

ACTION REPORT
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

REGULAR MEETING 6:00 P.M.

JOHN STEPHENS

Mayor

MANUEL CHAVEZ

Council Member - District 4

ANDREA MARR

Mayor Pro Tem - District 3

LOREN GAMEROS

Council Member - District 2

DON HARPER

Council Member - District 1

JEFFREY HARLAN

Council Member - District 6

ARLIS REYNOLDS

Council Member - District 5

City Attorney

Kimberly Hall Barlow

City Manager

Lori Ann Farrell Harrison

CALL TO ORDER - The Regular City Council and Successor Agency to the Redevelopment Agency and special Housing Authority meeting was called to order by Mayor Stephens at 6:00 p.m. via Zoom webinar.

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.

CONSENT CALENDAR: (Items 1-11)

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

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for 7 and 10.

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

FOR INFORMATIONAL PURPOSES ONLY

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

ACTION:

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

2. READING FOLDER

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

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2661 – Finance Department

ACTION:

City Council approved 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

ACTION:

City Council approved 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

ACTION:

City Council adopted Resolution No. 2021-19 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.

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

ACTION:

1. City Council approved not to exceed annual amount of \$95,000 with LineGear Fire & Rescue Equipment for the purchase of uniforms, turnout and gear.
2. Authorized 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.

8. UNLEADED FUEL SERVICES

Public Services Department/Maintenance Services Division

ACTION:

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

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

ACTION:

1. City Council authorized 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. Authorized 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.

11. APPROVAL FOR THE PURCHASE OF THE QUETEL DIGITAL EVIDENCE MANAGEMENT SYSTEM (DEMS) AGREEMENT – Police Department

ACTION:

City Council authorized 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.

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ITEMS PULLED FROM THE CONSENT CALENDAR

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

MOVED/SECOND: Council Member Chavez/Mayor Stephens

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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

1. City Council approved a Bulky Item Collection Services Agreement with Ware Disposal Company, Inc., 1035 E. 4th 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. Authorized 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).

10. PURCHASE OF SIX NEW 2021 BMW R1250RT-P POLICE MOTORCYCLES
Police Department

ACTION:

This item was removed from the agenda at the request of staff and was not heard at this meeting.

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

FOR INFORMATIONAL PURPOSES ONLY

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

Mayor Stephens recused himself on this item as his place of business is within 500 feet.

Council Member Harlan recused himself on this item as he previously voted on it when he was on the Planning Commission.

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

Nays: None

Absent: None

Abstain: Council Member Harlan and Mayor Stephens.

Motion carried: 5-0-2

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 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. Gave first reading to Ordinance No. 2021-10 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.

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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**

MOVED/SECOND: Council Member Gameros/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: Council Member Harper

Absent: None

Motion carried: 6-1

ACTION:

- 1) Council found 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) Introduced 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.

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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

MOVED/SECOND: Council Member Chavez/Council Member Gameros

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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Resolution No. 2021-20 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.

City Council recessed into a break at 8:28 p.m.

City Council reconvened at 8:45 p.m.

4. **PUBLIC HEARING FOR FISCAL YEAR 2021-22 PROPOSED OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET**
City Manager's Office/Finance Department

MOVED/SECOND: Mayor Stephens/Council Member Gameros

MOTION: Continue the Fiscal Year 2021-2022 Proposed Operating and Capital Improvement Budget Public Hearing to June 15, 2021.

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

ACTION:

City Council continued the Fiscal Year 2021-2022 Proposed Operating and Capital Improvement Budget Public Hearing to June 15, 2021.

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5. ADOPTION OF FISCAL YEAR 2021-22 APPROPRIATIONS LIMIT

Finance Department

MOVED/SECOND: Council Member Gameros/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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Resolution 2021-22 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.

6. FISCAL YEAR 2021-22 PROPOSED HOUSING AUTHORITY BUDGET

Finance Department

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

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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council and the Housing Authority adopted Joint Resolution No. 2021-23 approving the Housing Authority Budget including Housing and Community Development expenses for FY 2021-2022.

OLD BUSINESS: NONE

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NEW BUSINESS:

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

MOVED/SECOND: Council Member Gameros/Mayor Stephens

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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council authorized 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**

MOVED/SECOND: Council Member Harper/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 Harper, Council Member Reynolds, Mayor Pro Tem Marr, and Mayor Stephens.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2021-24 to 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.

ADJOURNMENT – Mayor Stephens adjourned the meeting at 10:15 p.m.