

**AMENDED 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, MAY 19, 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 remotely. 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. Zoom Webinar: May 19, 2020 **6:00 p.m.**  
Please click the link below to join the webinar:  
<https://zoom.us/j/99558062771?pwd=bUtYZnFLT3FqbFE0ZDVrU29JTY9Sdz09>  
Or sign into Zoom.com and "Join a Meeting"  
Webinar ID: **995 5806 2771** / Password: **757909**  
Members of the public will be placed in a "waiting room" where you can see and hear the City Council, when public comments come up for the item on which you wish to speak, use the "raise hand" icon and wait to be recognized  
  
Participate via telephone: US: +1 669 900 6833  
Webinar ID: **995 5806 2771** / Password: **757909**  
When public comments come up for the item on which you wish to speak Press \*9 and wait to be recognized.
3. 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.
4. Members of the public may also leave a comment via voice message up to three minutes by calling (714) 754-5327, prior to 12:00 noon. Please identify which item you are speaking on. Comments will be transcribed and read aloud.

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.

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**.

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](#).

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, MAY 19, 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**

**CLOSED SESSION  
4:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS**

**CLOSED SESSION 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),  
Costa Mesa Fire Management Association (CMFMA)

**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 Police Management Association  
(CMPMA), Costa Mesa Police Association (CMPA)

**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 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 Division Managers Association (CMDMA)

**5. 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: Unrepresented Employees: Confidential Unit, Confidential Management Unit, Executive Employees, Part-Time Employees.

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

Pursuant to subdivision (d)(1) of Section 54956.9, California Government Code  
Robert Sharpnack v. City of Costa Mesa  
Orange County Superior Court Case No. 30-2020-01131375-CU-OE-CJC.

**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 for Closed Session at the conclusion of public comments.**

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

**TUESDAY, MAY 19, 2020 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

Led by Council Member Genis

**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.]*

Reverend Sarah Halverson Cano, Fairview Community Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. COVID-19 Updates
2. reStore Costa Mesa Economic Recovery Update

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

**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 1-5)**

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: Julio Hernandez Colocho, Norma Hernandez, Maria Recinos, Jonathan Rodriguez

RECOMMENDATION:

City Council receive and file.

**3. WARRANT RESOLUTION NO. 2641 – Finance Department**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2641 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-08 “A” for -\$646.15 and 20-09 for \$2,543,877.03; and City operating expenses for \$1,756,535.28.

**Agenda Continued on next page**

4. **ACCEPTANCE OF 2019 PROPOSITION 69 FUNDS** – Police Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt Resolution 2020-xx, which authorizes the acceptance of the 2019 Proposition 69 funds and authorizes the City Manager or designee to accept the funds in the amount of \$107,885.00.
2. Approve a budget adjustment appropriating \$107,885.00 from the Proposition 69 funds to the Police Department budget for the specified purpose.

5. **INTERSECTION SAFETY LIGHTING PROJECT – CITY PROJECT NO. 17-15**  
Public Services Department/Engineering Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Accept the work performed by Express Energy Services, Inc., 10610 Humbolt Street, Los Alamitos, CA 90720 and authorize the City Clerk to file the Notice of Completion.
2. Release the Labor and Material Bond and the Faithful Performance Bond immediately after the Notice of Completion filing date.

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

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

**Agenda Continued on next page**

**PUBLIC HEARINGS:**

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

1. **PUBLIC HEARING FOR 2020-2024 CONSOLIDATED PLAN, INCLUDING FISCAL YEAR 2020-2021 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) AND 2020-2024 ORANGE COUNTY ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

Development Services Department/Housing and Community Development

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Hold a Public Hearing regarding the 2020-2024 Consolidated Plan, including the 2020-2021 Annual Action Plan and the 2020-2024 Orange County Analysis of Impediments to Fair Housing Choice.
2. Approve the recommended allocation of \$1,136,657 for the Fiscal Year 2020-2021 Community Development Block Grant.
3. Approve the recommended allocation of \$505,820 for the Fiscal Year 2020-2021 HOME Investment Partnerships Grant.
4. Adopt Resolution No. 2020-XX in order to:
  - Approve the 2020-2024 Consolidated Plan including the 2020-2021 Annual Action Plan.
  - Approve the 2020-2024 Orange County Analysis of Impediments to Fair Housing Choice.
  - Authorize the City Manager, or the City Manager's designee, to submit the 2020-2024 Consolidated Plan, including the 2020-2021 Annual Action Plan, to the U.S. Department of Housing and Urban Development.

**OLD BUSINESS: NONE**

**Agenda Continued on next page**



**NEW BUSINESS:**

1. **APPROVE THE LAUNCH OF AN EMERGENCY SMALL BUSINESS LOAN PROGRAM IN PARTNERSHIP WITH SMALL BUSINESS DEVELOPMENT CENTER (SBDC) AND MAIN STREET LAUNCH, A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION (CDFI)**

Development Services Department/Economic Development

**RECOMMENDATION:**

Staff recommends that the City Council:

1. Authorize the creation of an Emergency Small Business Loan Program in partnership with Small Business Development Center (SBDC) and Main Street Launch CDFI, a Community Development Financial Institution (CDFI).
2. Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Main Street Launch with a total cost cap of 15 percent of deployed capital as an administrative fee for the complete management of the initial deployment of the funds in response to COVID-19 and negotiate an appropriate interest rate increase for an ongoing City of Costa Mesa's Emergency Small Business Loan Program for the administration cost of future loans.
3. Authorize the City Manager to work with HUD and EDA representatives to apply for funding options from the CARES ACT for the City of Costa Mesa's Emergency Small Business Loan Program.
4. Approve the allocation of \$250,000 for the creation of an Emergency Small Business Loan Program fund from either CDBG CV funds or the General Fund.
5. Approve the establishment of a donation platform managed by Main Street Launch CDFI to receive funds to boost the total fund amount.

**Agenda Continued on next page**

2. **PRE-EMPLOYMENT BACKGROUND INVESTIGATION SERVICES**

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve Professional Services Agreements with Sunset Detectives, RCS Investigations and Consulting, LLC and Beard Investigative Services, LLC in the aggregate annual not-to-exceed amount of \$100,000, to provide pre-employment background investigation services for the City on an as-needed basis.
2. Authorize the City Manager and the City Clerk to execute the agreements and future amendments to the agreements within Council-authorized limits.

3. **APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH CALIFORNIA YELLOW CAB FOR SENIOR TRANSPORTATION PROGRAMS**

Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Approve a Professional Services Agreement (PSA), in an amount not-to-exceed \$197,020, with Cabco Yellow, Inc. dba California Yellow Cab for the Senior Transportation Programs (STP) for an initial term of June 1, 2020 through December 31, 2020, with an option to extend the agreement for an additional six-month period through June 30, 2021.
2. Approve a ten percent (10%) contingency, totaling \$19,700, if needed.
3. Authorize the City Manager to approve minor changes to the PSA.
4. Authorize the City Manager and City Clerk to execute the PSA and future amendments to the agreement within Council-authorized limits.

**Agenda Continued on next page**

4. **APPROVAL OF RETAINER AGREEMENT 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 Pacific Shores, LLC v. City of Costa Mesa, United States District Court Case No. 8:18-cv-01170.
2. Authorize the City Manager and City Clerk to execute the Retainer Agreement and future authorized amendments to the Agreement and the City Attorney to take necessary steps to associate Haynes and Boone as co-counsel in the legal matters.
3. 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 this case through completion.

**Agenda Continued on next page**

5. **FISCAL YEAR 2020-21 PRELIMINARY GENERAL FUND REVENUE AND EXPENDITURE ESTIMATES AND OVERVIEW**

City Manager's Office/Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Discuss the Preliminary FY 2020-21 General Fund Revenue and Expenditure Estimates and projected COVID-19 fiscal impacts.
2. Provide direction on exercising the option to reduce the General Fund contribution to Capital Projects to be less than the combined 5.0% of the General Fund budgeted revenues required by the Capital Asset Needs (CAN) Ordinance.
3. Provide direction on exercising the option to defer the General Fund contribution to the Information Technology Fund of 1.5% of the General Fund budgeted revenues by six months to January 1, 2021.
4. Provide direction on the prepayment of the City's annual Unfunded Accrued Liability payment to CalPERS resulting in \$727,000 in savings to the FY 2020-21 Budget.
5. Provide direction on the use of a portion of the City's General Fund Economic and Declared Disaster Reserves in the development of the FY 2020-21 Proposed Budget to continue providing essential services during the COVID-19 pandemic.

6. **POSSIBLE BALLOT MEASURES FOR NOVEMBER 3, 2020 GENERAL ELECTION** - Development Services Department

RECOMMENDATION:

1. City Council direction is requested as to whether staff should return to the City Council with more in depth reports regarding the possible modification of City initiatives for the November 3, 2020 election, if desired.
2. City Council direction is also requested as to whether community surveys and data collection efforts should be undertaken to help assess community interest in and support for modifying City initiatives in the November 3, 2020 election with a third party independent and neutral firm.

7. **EMERGENCY LIMITATIONS ON SALE AND USE OF SAFE AND SANE FIREWORKS** - City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Determine if the City will allow sale and discharge of Safe and Sane Fireworks during this public health emergency; and, if so,
2. Approve a one-time modification to rules regarding sale and use of Safe and Sane Fireworks to:
  - A. Revise operation of Safe and Sane Fireworks Booths to require appropriate distancing between booths, social distancing and protective measures as recommended to limit the spread of COVID-19.
  - B. Limit the dates for sale of Safe and Sane Fireworks in the City to July 2, 2020 through July 4, 2020.
  - C. Limit the date of allowable discharge of Safe and Sane Fireworks in the City to July 4, 2020 due to the COVID-19 pandemic and State's stay at home order.

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

**ADJOURNMENT**