

**ACTION REPORT  
CITY OF COSTA MESA  
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY  
TO THE REDEVELOPMENT AGENCY\* MEETING**

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

**TUESDAY, FEBRUARY 4, 2020  
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE  
CLOSED SESSION – 4:00 P.M.  
REGULAR MEETING – 6:00 P.M.**

**KATRINA FOLEY**  
Mayor

**MANUEL CHAVEZ**  
Council Member

**JOHN B. STEPHENS**  
Mayor Pro Tem

**ANDREA MARR**  
Council Member

**ARLIS REYNOLDS**  
Council Member

**ALLAN R. MANSOOR**  
Council Member

**SANDRA L. GENIS**  
Council Member

City Attorney  
**Kimberly Hall Barlow**

City Manager  
**Lori Ann Farrell Harrison**

**CALL TO ORDER**

The Closed Session was called to order by Mayor Foley at 4:04 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Chavez, Council Member Genis, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: Council Member Mansoor, Council Member Marr, Council Member Reynolds

**FOR INFORMATIONAL PURPOSES ONLY**

The City Council recessed to Room 5A at 4:06 p.m. for Closed Session to consider the following 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)

**2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code – one case

**3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

APN: 424-211-12; Property: 1885 Anaheim Street, Costa Mesa, CA 92627  
Pursuant to Section 54956.8, California Government Code  
Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Pastor Phil Eyskens, Church of the Nazarene/Lighthouse Church;  
Cities in the Central Orange County Service Planning Area (SPA)  
Negotiation: Price and Terms of Payment

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

APN: 427-091-12; Property: 3175 Airway Avenue, Costa Mesa, CA 92627  
Pursuant to Section 54956.8, California Government Code  
Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Cities in the Central Orange County Service Planning Area (SPA)  
Negotiation: Price and Terms of Payment

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

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court for the Central District of California – Southern Division, Case No. 8:18-cv-00155

**6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

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

**7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.

**8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Yellowstone Women’s First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

**CALL TO ORDER**

The meeting was called to order by Mayor Foley at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

**CONSENT CALENDAR: (Items 1-7)**

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

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 3 and 4.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

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: Azita Fakoorbayat, Roger Lawson, Patricia Montes, Angela Moriana

**ACTION:**

City Council received and filed.

**5. ADOPTION OF AN ORDINANCE TO AMEND ARTICLE 3 (PUBLIC PROJECTS) OF CHAPTER 5 (FINANCE) OF TITLE 2 (ADMINISTRATION) AND ARTICLE 3 (FINAL MAPS) OF CHAPTER 11 (SUBDIVISIONS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE**

**ACTION:**

City Council gave second reading and adopt Ordinance No. 2020-02, amending the Costa Mesa Municipal Code relating to authorization for acceptance of work performed on construction contracts which are awarded following informal bidding procedures, bidder's security requirements, adoption of plans and specifications, and release of bonds for public and private improvements.

**6. FINAL MAP FOR TRACT NO. 17668 LOCATED AT 511 HAMILTON STREET, 2089, 2095 AND 2099 HARBOR BOULEVARD, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the Final Map for Tract No. 17668 and authorize signing of the Map by the City Clerk and the Interim City Engineer.

**7. UPDATE STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) DESIGNATION OF APPLICANT'S AGENT RESOLUTION**

**ACTION:**

1. City Council approved and adopted the State of California, Governor's Office of Emergency Services (Cal OES) Designation of Applicant's Agent Resolution (Cal OES Form 130).
2. Authorized submittal of the approved Cal OES Form 130 to the State.

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

- 4. ADOPTION OF AN ORDINANCE REPEALING AND REPLACING ARTICLE 2 (PURCHASING) OF CHAPTER V (FINANCE) AND AMENDING ARTICLE 2 (POWERS AND DUTIES) OF CHAPTER IV (CITY MANAGER) OF TITLE 2 (ADMINISTRATION) OF THE COSTA MESA MUNICIPAL CODE RELATING TO INFORMAL BIDDING THRESHOLDS AND DEFINING THE CONTRACTING AUTHORITY OF CITY OFFICERS AND EMPLOYEES, INCLUDING THE CITY MANAGER AND FINANCE DIRECTOR**

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

**MOTION:** Approve Ordinance No. 2020-01.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: Council Member Genis

Absent: None

Abstain: None

Motion carried: 6-1

**ACTION:**

City Council adopted Ordinance No. 2020-01, repealing and replacing Article 2 (Purchasing) of Chapter V (Finance) and amending Article 2 (Powers and Duties) of Chapter IV (City Manager) of Title 2 (Administration) of the Costa Mesa Municipal Code relating to informal bidding thresholds and defining the contracting authority of City officers and employees, including the City Manager and Finance Director.

- 3. WARRANT RESOLUTION NO. 2634**

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

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: Council Member Mansoor

Absent: None

Abstain: None

Motion carried: 6-1

**ACTION:**

City Council approved Warrant Resolution No. 2634 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including payroll register nos. 20-01 "A" for - \$6,134.79; and 20-02 for \$2,562,957.36; and City operating expenses for \$4,252,632.71.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):**

- 1. GIVE FIRST READING TO AN ORDINANCE (CODE AMENDMENT CO-19-04) AMENDING TITLE 19 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (FRANCHISES AND PLANNING, ZONING, AND DEVELOPMENT), RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED INFRASTRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY**

**MOVED/SECOND:** Mayor Foley/Mayor Pro Tem Stephens

**MOTION:** Approve recommended actions with changes.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: Council Member Mansoor

Absent: None

Abstain: None

Motion carried: 6-1

**ACTION:**

City Council gave first reading to an Ordinance approving Code Amendment CO-19-04, amending Title 19 and Title 13 of the Costa Mesa Municipal Code (Franchises and Planning, Zoning, and Development), relating to wireless telecommunications facilities and related infrastructure within the public right-of-way.

**OLD BUSINESS: NONE**

**NEW BUSINESS: (Items 1-3)**

- 1. AGREEMENT WITH ATLAS PLANNING SOLUTIONS FOR DEVELOPMENT OF LOCAL HAZARD MITIGATION PLAN**

**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 Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: None

Absent: Council Member Mansoor

Abstain: None

Motion carried: 6-0-1

**ACTION:**

1. City Council approved the proposed Professional Services Agreement (PSA) with Atlas Planning Solutions to assist with the development of the Costa Mesa Local Hazard Mitigation Plan (LHMP).
2. Authorized the City Manager and the City Clerk to execute the agreement and future amendments to the agreement, provided that the total compensation under the agreement and any amendments does not exceed \$149,990.25.

**2. AUTHORIZE STAFF TO EVALUATE OPPORTUNITIES FOR COMMUNITY CHOICE ENERGY**

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

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: None

Absent: Council Member Mansoor

Abstain: Council Member Marr

Motion carried: 5-0-1-1

**ACTION:**

City Council authorized staff to evaluate opportunities for Community Choice Energy (CCE).

**3. POLICY REGARDING CITY LEGISLATIVE POSITIONS**

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

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: None

Absent: Council Member Mansoor

Abstain: None

Motion carried: 6-0-1

**ACTION:**

The Legislative Review Team recommends that the City Council adopt revisions to Council Policy 000-8.

**ADJOURNMENT** – Mayor Foley adjourned the meeting at 12:59 p.m.