

**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 21, 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 which allows Council Members to attend City Council meetings telephonically. Given the health risks associated with COVID-19, the City Council Chambers will be closed to the public until further notice. If you would like to participate in this meeting, you can participate via the following options:

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](mailto: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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.
3. The City of Costa Mesa's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact the City Clerk's office 24 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (714-754-5225 or at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)). El objetivo de la ciudad de Costa Mesa es cumplir con la ley de Estadounidenses con Discapacidades (ADA) en todos los aspectos. Si como asistente o participante en esta reunión, usted necesita asistencia especial, más allá de lo que normalmente se proporciona, intentaremos de complacer en todas las maneras. Favor de comunicarse a la oficina del Secretario de la Ciudad con 24 horas de anticipación para informarnos de sus necesidades y determinar si alojamiento es realizable al 714-754-5225 o [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

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

**TUESDAY, APRIL 21, 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](http://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](mailto:cityclerk@costamesaca.gov). Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

## **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](mailto: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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

### **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](mailto: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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

### **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](mailto: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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

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](mailto: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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

**1. 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)  
Under Negotiation: Price and Terms of Payment

**2. 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)  
Under Negotiation: Price and Terms of Payment

**3. 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

**4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - TWO CASES** - Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code, potential initiation of litigation.

**5. 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.

**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

Under Negotiation: Price and Terms of Payment

**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 21, 2020 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM**

**PLEDGE OF ALLEGIANCE – Led by Mayor Pro Tem Stephens**

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. COVID-19 Updates
2. COVID-19 Economic Recovery Plan

**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](mailto:cityclerk@costamesaca.gov). Members of the public shall only address the City Council one time at any given meeting for non-agenda items. The 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. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 5:00 p.m.

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

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**CONSENT CALENDAR: (Items 1-6)**

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. [WARRANT RESOLUTION NO. 2639](#) – Finance Department**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2639 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-06 “A” for -\$3,077.53 and 20-07 for \$2,649,425.88; and City operating expenses for \$1,582,754.09.

**3. [ADOPT ORDINANCE NO. 2020-11 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:

Adopt Ordinance No. 2020-11 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. [ADOPT ORDINANCE NO. 2020-12 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:

Adopt Ordinance No. 2020-12 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. [SLURRY SEAL PROJECT, CITY PROJECT NO. 19-12](#)  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, CA 92337 and authorize the City Clerk to file the Notice of Completion.
2. Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

6. [PROJECT W - SAFE TRANSIT STOPS PROJECT](#)  
Public Services Department/Transportation Services Division

RECOMMENDATION:

Staff recommends that the City Council:

Approve a twenty-four (24) month time extension request to the Orange County Transportation Authority (OCTA) for the Project W Safe Transit Stops Project (19-CMSA-STS-3929).

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

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



**PUBLIC HEARINGS:**

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

1. [RESOLUTION ESTABLISHING FEES IN CONNECTION WITH THE APPLICATIONS FOR THE MODIFICATION OF MARIJUANA BUSINESS PERMITS](#) - Development Services Department

RECOMMENDATION:

Staff recommends that the City Council:

Adopt a Resolution establishing fees in connection with applications for the modification of marijuana business permits.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. [APPROVAL OF EXTENSION OF THE LEASE AGREEMENT WITH THE COSTA MESA LIGHTHOUSE CHURCH OF THE NAZARENE FOR USE OF A PORTION OF EXISTING PROPERTY TO BE UTILIZED AS THE CITY'S TEMPORARY BRIDGE SHELTER](#) – City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve the Amendment to the Commercial Lease Agreement and Addendum 1 (Lease) between the City of Costa Mesa and the Costa Mesa Lighthouse Church of the Nazarene (Property Owner) to allow the City to utilize a portion of the existing property for a temporary bridge shelter for those experiencing homelessness.
2. Authorize the City Manager and City Clerk to execute the proposed Amendment to the Commercial Lease Agreement and future authorized changes and amendments to this Agreement.
3. Authorize a budget adjustment in the amount of \$164,300.04 from unassigned balance in the General Fund to fund the lease payments through December 2020, with an additional four (4) one-month extensions.

2. **ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES ORDERING THAT ALL RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF COSTA MESA WEAR A FACE MASK OR COVERING WHILE ENGAGING IN ESSENTIAL ACTIVITIES** - City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

Adopt Resolution No. 2020-17 ratifying a Regulation issued by the Director of Emergency Services ordering that all residents or visitors within the geographic boundaries of the City of Costa Mesa wear a face mask or covering while engaging in essential activities in order to minimize the spread of the COVID-19 virus.

3. **URGENCY ORDINANCE TO WAIVE MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS AND RELATED REQUIREMENTS FOR PARKING LOTS USED TO SUPPORT FOOD DISTRIBUTION OR FOOD SALES**  
Development Services Department

RECOMMENDATION:

Staff recommends that the City Council:

Approve an Urgency Ordinance to allow waiver of the requirement for a conditional use permit to facilitate drive-through operations applicable to food banks and farmers markets, and to allow waiver of minor conditional use permits to allow curbside and parking lot takeout locations for local restaurants for the period of the state emergency to enhance food security during the COVID-19 crisis.

4. **REQUEST TO DIRECT STAFF TO PREPARE ORDINANCE OR RESOLUTION MANDATING SANITATION AND PROTECTIVE MEASURES FOR FOOD RETAILERS, GROCERY RETAIL, DRUG RETAIL, FOOD DELIVERY PLATFORMS, AND CANNABIS DELIVERY WORKERS** - City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council:

Consider Mayor Foley's request and direct staff accordingly.

5. [COVID-19 EMERGENCY PURCHASES OVER \\$50,001](#) – Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

Receive and file this report regarding the emergency purchases of \$50,001.00 or more.

6. [FY 2019/2020 GENERAL FUND ESTIMATED BUDGET IMPACTS DUE TO THE CORONAVIRUS \(COVID-19\) CRISIS AND RECOMMENDATIONS](#)

City Manager's Office/Finance Department

RECOMMENDATION:

Due to the evolving coronavirus pandemic (COVID-19) and its immediate impact on City revenue, staff is reporting to the City Council revised revenue estimates and recommending the following adjustments be made to the FY 2019/2020 Revised Budget.

1. Receive and file the information regarding reduced appropriations in the Fiscal Year 2019/2020 Revised Budget of \$4 million as described in the FY 2019/2020 COVID-19 Estimated Fiscal Impacts Report.
2. Reduce the FY 2019/20 Capital Improvement Projects Budget and approve the temporary deferral or suspension of \$6.0 million in General Fund supported Capital Improvement Projects in Fund 401.

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

**ADJOURNMENT**