

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

MAY 5, 2020

CALL TO ORDER

The Closed Session was called to order by Mayor Foley at 4:00 p.m.

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 at 4:04 p.m. for Closed Session to consider the following items:

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 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
7. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – ONE
CASE** - Pursuant to Subdivision (d)(2) of Section 54956.9, California Government
Code, Potential Litigation – Measure Y.
8. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION – ONE
CASE** - Pursuant to Subdivision (d)(2) of Section 54956.9, California Government
Code – threat of litigation from Rutan & Tucker, LLP dated April 29, 2020.
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 6:04 p.m.

CALL TO ORDER (00:0013)

The meeting was called to order by Mayor Foley at 6:04 p.m. via zoom.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:05:18)

Council Member Chavez introduced a video from the September 17, 2019 City Council meeting for the National Anthem and Pledge of Allegiance.

ROLL CALL (00:04:45)

Present by Zoom: 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 Zoom: City Manager Lori Ann Farrell Harrison, City Attorney Kimberly Hall Barlow, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, Acting Parks and Community Services Director Yvette Aguilar, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:0752)

Ms. Hall Barlow, reported that no reported action was taken on items 1-5 and 9. City Council will return to Closed Session at the end of the regular meeting for items 6-8.

PRESENTATIONS:

1. City Manager Ms. Farrell Harrison provided an update on COVID-19. (00:08:18)
2. Mayor Foley provided an update on reStore Costa Mesa Economic Recovery program. (00:13:25)
3. Mayor Foley Proclaimed May as Mental Health Awareness Month (00:26:28)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Mary Spadoni, Costa Mesa, spoke on an item to be considered by the Planning Commission and thanked Council Members Marr and Reynolds for the Ikea food drive and requested a similar event on the west side. (00:50:06)

Speaker, spoke on COVID-19 closures. (00:53:37)

Wendy Leece, Costa Mesa, thanked City Council and City staff for holding Zoom meetings for the public to be able to participate, spoke on COVID-19 closures, outreach for communicating changes by district, and being inclusive. (00:55:37)

Ms. Green, City Clerk, read an email into the record from Don Harper regarding COVID-19 numbers.

Ms. Bennett, Deputy City Clerk, read into the record a comment regarding COVID-19 and the effects on the economy from business closures.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on the city's success in reaching out to the senior community, safe ways to reopen and encouraging the community to reach out with ideas, and the fiscal impact of COVID-19 on the city. (01:04:40)

Council Member Mansoor spoke on opening Fairview Park for mental health purposes, fixing the trails at Fairview Park, transparency, economic impacts due to the COVID-19 shut down, and requested a public Study Session on the budget. (01:08:33)

Council Member Genis requested a letter from Ms. Partnoff to be included in the record regarding One Metro West and requested that the item be postponed until people can participate in person and spoke on helping small commercial property owners. (01:12:44)

Council Member Reynolds thanked everybody for assisting and volunteering with helping others during COVID-19 pandemic, requested briefings on reStore Costa Mesa and disseminating information, spoke on bike and walkability in the city and safety on the streets and May being bike month. (01:16:58)

Council Member Chavez spoke on the measures needed to stop the spread of COVID-19, thanked Strut Bar and Miguel Jr., for donating 470 food packages, spoke on the importance of completing the Census, needed paving on Hamilton Street, concern of street racing on Pomona Avenue and Myer Street and implementing safe street measures, and spoke on Fairview Park. (01:23:18)

Mayor Pro Tem Stephens wished a Happy Mother's Day and spoke on the deaths related to COVID-19. (01:27:55)

Mayor Foley spoke on struggling small business owners, relying on science regarding COVID-19, Town Halls being once a week, teacher appreciation week, and clarified concerns regarding the soup kitchen. (01:31:49)

REPORT – CITY MANAGER (01:37:31)

Ms. Farrell Harrison provided an update on the 2020 Census, city budget and economic impacts due to COVID-19, and FEMA reimbursements.

REPORT – CITY ATTORNEY (01:45:16)

Ms. Hall Barlow provided an update on sober living/group home court cases filed against the city, and clarified the stay at home order is still in place.

CONSENT CALENDAR: (Items 1-5) (01:47:57)

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 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: Mila Chatrnuch

ACTION:

City Council received and filed.

3. WARRANT RESOLUTION NO. 2640

ACTION:

City Council approved Warrant Resolution No. 2640 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-08 for \$2,559,256.05; and City operating expenses for \$2,275,380.81.

4. HARBOR BOULEVARD MEDIAN IMPROVEMENTS FROM 19TH STREET TO WILSON STREET, FEDERAL PROJECT NO. HSIPL-5312 (099), CITY PROJECT NO. 18-10

ACTION:

1. City Council accepted the work performed by Yakar for the subject project and authorized the City Clerk to file the Notice of Completion.
2. Authorized the City Manager to release the Labor and Material Bonds, and release the Faithful Performance Bonds, as the warranty period is complete. Retention monies have been released pursuant to Public Contract Code 7107(c).

5. APPROVE AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL, LLC. TO PROVIDE IMPLEMENTATION CONSULTING SERVICES FOR THE LAND MANAGEMENT SYSTEM

ACTION:

1. City Council approved Amendment No. 4 to the Professional Services Agreement with Sagecrest Planning and Environmental, LLC, amending the scope of services to include implementation consulting services for the Land Management System (LMS), authorizing additional funding in the amount of \$275,000 for the LMS implementation consulting services (from the previously-approved LMS project budget), and extending the Agreement through December 31, 2022, for a total contract term of approximately five years and two and months.
2. Authorized the City Manager to execute the amendment and future amendments to the Agreement within Council-authorized limits.

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

PUBLIC HEARINGS: (01:49:29)

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

- 1. AN URGENCY ZONING ORDINANCE OF THE CITY OF COSTA MESA PROVIDING FOR A 12-MONTH EXTENSION OF THE TIME LIMITS SET FORTH IN ZONING CODE SECTION 13-29(k) (TIME LIMITS AND EXTENSIONS) FOR ALL APPROVED DISCRETIONARY PLANNING APPLICATIONS; AND DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION (01:50:52)**

Staff presentation by Mr. Curtis, Economic and Development Services Director.

Discussion ensued regarding upkeep of properties.

Public Comment – None

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Adopt Urgency Ordinance No. 2020-14 with the provision of property upkeep.

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 held a public hearing and adopted Urgency Ordinance No. 2020-14 read by title only, providing for a 12-month extension of the time limits set forth in Zoning Code Section 13-29(k) (Time Limits and Extensions) for all approved discretionary planning applications; and declaring the ordinance to be an emergency measure to take effect immediately upon adoption.

OLD BUSINESS: NONE

NEW BUSINESS: (01:58:27)

- 1. LIONS PARK PLAYGROUND IMPROVEMENT PROJECT, CITY PROJECT NO. 20-04 (01:58:33)**

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued regarding the bid process, pricing, efficiency, redoing the restrooms, other options, SCE funds, and trees.

Public Comments:

Wendy Leece, Costa Mesa, spoke on keeping the trees and opening the park as soon as possible, suggested phasing the process. (02:41:20)

Cassius Rutherford, Costa Mesa, expressed appreciation on the creativity of the design. (02:42:53)

Public Comments closed.

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Approve recommended actions and add the bathrooms.

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 rejected all bids and directed staff to obtain a redesign of the Lions Park Playground Improvement Project to include only the reconstruction of the restroom as an added option and the construction of the new playground, and associated accessibility improvements and re-advertise for public bid.
 2. Approved Amendment No. 2 to the Professional Services Agreement (PSA) with David Volz Design Landscape Architects, Inc. ("David Volz Design"), increasing David Volz Design's maximum compensation by \$49,950, to provide additional services required to revise the construction documents and for construction support services for the Lions Park Playground Improvement Project, and authorized the City Manager and City Clerk to execute the Amendment.
- 2. WEST 19th STREET BICYCLE AND PEDESTRIAN IMPROVEMENTS AND CLASS II AND III BICYCLE FACILITIES, CITY PROJECT NO. 20-02 (03:09:28)**

Staff presentation by Mr. Sethuraman, Public Services Director.

Discussion ensued on the schedule of the project.

Public Comments:

Ms. Green, City Clerk, read into the record the following email received:

Cynthia McDonald, Costa Mesa, regarding active transportation improvements within the city, budget cuts, and suggested the city work with the Costa Mesa Alliance for Better Streets. (03:14:07)

Ms. Bennett, Deputy City Clerk, read into the record the following emails received:

Flo Martin regarding supporting the item, the need for better streets, and working with the Costa Mesa Alliance for Better Streets. (03:15:54)

Michelle Fay, Costa Mesa, regarding active transportation in the city. (03:16:48)

The following comments were received live via zoom webinar:

Ralph Taboada, Costa Mesa, spoke on intersections in the city that need to be corrected. (03:18:51)

Cassius Rutherford, Costa Mesa, spoke on the city's financial situation and partnering with residents for creative ways to keep the streets safe. (03:20:21)

Public Comments closed.

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Reject all bids as recommended by staff.

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

MOVED/SECOND: Council Member Reynolds/Mayor Foley

MOTION: Direct staff to explore lower cost, quick build, active transportation projects, specifically targeting residential neighborhoods, looking for ways to support active transportation goals with reduced budgets.

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 rejected all bids.
2. Directed staff to explore lower cost, quick build, active transportation projects, specifically targeting residential neighborhoods, looking for ways to support active transportation goals with reduced budgets.

City Council recessed into a break at 9:34 p.m.

City Council reconvened at 9:41 p.m.

3. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION NO. 4 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES TO MODIFY REGULATIONS NO. 1 AND NO. 3 TO ALLOW PARTIAL REOPENING OF CERTAIN PARKS AND GOLF COURSES SUBJECT TO REQUIRED SAFETY MEASURES (03:29:41)**

Staff presentation by Ms. Aguilar, Acting Parks and Community Services Director.

Discussion ensued regarding consistency with state and county regulations, use of grass areas in parks, and a strategy for re-opening.

Public Comments:

Ms. Green, City Clerk, read into the record the following emails received:

Banja Hoffman, regarding opening up city parks.

Morgan White, regarding opening up city parks.

Mark Gleason, regarding opening up Fairview Park.

Ms. Bennett, Deputy City Clerk, read into the record the following emails received:

C. Wolf, regarding opening up city parks.

Kim Hendricks, regarding opening up city parks.

The following comments were received live via zoom webinar:

John Merrill, Costa Mesa, spoke on opening the Bark Park and Skate Park.
(04:15:47)

Cassius Rutherford, Costa Mesa, spoke on life and death issues. (04:17:38)

Public Comments closed.

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

MOTION: Approve Resolution No. 2020-19 ratifying Regulation No. 4 as presented.

SUBSTITUTE MOTION/SECOND: Council Member Mansoor

SUBSTITUTE MOTION: Approve Resolution No. 2020-19 ratifying Regulation No. 4 and opening Fairview Park and allowing access to grass areas.

The motion failed for lack of a second.

SUBSTITUTE MOTION/SECOND: Council Member Genis/Council Member Reynolds

SUBSTITUTE MOTION: Approve Resolution No. 2020-19 ratifying Regulation No. 4 opening portions of Fairview Park, including no gathering or picnics but allowing use of grass.

The motion failed by the following roll call vote:

Ayes: Council Member Genis, Council Member Mansoor, and Council Member Reynolds.

Nays: Council Member Chavez, Council Member Marr, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

Abstain: None

Motion failed: 3-4

ORIGINAL MOTION/SECOND: Mayor Pro Tem Stephens/Council Member Marr

ORIGINAL MOTION: Approve Resolution No. 2020-19 ratifying Regulation No. 4 as presented.

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. 2020-19 ratifying Regulation No. 4 issued by the Director of Emergency Services modifying portions of Regulations No. 1 and No. 3 allowing for partial reopening of selected parks and golf courses for passive recreational activity subject to mandatory safety requirements.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (04:54:26)

Ms. Hall Barlow, spoke on Summit Coastal Case and the motion for summary judgement.

Ms. Farrell Harrison, thanked staffed for work on the zoom meeting.

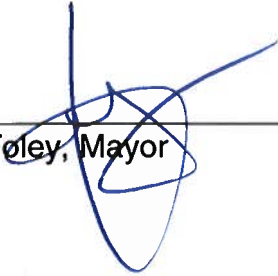
Council Member Genis, requested the Moment of Solemn Expression return to the agendas.

Mayor Pro Tem Stephens, wished a Happy Cinco De Mayo to everyone.

ADJOURNMENT – Mayor Foley adjourned the meeting to Closed Session at 11:10 p.m. in honor of community member Mary Alice Wilson. (04:57:26)

The Closed Session adjourned at 12:10 a.m.

Minutes adopted on this 6th day of October, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk