

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

MARCH 17, 2020

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California

ROLL CALL

Present by Teleconference: Council Member Chavez, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

Present: Council Member Genis (arrived at 4:05 p.m.), Council Member Mansoor, and Mayor Foley.

Absent: None

PUBLIC COMMENTS – None

The City Council recessed to Room 1A at 4:04 p.m. for Closed Session to consider the following items:

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 reconvened at 7:51 p.m.

CALL TO ORDER (00:00:06)

The meeting was called to order by Mayor Foley at 7:51 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:18)

Led by Mayor Foley

MOMENT OF SOLEMN EXPRESSION (00:00:52)

Led by Mayor Foley

ROLL CALL (00:01:49)

Present by Teleconference: Council Member Chavez, Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

Present in Council Chambers: Council Member Genis, Council Member Mansoor, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT (00:02:07)

Ms. Hall Barlow reported on Closed Session Item Number 8 the following:

MOVED/SECOND: Mayor Foley/Council Member Genis

MOTION: Authorize the City Attorney's Office to pursue litigation.

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

PRESENTATIONS: (00:02:58)

1. Mayor Foley Proclaimed Women's History Month (00:03:20)
2. Ms. Price, Assistant City Manager, provided a Costa Mesa Bridge Shelter and Homelessness Update (00:03:40)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:08:05)

Speaker, spoke on the public being able to make comments on an item on the next Planning Commission meeting agenda and requested the item to be postponed. (00:08:17)

Speaker, spoke on starting the meetings on time and clarified what items are considered essential, requested the homeless shelter costs, and spoke on an item being placed on the next Planning Commission agenda. (00:10:28)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(00:13:03)**

Council Member Genis thanked staff for their work during the difficult time, thanked grocery store workers, suggested donating to food pantries and storing food properly, and spoke on civil liberties. (00:13:12)

Council Member Reynolds thanked City Hall staff for extra work being done during difficult times, spoke on the importance to stay home, and to communicate with City Council any needs. (00:16:30)

Council Member Chavez commended everyone for staying home and doing their part, and encouraged anyone needing anything to reach out to City Council and staff. (00:18:38)

Council Member Marr thanked everyone for staying home and encouraged anyone needing anything to reach out to City Council (00:20:32)

Mayor Pro Tem Stephens spoke on the homeless shelter and the difficult times being faced. (00:20:50)

Mayor Foley thanked staff for all their hard work, and strongly encouraged everyone to stay home. (00:22:20)

REPORT – CITY MANAGER (00:27:08)

Ms. Farrell Harrison highlighted steps that the city is taking to protect the residents from COVID-19 and encouraged staying up to date on any changes by checking the city website regularly.

REPORT – CITY ATTORNEY (00:30:29)

Ms. Hall Barlow spoke on staff is doing their best to communicate with residents.

CONSENT CALENDAR: (Items 1-7) (00:31:16)

MOVED/SECOND: Council Member Genis/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 5.

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: Jasmine Alrokh, Kiet Phuong Bui, Rafael Flores, Jennifer Kelly, Randall Logue, Mercury Insurance, and Salvador Arreola Valencia

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2637 – Finance Department

ACTION:

City Council approved 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

ACTION:

City Council approved the minutes of July 2, 2019, July 16, 2019, and August 6, 2019.

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

ACTION:

City Council adopted Ordinance No. 2020-06, 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

ACTION:

1. City Council approved 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; and
2. Authorized the City Manager and City Clerk to execute the proposed amendment and future amendments to the PSA within Council authorized limits.

ITEMS PULLED FROM THE CONSENT CALENDAR

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 (00:32:58)

Mayor Foley recused herself and stepped down from the dais for this item as she has a conflict regarding donations received.

Discussion ensued on permanently changing the tax rate.

Public Comments:

Steve Hellings, SW Ventures, spoke on not changing the recommended action. (00:39:05)

Ms. Green, City Clerk, read into the record a letter from Ralph Taboada expressing concern over the tax being a permanent change. (00:40:22)

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve the ordinance including the 1% tax and include language that City Council can, on a majority vote increase the tax up to 6%.

Mayor Pro Tem Stephens spoke on the motion.

Council Member Reynolds withdrew the second.

Council Member Genis seconded.

SUBSTITUTE MOTION/SECOND: Council Member Mansoor/Council Member Marr

SUBSTITUTE MOTION: Approve the staff recommendation.

Council Member Mansoor spoke on the substitute motion.

Council Members Marr and Chavez spoke on supporting the substitute motion.

The substitute motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Mansoor, Council Member Marr, and Council Member Reynolds.

Nays: Mayor Pro Tem Stephens, Council Member Genis

Absent: None

Abstain: Mayor Foley

Motion carried: 4-2-0-1

ACTION:

City Council adopted Ordinance No. 2020-05, 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.

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

PUBLIC HEARINGS (00:53:17)

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

1. RESOLUTION ESTABLISHING A SIDEWALK VENDING PERMIT APPLICATION FEE (00:53:40)

Staff presentation by Ms. Farrell Harrison, City Manager.

Public Comments: None

MOVED/SECOND: Council Member Genis/Council Member Mansoor

MOTION: Approve the staff recommendation.

Council Member Reynolds clarified the motion and if permits would be approved during the pandemic.

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

ACTION:

City Council adopted Resolution No. 2020-10 establishing a sidewalk vending permit application fee.

2. PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 480 EAST 19TH STREET (00:57:07)

Staff presentation by Ms. Rosales, Transportation Manager.

Discussion ensued on setbacks.

Public Comments: None

MOVED/SECOND: Council Member Mansoor/Council Member Genis

MOTION: Approve the recommended actions.

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

ACTION:

1. City Council adopted proposed Resolution No. 2020-11, ordering the vacation of a portion of right-of-way at 480 East 19th Street; and
2. Authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS: NONE

NEW BUSINESS: (01:02:44)

1. STRATEGIC PLAN FOR THE 2020 DECENNIAL CENSUS (01:02:49)

Staff presentation by Mr. Ruiz, Management Aide.

Public Comments: None

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Approve the recommended actions.

Mayor Foley and Council Members Genis and Chavez spoke on the item and thanked staff for their hard work.

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

ACTION:

City Council received and filed the 2020 Census Strategic Plan and provided input on additional methods to increase participation in order to ensure Costa Mesa receives its fair share of Federal and State resources.

Ms. Hall Barlow announced that the California Public Utilities Commission issued an order determining that there will be no customer disconnections for nonpayment for energy, water, sewer, and communications companies due to Covid-19 circumstances.

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 (01:20:11)

Staff presentation by Mr. Dempsey, Emergency Services Administrator.

Discussion ensued on the structure and role of the Disaster Council membership.

Public Comment:

Ms. Green, City Clerk, read a public comment into the record asking if Costa Mesa is in a shelter in place situation. (01:34:23)

Public comments closed.

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve first reading of the ordinance with the following changes: include the mayor or the mayors designee as an ex-officio member of the Disaster Council, the Chair is the Director of Emergency Services, and the Assistant Chair is the Assistant Director of Emergency Services and everything else will remain the same.

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

ACTION:

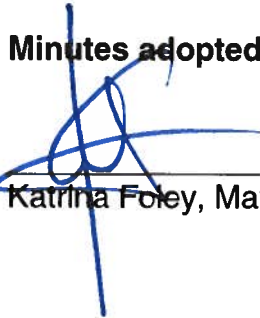
City Council introduced for first reading, by title only, and waived further reading of the regular ordinance amending Chapter I (In General) of Title 6 (Disaster Relief and Civil Defense) of the Costa Mesa Municipal Code relating to emergency preparedness, organization and coordination.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:37:50)

Mayor Foley encouraged the public to visit the city website for the latest updates regarding COVID-19.

ADJOURNMENT – Mayor Foley adjourned the meeting at 9:30 p.m. in remembrance of Huy Pham.

Minutes adopted on this 1st day of September, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk