

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

APRIL 7, 2020

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:01 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 Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

PUBLIC COMMENTS – NONE

The City Council recessed to Room 1A at 4:07 p.m. for Closed Session to consider the following 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)

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 reconvened at 6:17 p.m.

CALL TO ORDER (00:00:12)

The meeting was called to order by Mayor Foley at 6:17 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:02:33)

Mayor Foley played the National Anthem and led the City Council and staff in the Pledge of Allegiance.

ROLL CALL (00:07:21)

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

Absent: None

Officials Present by Teleconference: City Manager Lori Ann Farrell Harrison, Assistant City Manager Susan Price, City Attorney Kimberly Hall Barlow, Fire Chief Dan Stefano, Police Chief Bryan Glass, Emergency Services Administrator Jason Dempsey, Economic Development Services Director Barry Curtis, and Information Technology Director Steve Ely.

Officials Present in Chambers: City Clerk Brenda Green, Lt. LaPointe, and Public Services Director Raja Sethuramen.

CITY ATTORNEY CLOSED SESSION REPORT (00:07:49)

Ms. Hall Barlow reported that direction was received on items 1, 2, and 7, and that items 3, 4, 5, and 6 will come back at a later time, and no reportable action was taken.

PRESENTATIONS

1. Ms. Price, Assistant City Manager, provided an update on the Costa Mesa bridge shelter and homelessness in the city. (00:09:32)
2. Ms. Farrell Harrison, City Manager, provided an update on COVID-19. (00:18:18)

PUBLIC COMMENT– MATTER NOT LISTED ON THE AGENDA (00:24:52)

Ms. Green, City Clerk, read into the record public comments received from Kelly Jo Grandy, Alison Burchette, Richard Wall, Nicole Simon, Sarah Glass, Amber Cowell, and Sharon Barnard requesting to stop the deployment of wireless infrastructure during the COVID-19 emergency.

Ms. Green, City Clerk, read into the record public comment received from Michelle Schumacher regarding taxes and the Transportation Corridor Agency (TCA).

Ms. Green, City Clerk, read into the record public comments received from Geoff West, Costa Mesa, thanking the City Council and staff for work during the COVID-19 crisis, and expressed concern on city finances.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:33:27)

Council Member Reynolds thanked staff and first responders for efforts during the COVID-19 pandemic. Encouraged communication between residents and staff, expressed concerned about pedestrian safety and requested slow down signage, and requested crosswalk buttons be sanitized. (00:34:00)

Council Member Chavez spoke on the great efforts by Costa Mesa to limit the spread of COVID-19, thanked staff, spoke on different avenues to promote the City programs, and spoke on checking up on family and neighbors. (00:37:45)

Council Member Marr thanked everybody for their efforts during the COVID-19 pandemic, and spoke on helping small businesses. (00:39:57)

Council Member Mansoor read the Moment of Solemn Expression by Pastor Manne, spoke on the Planning Commission meeting and One Metro West, spoke on the public comments, requested a Finance Pension Advisory Committee (FiPAC) meeting, spoke on an appeal to the Planning Commission due to traffic fees, and spoke on the need to address fees in the City. (00:40:46)

Council Member Genis spoke on addressing a ban on short term rentals except for emergency personnel, communication to the State about not closing all State beaches, thanked staff for their efforts during the pandemic, and thanked grocery and delivery workers. (00:44:57)

Mayor Pro Tem Stephens thanked everybody for their efforts during the COVID-19 pandemic, spoke on online church services, and spoke on hope during the pandemic. (00:47:15)

Mayor Foley expressed appreciation to sponsors who are feeding employees, spoke on Costa Mesa High School signs for the seniors that are graduating, the COVID-19 statistics and following guidelines, testing, thanked City Council for their efforts during the pandemic, spoke on a Town Hall Q & A with Council Member Chavez and the resource guide being in both English and Spanish, spoke on beach closures being addressed by Assembly Member Cottie Petrie-Noris, on financial impacts due to COVID-19, requested research on safety practices for grocery workers and delivery drivers, the lack of safety protocols and supplies, and creating standards. (00:49:24)

CITY MANAGER REPORT – NONE (00:57:57)

CITY ATTORNEY REPORT - NONE (00:58:05)

CONSENT CALENDAR: (Items 1-7) (00:58:17)

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 4 and 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: Alex Huynh, Arlene Pfeifer, Rynnerth Pineda

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2638

ACTION:

City Council approved 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.

6. 2019 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION

ACTION:

1. City Council approved the Agreement to Transfer Funds for the 2019 Emergency Management Performance Grant (EMPG) Program and authorize the City Manager to execute the Agreement.
2. Adopted Resolution No. 2020-15, 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. Approved 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.

7. APPROVAL OF RETAINER AGREEMENTS FOR LEGAL SERVICES WITH HAYNES AND BOONE, LLC

ACTION:

1. City Council approved 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. Approved 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. Authorized 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. Authorized 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.

ITEMS PULLED FROM THE CONSENT CALENDAR

4. BEVERAGE CONTAINER RECYCLING PAYMENT PROGRAM AUTHORIZATION (01:00:03)

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on effectively using the monies, reaching out to the recycling center, municipal recycling facilities not in operation, and sorting trash using protective measures.

Public Comments: None

MOVED/SECOND: Council Member Reynolds/Council Member Marr

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

Abstain: None

Motion carried: 7-0

ACTION:

1. City Council adopted Resolution No. 2020-12 authorizing City staff to submit applications for CalRecycle payment programs, including the beverage container recycling payment program, for which the City is eligible.
2. Authorized 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 (01:07:59)

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on the design process and incorporating complete streets elements.

Public Comments:

Ms. Green, City Clerk, read into the record a comment from Flo Martin, Costa Mesa, requesting specific information on what improvements are under consideration.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Adopt Resolution No. 2020-14 adopting a list of projects for Fiscal Year (FY) 2020-21 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

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

Abstain: None

Motion carried: 7-0

ACTION:

City Council adopted Resolution No. 2020-14 adopting a list of projects for Fiscal Year (FY) 2020-21 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

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

PUBLIC HEARINGS: NONE

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

OLD BUSINESS: NONE

NEW BUSINESS: (01:15:53)

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) (01:16:00)**

Staff presentation by Lt. LaPointe.

Public Comments: None

MOVED/SECOND: Council Member Reynolds/Council Member Mansoor

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
Abstain: None
Motion carried: 7-0

ACTION:

City Council approved 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 authorized 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 (01:21:52)

Staff presentation by Ms. Hall Barlow, City Attorney.

Discussion ensued on emergency powers, bringing the items to council if time permits, actions needed to be made publicly, the role of the City Council as policy makers, the purpose of the ordinance, the order of succession, if City Council and Planning Commissioners are part of the emergency management operation, and specific emergency plans for each emergency or a broad plan.

Public Comments: None

MOVED/SECOND: Council Member Reynolds/Council Member Marr

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

Abstain: None

Motion carried: 7-0

ACTION:

City Council adopted Ordinance No. 2020-10 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. 2020-16 RATIFYING REGULATION NO. 2 PURSUANT TO PROCLAMATION NO. 2020-01 AND INTRODUCTION OF ORDINANCE NO. 2020-11 IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19 (01:43:10)**

Staff presentation by Ms. Hall Barlow, City Attorney.

Discussion ensued on when the effective date, clarifying the action being voted on, the 4/5 voting requirements, clarifying the Governors Executive Orders, and penalties for landlords who don't follow this order.

Public Comments:

Ms. Green, City Clerk, read into the record a comment from Mary Spadoni, Costa Mesa, requesting a change to the action to exclude small, local landlords with rental units under four (4).

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Marr
MOTION: Approve the recommended actions.

Council Members Genis and Mansoor spoke against the motion.

Mayor Pro Tem Stephens, Council Members Marr, Chavez, and Reynolds, and Mayor Foley spoke on supporting the motion.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley

Nays: Council Member Genis, Council Member Mansoor

Absent: None

Abstain: None

Motion carried: 5-2

ACTION:

1. City Council adopted Resolution No. 2020-16 ratifying Regulation No. 2 Pursuant to Proclamation No. 2020-01 issued by Emergency Services Director.
2. Introduced by title only 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. **INTRODUCTION OF REGULAR 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 (02:17:39)**

Staff presentation by Ms. Hall Barlow, City Attorney.

Public Comments: None

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

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

Abstain: None

Motion carried: 7-0

ACTION:

City Council introduced by title only and waived further reading of 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. **AUTHORIZATION TO EXPLORE PARTNERSHIP WITH THE ORANGE COUNTY INLAND EMPIRE SMALL BUSINESS DEVELOPMENT CENTER NETWORK (02:21:21)**

Staff presentation by Ms. Farrell Harrison, City Manager.

Public Comments:

Ms. Green, City Clerk, read into the record a public comment received in support of the item.

MOVED/SECOND: Council Member Marr/Mayor Foley

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

Abstain: None

Motion carried: 7-0

ACTION:

City Council authorized 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 (02:29:20)

Council Member Chavez thanked all staff who attended the meeting in person.

Council Member Mansoor wished everybody the best.

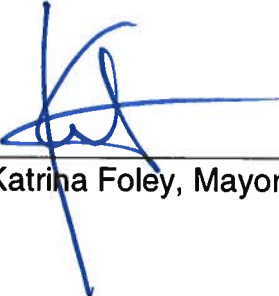
Council Member Genis thanked everyone for their hard work and to be safe.

Mayor Pro Tem Stephens wished Happy Easter to everyone.

Mayor Foley thanked the Costa Mesa Soup Kitchen team for hygiene protocols and social distancing, shared the following announcements: text alerts from OC health for COVID-19 updates, second harvest food bank distribution from 9:00 a.m. to 12:00 p.m. (noon), senior meal delivery, working with Council Member Chavez and volunteers on calling as many seniors as possible who may need assistance, City and State help hotlines, and please stay home and save lives.

ADJOURNMENT (02:33:44) – Mayor Foley adjourned the meeting at 8:51 p.m.

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



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk