

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, APRIL 7, 2020
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

In order to minimize the spread of the COVID-19 virus, Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act and as such, the Costa Mesa City Council Chambers will be closed to the public until further notice. Some, or all, of the Costa Mesa City Council Members may attend this meeting telephonically.

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) AND ONLINE AT [youtube.com/costamesatv](https://www.youtube.com/costamesatv).
2. Members of the public who wish to make a comment on a specific agenda item, please submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Comments will be accepted continuously during the meeting and will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.
3. In compliance with the Americans with Disabilities Act of 1990, 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.

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

**TUESDAY, APRIL 7, 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. Such documents will be posted 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.

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 comment during the Public Comments period on a matter not on the agenda please submit your comment via email to the City Clerk at cityclerk@costamesaca.gov. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each comment will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.

PUBLIC COMMENTS – CONSENT CALENDAR:

Members of the public desiring to comment on a consent calendar item shall submit such a request via email to the City Clerk at cityclerk@costamesaca.gov prior to the start of the Consent Calendar period. Each comment will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to comment during the Public Comments period on a matter listed on the agenda must do so via email to the City Clerk at cityclerk@costamesaca.gov. Each comment will be read into the record up to the time limit of three minutes. Any portion of comment not read aloud due to time restrictions will still be included in the record.

All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Please e-mail to the City Clerk at cityclerk@costamesaca.gov **NO LATER THAN 12:00 Noon.**

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 comment will be read into the record up to the time limit of three minutes on all items on the Closed Session agenda.

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 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).

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 LEGAL COUNSEL - ANTICIPATED LITIGATION - ONE CASE - Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code, potential initiation of litigation.

7. 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.

Agenda continued on next page

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

TUESDAY, APRIL 7, 2020 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Costa Mesa Bridge Shelter and Homelessness Update
2. Covid-19 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 Reynolds
2. Council Member Chavez
3. Council Member Marr
4. Council Member Mansoor
5. Council Member Genis
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: Alex Huynh, Arlene Pfeifer, Rynnerth Pineda

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2638** – Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2638 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-05 “A” for \$3,722.31 and 20-06 for \$2,668,835.50; and City operating expenses for \$2,153,478.59.

4. **BEVERAGE CONTAINER RECYCLING PAYMENT PROGRAM AUTHORIZATION** – Public Services Department/Administration

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 2020-xx authorizing City staff to submit applications for CalRecycle payment programs, including the beverage container recycling payment program, for which the City is eligible.
2. Authorize the City Manager or designee with signature authority to execute all required documents to implement the program.

5. **RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY SENATE BILL 1: THE ROAD REPAIR & ACCOUNTABILITY ACT OF 2017** - Public Services Department/ Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

Adopt the proposed Resolution adopting a list of projects for Fiscal Year (FY) 2020-21 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

6. **2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION** – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Agreement to Transfer Funds for the 2019 Emergency Management Performance Grant (EMPG) Program and authorize the City Manager to execute the Agreement.
2. Adopt Resolution No. 2020- XX, which authorizes the application for and acceptance of funds under the EMPG Program, and authorizes the City Manager, or designee, to accept the EMPG Program funds.
3. Approve a budget adjustment recognizing \$14,666.00 from the EMPG Program funds and appropriating \$14,666.00 in the Police Department budget for the specified purposes.

Agenda continued on next page

7. **APPROVAL OF RETAINER AGREEMENTS FOR LEGAL SERVICES WITH HAYNES AND BOONE, LLC** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the proposed Retainer Agreement with Haynes and Boone, LLP for legal services in connection with the case Costa Mesa v. United States of America, United States District Court Case No. 8:20-cv-00368-JLS-JDE;
2. Approve the proposed Retainer Agreement with Haynes and Boone, LLP for legal services in connection with appeal proceedings in Casa Capri, United States District Court Case No. 8:18-cv-00329-JVS-PJW;
3. Authorize the City Manager and City Clerk to execute the Retainer Agreements and future authorized amendments to the Agreements and the City Attorney to take necessary steps to associate Haynes and Boone as co-counsel in the legal matters; and
4. Authorize the City Manager to appropriate additional funding amounts, as necessary, to pay legal costs above the amount budgeted for litigation costs in Non-Departmental in the Adopted FY 2019-20 Budget from unassigned fund balance in the General Fund for attorneys’ services, if needed, to represent the City in these cases through completion.

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

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

PUBLIC HEARINGS: NONE

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

OLD BUSINESS: NONE

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NEW BUSINESS:

1. [UPGRADE OF THE AT&T VESTA 911 TELEPHONE SYSTEM THROUGH FUNDING PROVIDED BY THE STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF EMERGENCY SERVICES \(CAL OES\), EMERGENCY COMMUNICATIONS BRANCH \(CA 911\)](#) – Police Department/Support Services

RECOMMENDATION:

Staff recommends that the City Council:

Approve the upgrade and maintenance of the AT&T VESTA 911 telephone system with partnership funding from the California 911 Emergency Communications Branch (CA 911 Branch), and authorize the City Manager to execute any documents necessary to secure funding from the State. The total cost, including tax, is \$417,978.35 and the project is fully funded by the State.

2. [ADOPT 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:

Adopt 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.

3. [ADOPT RESOLUTION NO. 20-YY RATIFYING REGULATION NO. 2 PURSUANT TO PROCLAMATION NO. 2020-01 AND INTRODUCTION OF ORDINANCE NO. 20-XX IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19](#) - City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution No. 20-YY ratifying Regulation No. 2 Pursuant to Proclamation No. 2020-01 issued by Emergency Services Director.
2. Introduce by title only Ordinance No. 20-XX to establish a temporary moratorium on the eviction of residential or commercial tenants who are unable to pay rent due to the impacts of the novel coronavirus disease (COVID-19).

4. **INTRODUCTION OF REGULAR ORDINANCE NO. 20-XX TEMPORARILY SUSPENDING MUNICIPAL CODE SECTION 13-174 IMPOSING A LIMIT OF THIRTY DAYS MAXIMUM FOR MOTEL STAYS DURING THE COVID-19 EMERGENCY** – City Attorney’s Office

RECOMMENDATION:

Staff recommends that the City Council:

Introduce by title only and waive further reading of Ordinance No. 20-XX that would establish a temporary suspension of Costa Mesa Municipal Code section 13-174 as to short-term occupancy motels which are restricted to allowing stays of no longer than 30 consecutive days, due to the impacts of the novel coronavirus disease (COVID-19).

5. **AUTHORIZATION TO EXPLORE PARTNERSHIP WITH THE ORANGE COUNTY INLAND EMPIRE SMALL BUSINESS DEVELOPMENT CENTER NETWORK**
City Manager’s Office

RECOMMENDATION:

Staff recommends that the City Council:

Authorize the City Manager to explore partnership with the Orange County Inland Empire Small Business Development Center (SBDC) Network to potentially develop an economic revitalization program including resource assistance for Costa Mesa small businesses.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT