaefer and Jordan Wishmyer.

**ACTION:**

City Council received and filed.

**3. WARRANT RESOLUTION NO. 2659 – Finance Department**

**ACTION:**

City Council approved Warrant Resolution No. 2659 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 21-07 “A” for \$4,285.93 and 21-08 for \$2,572,083.98; and City operating expenses for \$1,671,716.45.

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

**ACTION:**

City Council approved the Minutes of the regular meetings of April 6, 2021 and April 20, 2021.

**7. AUTHORIZE THE USE OF SOURCEWELL’S NATIONAL COOPERATIVE AGREEMENT WITH TYMCO, INC. FOR THE PURCHASE OF A TYMCO MODEL 210 SWEEPER – Public Services Department/Engineering Division**

**ACTION:**

1. City Council authorized the use of Sourcewell’s (formerly National Joint Powers Alliance) National Cooperative Agreement No. 122017-TYM with TYMCO, Inc. for the purchase of a new TYMCO Model 210 sweeper and cab/chassis equipment.
2. Authorized the purchase of the new TYMCO Model 210 sweeper and cab/chassis equipment for \$134,251.12 from TYMCO, Inc.

**8. EXECUTIVE RECRUITMENT CONSULTANT SERVICES FOR CHIEF OF POLICE RECRUITMENT - City Manager’s Office**

**ACTION:**

1. City Council approved an amendment to the Professional Services Agreement with Ralph Andersen and Associates for the executive recruitment of the Costa Mesa Chief of Police position.
2. Authorized the City Manager and City Clerk to execute the amendment to this professional services agreement and future amendments to the agreement, as needed.

## ITEMS PULLED FROM THE CONSENT CALENDAR

5. **SECOND READING AND ADOPTION OF AN ORDINANCE TO ADOPT CODE AMENDMENT CO-2021-01 TO AMEND TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) AND AN ORDINANCE TO AMEND TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE REGARDING THE TAXATION, REGULATION, OPERATING REQUIREMENTS AND STANDARDS FOR CANNABIS USES INCLUDING RETAIL CANNABIS STOREFRONT AND NON-STOREFRONT USES TO IMPLEMENT THE CITY OF COSTA MESA RETAIL CANNABIS TAX AND REGULATION MEASURE (MEASURE Q) - Development Services Department/Planning Division**

### Public Comment:

Wendy Leece, Costa Mesa, spoke on establishing rules, supports distances between businesses of at least 1000', against overconcentration in certain areas, and would like to see more structure.

Speaker, spoke against the ordinances, in favor of a 1000' barrier around playgrounds, funding narratives, stronger rules, citizens input, to pause the adoption of the ordinances for public input, and that the item does not align with what was in Measure Q and adopted by the voters.

Tak Sato, The Shryne Group, requested to make the I-405 an impenetrable barrier.

Jim Peters, spoke on keeping stores in industrial areas, having a citizen's advisory committee, is opposed to having stores next to grocery stores, and expressed safety concerns.

Jim Fitzpatrick, requested to hear from City Council prior to public comment so people from the industry would have a chance to respond to any concerns expressed if necessary.

Steven Chan, Costa Mesa, spoke on commercial/residential interface, is opposed to cannabis stores next to residential areas, and spoke on security issues.

Matthew Nathaniel, The Shryne Group, spoke on keeping the I-405 as an impenetrable barrier, 30' barrier around playgrounds, spoke on confirming compliant properties and releasing an updated map.

Keith Maximillian, Costa Mesa, spoke in support of the ordinance.

Jason Piazza, Costa Mesa, spoke in support of the ordinance and in support of keeping the I-405 as an impenetrable barrier.

**MOVED/SECOND:** Council Member Gameros/Mayor Stephens  
**MOTION:** Approve recommended actions.

Discussion ensued on the I-405 as an impenetrable barrier, measuring distance, drafting the ordinance, reasons for not having a cap, no 1000' barrier, and over concentration.

**SUBSTITUTE MOTION/SECOND:** Council Member Reynolds/Council Member Harper

**SUBSTITUTE MOTION:** Approve recommended actions with the following changes: reinstate the I-405 as an impenetrable barrier, take more time to conduct community outreach, and to publish the map that reflects what the current ordinance would allow.

Discussion ensued on having more time for public input, publishing maps, location of stores, commercial vs. industrial zones, collecting taxes, auditing stores, the I-405 as an impenetrable barrier, the timeline for public outreach, and the item coming back for another second reading.

Mayor Pro Tem Marr requested to include private playgrounds in the definition of playgrounds in the substitute motion.

Council Member Reynolds (1<sup>st</sup>) and Council Member Harper (2<sup>nd</sup>) agreed to the change.

**SUBSTITUTE MOTION/SECOND:** Council Member Reynolds/Council Member Harper

**SUBSTITUTE MOTION:** Approve recommended actions with the following changes: reinstate the I-405 as an impenetrable barrier, take more time to conduct community outreach, to publish the map that reflects what the current ordinance would allow, and to include private playgrounds.

The motion failed by the following roll call vote:

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

Nays: Council Member Chavez, Council Member Gameros, Council Member Harlan, and Mayor Stephens.

Absent: None

Motion failed: 3-4

**ORIGINAL MOVED/SECOND:** Council Member Gameros/Mayor Stephens

**ORIGINAL MOTION:** Approve recommended actions.

The motion failed by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harlan, and Mayor Stephens.

Nays: Council Member Harper, Council Member Reynolds, and Mayor Pro Tem Marr.

Absent: None

Motion failed: 4-3

Mayor Pro Tem Marr requested to include private playgrounds to the definition of playgrounds for the original motion.

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

**ORIGINAL MOVED/SECOND:** Council Member Gameros/Mayor Stephens  
**ORIGINAL MOTION:** Approve recommended actions with the addition of private playgrounds.

The motion carried by the following roll call vote:

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

Nays: Council Member Harper and Council Member Reynolds.

Absent: None

Motion carried: 5-2

**ACTION:**

City Council gave first reading to:

- Ordinance No. 2021-08 to adopt Zoning Code Amendment CO-2021-01 amending Title 13, Chapter IX, Article 21 and Chapter IV, Table 13-30 of the Costa Mesa Municipal Code.
- Ordinance No. 2021-09 to amend Title 9, Chapter I, Article 5, Chapter II, Article 1, and Chapter VI of the Costa Mesa Municipal Code regarding the taxation and regulation for retail cannabis uses including storefronts and non-storefronts.

Council Member Harper left the meeting at 8:18 p.m.

**6. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2021-22 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017– Public Services Department/Engineering Division**

Public Comment:

David Martinez, Costa Mesa, spoke on the Adams Avenue project ending at Royal Palm Drive for pedestrian and bike lane safety improvements.

**MOVED/SECOND:** Council Member Reynolds/Council Member Chavez  
**MOTION:** Approve recommended actions and to include in the design the connection on Adams Avenue between Royal Palm and Harbor Boulevard for a safe bike path.

Mr. Sethuramen, Public Services Director, spoke on the request being an issue of right of way and stated that staff would work with the Bikeway and Walkability Committee to review the request as a separate project.

Council Member Reynolds (1<sup>st</sup>) and Council Member Chavez (2<sup>nd</sup>) agreed.



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

**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 Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None.

Absent: Council Member Harper.

Motion carried: 6-0-1

**ACTION:**

City Council adopted the Resolution No. 2021-11 adopting a list of projects for Fiscal Year (FY) 2021-22 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

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

**PUBLIC HEARINGS:**

1. **FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 2019050014), GENERAL PLAN AMENDMENT GP-20-01, REZONE R-20-01, SPECIFIC PLAN SP-20-01, MASTER PLAN PA-19-19, TENTATIVE TRACT MAP NO. 19015, AND DEVELOPMENT AGREEMENT DA-20-02 FOR DEVELOPMENT OF A MIXED-USE PROJECT (ONE METRO WEST) LOCATED AT 1683 SUNFLOWER AVENUE - Development Services Department/Planning Division**

**ACTION:**

Staff removed this item from the agenda to be heard at a future meeting.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. **APPROVAL OF AMENDED SIDE LETTER OF AGREEMENTS AND RESOLUTIONS TO ELIMINATE FURLOUGHS AND REIMBURSE FOR REDUCTIONS INCURRED - City Manager's Office/Human Resources Division**

Public Comment: None.

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

**MOTION:** Approve recommended actions.

Mayor Pro Tem Marr spoke in support of the motion and thanked staff for their work.

Council Member Chavez thanked city employees.

Mayor Stephens spoke in support of the motion.

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

Nays: None.

Absent: Council Member Harper.

Motion carried: 6-0-1

**ACTION:**

1. City Council adopted Resolution Number 2021-12, which revises the Executive Compensation Plan and Executive Salary Schedule.
2. Adopted Resolution Number 2021-13, which revises the Compensation Plan and Salary Schedule for the Confidential Management Unit.
3. Adopted Resolution Number 2021-14, which revises the Compensation Plan and Salary Schedule for the Confidential Employees Unit.
4. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Police Association.
5. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Police Management Association.
6. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Firefighters Association.
7. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Fire Management Association.
8. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa Division Managers Association.
9. Approved and adopted the Side Letter of Agreement between the City of Costa Mesa and the Costa Mesa City Employees Association.
10. Approved Second Amendment to Employment Contract between the City of Costa Mesa and the City Manager.

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

Council Member Harlan wished all the mothers a Happy Mother's Day.


Mayor Pro Tem Marr spoke on Love Costa Mesa Day and joining the TeWinkle Park team.

Mayor Stephens wished a Happy Mother's Day to his mother and wife.

Council Member Reynolds wished a Happy Mother's Day to her mother.

**ADJOURNMENT** – Mayor Stephens adjourned the meeting at 8:48 p.m.

**Minutes adopted on this 18<sup>th</sup> day of May, 2021.**



\_\_\_\_\_  
John Stephens, Mayor

ATTEST:



\_\_\_\_\_  
Brenda Green, City Clerk