

AGENDA

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, MARCH 17, 2020
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that some, or all, of the Costa Mesa City Council Members may attend this meeting telephonically.

If you wish to attend the City Council meeting in person, the City Council Chambers located at 77 Fair Drive, Costa Mesa, California 92626, will be open for this meeting and the public shall have the right to observe and offer public comment at this location. While you may attend this meeting in person, given the health risks associated with COVID-19, the City wants you to know that you can submit your comments and questions in writing for City Council consideration by sending them to the City Clerk at cityclerk@costamesaca.gov. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m.

If you have travelled internationally and/or you have had direct contact with someone who has travelled internationally or tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms, please **DO NOT ATTEND** this meeting in person. You may view the meeting live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) AND ONLINE AT youtube.com/costamesatv.

If you are in the group of individuals who may be most vulnerable to COVID-19, including those over the age of 60 and those with underlying health conditions, including but not limited to lung, heart, immune-compromised, diabetes, or other conditions that could interfere with your ability to fight COVID-19, please consider carefully before attending this meeting in person and keep a six-foot distance from others as much as possible.

**TUESDAY, MARCH 17, 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

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. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible on the city’s website at www.costamesaca.gov or by clicking [here](#).

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.

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714) 754-5225 or e-mail cityclerk@costamesaca.gov.

WELCOME TO THE CITY COUNCIL MEETING

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

PUBLIC COMMENTS – CONSENT CALENDAR:

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 12:00 P.M.** Materials can be e-mailed to cityclerk@costamesaca.gov or provided on a flash drive. If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting **AFTER 12:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 12:00 p.m.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 30 MINUTES PRIOR TO THE START OF THE MEETING.**
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. Free Wi-Fi is available in the Council Chambers during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

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.

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: City of Costa Mesa, and Katrina Foley, vs. United States of America, The Department of Health and Human Services, The United States Department of Defense, The United States Air Force, The Centers for Disease Control and Prevention, The State of California, Fairview Developmental Center (Fairview), The California Governor's Office of Emergency Services, and The California Department of General Services, United States District Court Central District of California – Southern Division Case No. 8:20-cv-368

2. 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)

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

4. 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

5. **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
6. **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
7. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: D'Alessio Investments, LLC v. City of Costa Mesa
Orange County Superior Court Case No: 30-2020-01132646
8. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - ONE CASE** - Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code, potential initiation of litigation.
9. **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.

The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

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

TUESDAY, MARCH 17, 2020 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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.]

Pastor Sarah Heath, First United Methodist Church, Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Human Relations Commission
2. Women's History Proclamation
3. Costa Mesa Minute
4. Costa Mesa Bridge Shelter and Homelessness Update

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

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

1. Council Member Mansoor
2. Council Member Genis
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Marr
6. Mayor Pro Tem Stephens
7. Mayor Foley

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

CONSENT CALENDAR: (Items 1-7)

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 and Agency Board approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. READING FOLDER

Claims received by the City Clerk: Jasmine Alrokh, Kiet Phuong Bui, Rafael Flores, Jennifer Kelly, Randall Logue, Mercury Insurance, and Salvador Arreola Valencia

RECOMMENDATION:

City Council receive and file.

3. [WARRANT RESOLUTION NO. 2637](#) – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2637 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-04 “A” for \$698.09 and 20-05 for \$2,636,418.85; and City operating expenses for \$2,743,624.56.

4. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JULY 2, 2019, JULY 16, 2019, AND AUGUST 6, 2019](#) - City Manager’s Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council:

Approve the minutes of July 2, 2019, July 16, 2019, and August 6, 2019.

5. [ADOPTION OF AN ORDINANCE PROVIDING FOR A REDUCTION OF THE BUSINESS TAX SET FORTH IN ARTICLE 5 \(ADMINISTRATION\) OF CHAPTER I \(BUSINESS TAX\) OF THE COSTA MESA MUNICIPAL CODE AS AUTHORIZED BY MEASURE X, THE COSTA MESA MEDICAL MARIJUANA MEASURE, AS AMENDED, THAT IS LEVIED UPON THE LAWFUL DISTRIBUTION, MANUFACTURING, TESTING, AND/OR RESEARCH AND DEVELOPMENT OF MARIJUANA](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt Ordinance No. 20-xx, providing for a reduction of the business tax set forth in Article 5 (Administration) of Chapter I (Business Tax) of the Costa Mesa Municipal Code as authorized by Measure X, the Costa Mesa Medical Marijuana Measure, as amended, that is levied upon the lawful distribution, manufacturing, testing, and/or research and development of marijuana.

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6. [ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER V \(FINANCE\) OF TITLE 2 \(ADMINISTRATION\) OF THE COSTA MESA MUNICIPAL CODE TO REVISE ARTICLE 8 \(CAPITAL ASSET NEEDS\) AND ADD ARTICLE 9 \(INFORMATION TECHNOLOGY NEEDS\), RELATING TO ANNUAL GENERAL FUND ALLOCATIONS FOR CAPITAL ASSET AND INFORMATION TECHNOLOGY NEEDS](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt Ordinance No. 2020-xx, amending Chapter V (Finance) of Title 2 (Administration) of the Costa Mesa Municipal Code to revise Article 8 (Capital Asset Needs) and add Article 9 (Information Technology Needs), relating to annual general fund allocations for capital asset and information technology needs.

7. [AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH MV CHENG & ASSOCIATES FOR TEMPORARY STAFF SUPPORT SERVICES IN THE FINANCE DEPARTMENT](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Amendment No. 3 to the Professional Services Agreement (PSA) with MV Cheng & Associates, Inc. to increase the PSA by \$50,000, for a total not-to-exceed amount of \$249,999 for temporary staff support services in the Finance Department.
2. Authorize the City Manager and City Clerk to execute the proposed amendment and future amendments to the PSA within Council authorized limits.

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

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

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PUBLIC HEARINGS

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.):

1. [**RESOLUTION ESTABLISHING A SIDEWALK VENDING PERMIT APPLICATION FEE**](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt the proposed Resolution establishing a sidewalk vending permit application fee.

2. [**PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 480 EAST 19TH STREET**](#) – Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt proposed Resolution No. 2020-xx, ordering the vacation of a portion of right-of-way at 480 East 19th Street.

2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS: NONE

NEW BUSINESS:

1. [**STRATEGIC PLAN FOR THE 2020 DECENNIAL CENSUS**](#)
City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file the 2020 Census Strategic Plan and provide input on additional methods to increase participation in order to ensure Costa Mesa receives its fair share of Federal and State resources.

Agenda continued on next page

2. **INTRODUCE FOR FIRST READING AN ORDINANCE AMENDING CHAPTER I (IN GENERAL) OF TITLE 6 (DISASTER RELIEF AND CIVIL DEFENSE) OF THE COSTA MESA MUNICIPAL CODE RELATING TO EMERGENCY PREPAREDNESS, ORGANIZATION AND COORDINATION**

City Manager's Office/City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

Introduce for first reading, by title only, and waive further reading of the regular ordinance amending Chapter I (In General) of Title 6 (Disaster Relief and Civil Defense) of the Costa Mesa Municipal Code relating to emergency preparedness, organization and coordination.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Older adults and people who have severe underlying chronic medical conditions seem to be at higher risk for developing more serious complications from COVID-19 illness and are encouraged to avoid crowds as much as possible. If you have concerns, please consult with your healthcare provider about attending large events.

Some of these events may be canceled without prior notice due to concerns regarding Coronavirus.

Friday, March 20, 2020 – Town Hall Meeting with Mayor Katrina Foley, 9 – 10:30 a.m., Donald Dungan Library Adams Room, 1855 Park Ave. For more information and to RSVP please e-mail constituentservices@costamesaca.gov

Thursday, April 2, 2020 – 27th Annual Wild and Crazy Taco Night, 5:30 – 7:30 p.m., This fun and festive evening, hosted by Share Our Selves, showcases some of Orange County's finest chefs.

Thursday, April 16, 2020 – Autism Resource Fair, 6 – 7:30 p.m., hosted by Newport-Mesa Unified School District. Costa Mesa High School Gymnasium, 2650 Fairview Rd.

March 19 – April 19, 2020 – VOLTA by Cirque du Soleil, OC Fair & Event Center. Experience Cirque du Soleil's 41st original production since 1984 showcasing never-before-seen under the Big Top acrobatics in a visually striking world. www.ocfair.com