

# **AGENDA**

## **CITY OF COSTA MESA**

### **REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND SPECIAL JOINT HOUSING AUTHORITY MEETING\***

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

## **TUESDAY, JUNE 1, 2021**

### **VIRTUAL LOCATIONS, COSTA MESA, CALIFORNIA**

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

### **REGULAR MEETING 6:00 P.M.**

In order to minimize the spread of COVID-19, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act which allows Council Members to attend City Council meetings remotely. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice. If you would like to participate in these meetings, you can participate via the following options:

1. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or [http://costamesa.granicus.com/player/camera/2?publish\\_id=10&redirect=true](http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true) and online at [youtube.com/costamesatv](https://www.youtube.com/c/costamesatv) (Note the chat feature on YouTube is disabled).
2. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)  
Please click the link below to join the webinar:  
<https://zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>  
Or sign into Zoom.com and "Join a Meeting"  
Enter Webinar ID: [983 7639 0419](#)/ Password: [905283](#)
  - If Zoom is not already installed on your computer, click "Download & Run Zoom" on the launch page and press "Run" when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
  - Select "Join Audio via Computer."
  - The virtual conference room will open. If you receive a message reading, "Please wait for the host to start this meeting," simply remain in the room until the meeting begins.
  - During the Public Comment Period, use the "raise hand" function located in the participants' window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press \*9 to add yourself to the queue and wait for city staff to announce your name/phone number and press \*6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

3. Additionally, members of the public who wish to make a comment on a specific agenda item, may submit a written comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 1:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.
4. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at 714-754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website.

Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) **NO LATER THAN 12:00 Noon** on the date of the meeting.

Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):

Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website at [www.costamesaca.gov](http://www.costamesaca.gov) or by clicking [here](#).

The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible 714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

**The City of Costa Mesa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.**

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

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS**

Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

**CLOSED SESSION ITEMS:**

**1. 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.

**2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE**

Pursuant to subdivision (d)(1) of Section 54956.9 California Government Code  
Costa Mesa v. NMUSD, OCSC Case No. 30-2021-01179397-CU-WM-CXC.

**3. 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

**The City Council and Successor Agency to the Redevelopment Agency will recess for Closed Session.**

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

**TUESDAY, JUNE 1, 2021 – 6:00 P.M.**

**JOHN STEPHENS**  
Mayor

**MANUEL CHAVEZ**  
Council Member - District 4

**LOREN GAMEROS**  
Council Member - District 2

**JEFFREY HARLAN**  
Council Member - District 6

City Attorney  
**Kimberly Hall Barlow**

**ANDREA MARR**  
Mayor Pro Tem - District 3

**DON HARPER**  
Council Member - District 1

**ARLIS REYNOLDS**  
Council Member - District 5

City Manager  
**Lori Ann Farrell Harrison**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Chavez

**MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Ian Stevenson, Trellis

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. [Proclamation: Pride Month 2021.](#)
2. [Proclamation: Gun Violence Awareness Day.](#)

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

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

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

Each council member is limited to 4 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Reynolds
2. Council Member Chavez
3. Council Member Gameros
4. Council Member Harlan
5. Council Member Harper
6. Mayor Pro Tem Marr
7. Mayor Stephens

### **REPORT – CITY MANAGER**

### **REPORT – CITY ATTORNEY**

### **CONSENT CALENDAR: (Items 1-11)**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

#### **1. PROCEDURAL WAIVER: APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS**

##### **RECOMMENDATION:**

City Council, Agency Board, and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

#### **2. READING FOLDER**

Claims received by the City Clerk: Christopher Forsberg, Anthony Manrique, Jim Painter.

##### **RECOMMENDATION:**

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2661** – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2661 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 21-10 for \$2,654,481.22; and City operating expenses for \$1,656,528.14.

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

RECOMMENDATION:

City Council approve the Minutes of the Study Session meeting of May 11, 2021, and the Regular meeting of May 18, 2021.

5. **SB 1205 COMPLIANCE REPORT FOR 2020 STATE-MANDATED ANNUAL FIRE INSPECTIONS**

Fire & Rescue Department/Community Risk Reduction Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a resolution to accept this report as its report on the status of all 2020 state-mandated annual fire inspections in the City as required by California Health and Safety Code Section 13146.4.

6. **LINEGEAR FIRE & RESCUE EQUIPMENT PURCHASES OF UNIFORMS, TURNOUTS AND PERSONAL PROTECTIVE EQUIPMENT FOR FIRE & RESCUE DEPARTMENT** - Fire Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve not to exceed annual amount of \$95,000 with LineGear Fire & Rescue Equipment for the purchase of uniforms, turnout and gear.
2. Authorize the City Manager or designee to execute any or all documents with LineGear Fire & Rescue Equipment for uniforms, turnout and gear for an annual amount not to exceed \$95,000, for a term of three years.

7. **SERVICES AGREEMENT FOR ABANDONED BULKY ITEM COLLECTION SERVICE AT DESIGNATED MULTI-FAMILY PROPERTIES**

Public Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve a Bulky Item Collection Services Agreement with Ware Disposal Company, Inc., 1035 E. 4<sup>th</sup> Street, Santa Ana, CA 92701, in an annual amount not to exceed \$117,312 for a two (2) year agreement with three (3) optional one-year renewals for the collection and disposal of abandoned bulky items in the Community Development Block Grant (CDBG-CV) target areas within the City's non-exclusive franchise area.
2. Authorize the City Manager and the City Clerk to execute the agreement and to renew each year, for up to a maximum of three (3) optional one-year renewals, as applicable, only if the rate increase is equal to or less than the annual Consumer Price Index (CPI).

8. **UNLEADED FUEL SERVICES**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Amendment No. 1 to the Agreement with Merrimac Petroleum, Inc., DBA Merrimac Energy Group increasing the annual amount by \$35,000.
2. Authorize the City Manager and the City Clerk to execute the amendment and future authorized amendments to the agreement.

**Agenda continued on next page.**

9. [\*\*AUTHORIZE THE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH NATIONAL AUTO FLEET FOR THE PURCHASE OF TWENTY \(20\) ALLMAND PORTABLE LIGHT TOWERS\*\*](#)  
Public Services Department/Maintenance Services Division

RECOMMENDATION:

Staff recommends that City Council:

1. Authorize the use of Sourcewell's (formerly National Joint Powers Alliance) National Cooperative Agreement No. 120716-NAF with National Auto Fleet Group for the purchase of twenty (20) Allmand GR Series portable light towers.
2. Authorize the purchase of twenty (20) Allmand GR Series portable light towers for \$207,439.20 through National Auto Fleet Group. Funding from the Parks General Fund Program savings will be transferred to the Equipment Fund to purchase these lights.

10. [\*\*PURCHASE OF SIX NEW 2021 BMW R1250RT-P POLICE MOTORCYCLES\*\*](#)  
Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the purchase of six (6) new 2021 BMW R1250RT-P police motorcycles, based on pricing provided through a cooperative agreement with the City of Stockton, CA No. PUR-20-028.
2. Authorize the City Manager to execute the necessary documents for the purchase of six (6) new 2021 BMW R1250RT-P police motorcycles in the amount of \$191,078.51 from Long Beach BMW Motorcycles located at 2125 E. Spring Street, Long Beach, CA 90806.

[Click here for public comments received on this item.](#)

11. [\*\*APPROVAL FOR THE PURCHASE OF THE QUETEL DIGITAL EVIDENCE MANAGEMENT SYSTEM \(DEMS\) AGREEMENT\*\*](#) – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the City Manager to execute the purchase of a digital evidence management system, with Omnigo Software, LLC (QueTel), for \$169,260.53 for the Police Department.

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR**



**PUBLIC HEARINGS:**

- 1. [\*\*AN ORDINANCE FOR AN EXTENSION TO THE PACIFIC ARTS PLAZA DEVELOPMENT AGREEMENT 00-04 \(19-02\), GENERALLY LOCATED AT 3200 BRISTOL STREET\*\*](#)- Development Services Department/Planning Division  
RECOMMENDATION:

Staff recommends that the City Council:

- 1. Find 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 environmental analysis for the Project described in Environmental Impact Report No. 1047 (SCH No. 2000041100) and the subsequent Mitigated Negative Declaration described herein are applicable.
- 2. Give first reading to Ordinance No. 2021-xx to approve Development Agreement 19-02 amending the Pacific Arts Plaza Development Agreement DA-00-04 for a 24-month time extension up to August 15, 2023. The City Council may also consider a 36-month time extension per the applicant's updated request.

[Click here for the staff presentation on this item.](#)

**Agenda continued on next page.**

2. [\*\*GIVE FIRST READING TO 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

RECOMMENDATION:

Staff recommends that the City Council:

- 1) Find that the adoption of Ordinance Nos. 2021-08 and 2021-09 are exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3), General Rule, Section 15301 (Class 1), Existing Facilities, Section 15303 (Class 3), New Construction or Conversion of Small Structures, Section 15308 (Class 8), Actions by Regulatory Agencies, and Section 15332 (Class 32), In-fill Development Projects.
- 2) Introduce for first reading, by title only:
  - a. Ordinance No. 2021-08 to adopt Zoning Code Amendment CO-2021-01 to amend Title 13, Chapter IX, Article 21 and Chapter IV, Table 13-30.
  - b. Ordinance No. 2021-09 to amend Title 9, Chapter I, Article 5, Chapter II, Article 1, and Chapter VI of the Municipal Code regarding the taxation and regulation of retail cannabis uses including storefronts and non-storefronts.

[Click here for the staff presentation on this item.](#)

[Click here for public comments received on this item.](#)

[Click here for the supplemental memo received for this item.](#)

3. [\*\*ESTABLISHING AND ADOPTING FEES AND SERVICE CHARGES RELATED TO CANNABIS BUSINESS PERMITS AND CONDITIONAL USE PERMITS PURSUANT TO CHAPTER VI OF TITLE 9 AND ARTICLE 21 OF CHAPTER IX OF TITLE 13\*\*](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Approve the attached resolution establishing and adopting fees in connection with cannabis conditional use permits and business permits and related approvals to implement the new retail cannabis program throughout the City approved by the voters under Measure Q.

[Click here for the staff presentation on this item.](#)

4. **PUBLIC HEARING FOR FISCAL YEAR 2021-22 PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET**

City Manager's Office/Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Discuss the Fiscal Year 2021-2022 Proposed Operating and Capital Improvement Budget; and
2. Approve Resolution 2021-xx, adopting the Fiscal Year 2021-22 Operating and Capital Improvement Budget; and
3. Authorize the City Manager and/or Finance Director to appropriate and transfer Federal American Rescue Plan (ARP) Funds as needed to comply with U.S. Treasury Guidelines and to facilitate audit review and compliance; OR
4. Continue the Fiscal Year 2021-2022 Proposed Operating and Capital Improvement Budget Public Hearing to June 15, 2021.

[Click here for the staff presentation on this item.](#)

5. **ADOPTION OF FISCAL YEAR 2021-22 APPROPRIATIONS LIMIT**

Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Approve Resolution 20-XX establishing the Fiscal Year 2021-2022 Appropriations Limit for the City of Costa Mesa at \$267,363,952, as statutorily required by using the City of Costa Mesa's population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

[Click here for the staff presentation on this item.](#)

6. **FISCAL YEAR 2021-22 PROPOSED HOUSING AUTHORITY BUDGET**

Finance Department

RECOMMENDATION:

Staff recommends that the City Council and the Housing Authority:

Adopt the Joint Resolution Approving the Housing Authority Budget including Housing and Community Development expenses for FY 2021-2022.

[Click here for the staff presentation on this item.](#)

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. [\*\*COUNCIL DIRECTION ON \\$50,000 MONETARY REWARD IN SEARCH OF AIDEN LEOS' MURDER SUSPECT\*\*](#) - City Manager's Office

RECOMMENDATION:

City Council authorization is requested to fund a monetary reward in the amount of \$50,000 for information leading to the identity and apprehension of the person(s) responsible for the 55 Freeway shooting and death of six-year old Aiden Leos of Costa Mesa in a road rage incident on May 21, 2021.

2. [\*\*ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING RESOLUTION NO. 2020-17 AND RESOLUTION NO. 2020-19 AND REPEALING REGULATION NO. 3 AND REGULATION NO. 4 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES REQUIRING WEARING OF FACE COVERINGS PURSUANT TO PROCLAMATION NO. 20-01 DECLARING THE EXISTENCE OF A LOCAL EMERGENCY\*\*](#) – City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

Adopt Resolution No. 2021-XX that would take effect immediately, to repeal and replace Resolution No. 2020-17, Resolution No. 2020-19, and to repeal Regulation No. 3 and Regulation No. 4 regarding the wearing of face coverings in the City of Costa Mesa, and instead require compliance with California Department of Public Health guidance.

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

**ADJOURNMENT**