

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

**TUESDAY, JUNE 1, 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, and Mayor Stephens.

Absent: None.

**PUBLIC COMMENTS – NONE.**

**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

City Council recessed at 4:04 p.m. for Closed Session.

Closed Session adjourned at 5:40 p.m.

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

## **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Chavez

## **MOMENT OF SOLEMN EXPRESSION**

Led by Mayor Stephens.

## **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** – No reportable action.

## **PRESENTATIONS:**

1. Mayor Stephens presented a proclamation for Pride Month 2021.
2. Mayor Stephens presented a proclamation for Gun Violence Awareness Day.

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

Steven Chan played a video regarding Smart n Final complaints and rezoning the Costa Mesa golf course for affordable housing.

Speaker spoke on protesting and first amendment rights.

Stephanie Wenning, Costa Mesa, provided an update on the Cultural Arts Committee workplan and projects.

Kim Hendricks, Costa Mesa, spoke on the Harbor Soaring Society agreement and birds at Fairview Park.

Wendy Leece, Costa Mesa, spoke on kindness and respect, the tragedy of suicides in the LBGTQ community, and spoke on a suicide prevention flag.

Speaker, requested legal clarification on censoring public comments and first amendment rights.

Jeff Pettis, Costa Mesa, spoke on a petition on change.org to enact a citizen's advisory committee regarding the One Metro West project.

Ian Stevenson, thanked everyone for their involvement with Love Costa Mesa Day.

Jimmy Vivar, Costa Mesa, spoke on the Bikeway and Walkability meeting being posted on the city calendar.

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

Council Member Reynolds requested support from the Police Department regarding package thefts in certain neighborhoods and also with illegal cannabis stores, thanked speakers during public comments for the Cultural Arts update and on Fairview Park birds, spoke on the monthly bike ride in honor of Mental Health Awareness Month, thanked Costa Mesa business owner from Align Body Works Yoga, Travel Costa Mesa and Avenue of the Arts Hotel for donations for the bike ride participants, spoke on the Friends of the Library book sale, and attending the end of the year celebration for the Wilson Street Learning Center.

Council Member Chavez reflected on Memorial Day, spoke on Pride Month, thanked Council Member Reynolds for attending the Wilson Street Learning Center event, spoke on attending the SOY senior award night and congratulated the Costa Mesa High School Cheer team.

Council Member Gameros spoke on attending a Memorial Day event.

Council Member Harper reflected on Memorial Day, thanked speakers during public comments, and spoke on reopening City Hall.

Mayor Pro Tem Marr spoke on an event with OC Fair at College Park on June 27<sup>th</sup>, visiting OCC campus with Senator Min, art displays returning to the 5<sup>th</sup> floor of City Hall, reflected on Memorial Day, requested to close the meeting in memory of Major Kealy and Captain Cox, and wished Happy Pride Day.

Mayor Stephens congratulated the recipients of the Les Miller award, congratulated High School graduates, spoke on visiting Tanaka fields and the sunflower farm, touring the Anderil facility, spoke on the Noble Cause Foundation, and requested the Harbor Soaring Society report.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison spoke on Pride Month, participation at council meetings, the Governor’s vaccination prize program, thanked the Public Services team on Green Design and Awards, and spoke on Parks and Community Services programs coming back.

**REPORT – CITY ATTORNEY** – Ms. Hall Barlow reflected on Memorial Day.

**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

**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.

**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.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

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

Public Services Department

Discussion ensued on why the focus was in Districts 4 and 5 and not all Districts, the funding for the project is CDBG-CV, and if there are any additional fees.

Public Comments:

Sue Lester, Costa Mesa spoke on procedures for reporting large item pick up.

**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. 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. 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** -----

**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.

Staff presentation by Ms. Ashabi, Principal Planner.

Public Comments: None.

**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 (recused because he previously voted while on the Planning Commission) and Mayor Stephens (recused because his business is within 500 feet).

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.

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**

Staff presentation by Ms. Huynh, Senior Planner.

Discussion ensued on overconcentration and negative impacts, potentially displacing and discouraging other businesses in the area, the permitting process, enforcement of illegal dispensaries, hiring locally, public health and safety, and the Conditional Use Permit (CUP) process.

Public Comments:

Speaker, requested clarification on the zoning map and effects on neighborhoods.

Aaron Brower, spoke on the park at Aurora Drive and Merrimac to be considered as private.

Arlene Parish, spoke on the property lines of playgrounds.

Rob Taft, spoke on the definition of private playground.

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

**MOTION:** Approve recommended actions.

Mr. Preziosi, Assistant City Attorney recommended a grammatical change in the last sentence of the definition of private playground.

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



**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.

**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**

Staff presentation by Ms. Molina, Finance Director and Terry Madison, ClearSource Consultant.

Discussion ensued on revenue, cost recovery, caps, and estimated number of businesses.

Public Comments:

Speaker, spoke in support of the Costa Mesa Opportunity Zone and incentives.

Speaker, requested clarification on caps.

**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

Staff presentation by Ms. Farrell Harrison, City Manager and Ms. Molina, Finance Director.

Public Comments:

Kim Hendricks, Costa Mesa, spoke on the ongoing Capital Improvement Projects and the Fairview Park vernal pool restoration and requested the Fairview Park Master Plan update to be included in the list.

Ralph Taboada, Costa Mesa, spoke on fiscal sustainability, limiting the use of reserves, and avoiding new costs.

Discussion ensued on performance budgeting, making services equitable and accessible, adding to the general fund and reserves, performance indicators, council goals, stop gap measures, and adding needed positions.

**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.

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

Finance Department

Staff presentation by Ms. Fortune, Budget Manager.

Public Comments: None.

**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

Staff presentation by Ms. King, Assistant Finance Director.

Public Comments: None.

Discussion ensued on homeless operations, Orange County housing trust, the bridge shelter \$2.4 million, and private sector community donations.

**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**

**NEW BUSINESS:**

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

Staff presentation by Mr. Gonzalez, Chief of Staff.

Public Comments:

Sue Lester, Costa Mesa, spoke on other Costa Mesa Police Department open cases and justice for all.

**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**

Staff presentation by Ms. Farrell Harrison, City Manager.

Public Comments: None.

**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.

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

Council Member Reynolds spoke on the pandemic and lifting regulations.

Mayor Pro Tem Marr requested a homeless shelter update at the July meeting.

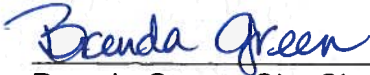
**ADJOURNMENT** – Mayor Stephens adjourned the meeting at 10:15 p.m. in memory of Jean Wagner, Captain Cox, and Major Kealey.

**Minutes adopted on this 20<sup>th</sup> day of July, 2021.**



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

ATTEST:



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Brenda Green, City Clerk