

# **MINUTES OF THE REGULAR AND SPECIAL MEETINGS OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**JUNE 2, 2020**

**CALL TO ORDER** - The Closed Session was called to order by Mayor Foley at 4:05 p.m.

## **ROLL CALL**

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

## **PUBLIC COMMENTS – NONE**

The City Council recessed at 4:10 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: 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
- 7. 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
- 8. 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
- 9. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00329-JVS-PJW.
- 10. 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.

Closed Session adjourned at 5:51 p.m.

**CALL TO ORDER (0:00:13)** - The regular and special meetings were called to order by Mayor Foley at 6:16 p.m. via Zoom webinar.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE (00:00:28)**  
Led by Council Member Mansoor

**MOMENT OF SOLEMN EXPRESSION (00:03:14)**  
Ian Stevenson, Executive Director of Trellis

**ROLL CALL (00:07:09)**

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, Acting Finance Director Carol Molina, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:07:42)** – No reportable action.

Mayor Foley announced that at the request of staff, item number two on the Special Meeting Agenda would no longer be heard.

**PRESENTATIONS:**

Ms. Farrell Harrison, City Manager provided an update on COVID-19 (00:08:46)

Mayor Pro Tem Stephens provided an update on the reStore Costa Mesa Economic Recovery Plan (00:12:27)

Mayor Foley proclaimed June 1<sup>st</sup> as Paul Van Doren Day (00:20:23)

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA: (00:23:29)**

Written communications were received from Al Morelli, Gary Blair, Emma Bruski, Mike Powell, Jeff Gibbs, Keith Tamborello, and Jenni Torres and were provided to City Council, made part of the record, and are posted on the city website.

Speaker, spoke on senior transportation. (00:24:22)

Speaker, spoke on racial bias training for the Police Department. (00:25:06)

Ben Chapman, Costa Mesa, thanked the Police Department for their efforts at South Coast Plaza during the peaceful a protest. (00:27:51)

Speaker, spoke on citizens feeling safe in the community and leadership during current events. (00:29:38)

Speaker, spoke on current events and looking to leadership to keep the city safe. (00:30:31)

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

Council Member Genis spoke on current events in times of crisis, thanked the Police Department, and spoke on peaceful protests. (00:33:27)

Council Member Reynolds spoke on current events in times of crisis, thanked staff and leadership, and spoke on public safety. (00:37:59)

Council Member Chavez spoke on current events in times of crisis, shared a personal experience, and requested the Police Department to provide a report. (00:43:38)

Council Member Marr spoke on current events in times of crisis and on teaching tolerance. (00:50:05)

Council Member Mansoor thanked the Police Department, shared feelings during times of crisis, spoke on rioting and looting, and spoke on immigration. (00:55:15)

Mayor Pro Tem Stephens spoke on the food drive at the Orange County Fairgrounds occurring every Saturday, on current events, and shared feelings in times of crisis. (00:59:43)

Mayor Foley spoke on diversity, shared feelings during times of crisis, spoke on education, and bias training. (01:05:26)

**REPORT – CITY MANAGER (01:13:44)** – Ms. Farrell Harrison thanked Council for comments and spoke on the current crisis and diversity.

Police Chief Glass spoke on diversity and services provided to the community.

**REPORT – CITY ATTORNEY (01:25:35)** – Ms. Hall Barlow spoke on feelings during the crisis and spoke on constitutional rights.

**CONSENT CALENDAR: (Items 1-6) (01:30:10)**

**MOVED/SECOND:** Council Member Marr/Council Member Chavez

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for 4.

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: Aaron Clousing

**ACTION:**

City Council received and filed.

**3. WARRANT RESOLUTION NO. 2642**

**ACTION:**

City Council approved Warrant Resolution No. 2642 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-09 "A" for \$652.63 and 20-10 for \$2,493,052.98; and City operating expenses for \$2,380,571.57.

**5. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH LANCE, SOLL & LUNGHARD, LLP FOR TEMPORARY STAFF SUPPORT SERVICES IN THE FINANCE DEPARTMENT**

**ACTION:**

1. City Council approved and retroactively authorized the proposed Amendment No. 2 to the Professional Services Agreement (PSA) with Lance, Soll & Lunghard, LLP. to increase the PSA by \$25,000, for a total not-to-exceed amount of \$75,000 for temporary staff support services in the Finance Department.

2. Authorized the City Manager to execute the proposed amendment.

**6. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF AUGUST 4, 2020**

**ACTION:**

City Council canceled the regular City Council meeting of Tuesday, August 4, 2020.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**4. TOWING SERVICES CONTRACT WITH G&W TOWING (01:31:52)**

Mayor Pro Tem Stephens recused himself on this item due to a potential conflict of interest.

Staff presentation by Police Chief Glass.

Discussion ensued in support of two firms, rotating the firms on calls, the RFP process, and the ratings of the bidders.

Public Comment:

Written communications were received from Brad Humphreys and Kelsie Langohr and were provided to City Council, made part of the record, and are posted on the city website.

Kelsie Langohr, spoke on the bidding process, the business that is recommended, and differences between the companies. (01:45:46)

Mr. Padua, representing Southside Towing, spoke on their qualifications. (01:49:17)

Tyler Miller, representing G&W Towing, spoke on the bid process. (01:51:40)

Brad Humphreys, representing Metro Pro Towing, spoke on their qualifications. (01:53:11)

**MOVED/SECOND:** Council Member Chavez/ Council Member Genis,

**MOTION:** Approve the recommended actions.

**MOVED/SECOND:** Mayor Foley/Council Member Reynolds,

**SUBSTITUTE MOTION:** Award towing agreements to all three companies who bid on the Towing Services contract on a rotating basis.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Mansoor, Council Member Reynolds, and Mayor Foley

Nays: Council Member Genis and Council Member Marr.

Absent: None

Abstain: Mayor Pro Tem Stephens.

Motion carried: 4-2-0-1

**ACTION:**

City Council approved Professional Service Agreement for towing services between G&W Towing, Inc., Metro Pro Towing, and South Side Towing with the City of Costa Mesa.

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

City Council recessed into a break at 8:22 p.m.

City Council reconvened at 8:30 p.m.

**PUBLIC HEARINGS:**

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

**1. FISCAL YEAR 2020-2021 BUDGET AND FISCAL YEAR 2020-2021 APPROPRIATION LIMIT (02:06:47)**

Staff presentation by Ms. Molina, Acting Finance Director.

Public Comment: None.

**MOVED/SECOND:** Mayor Foley/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 moved to hold a special meeting on June 9, 2020 for the Fiscal Year 2020-2021 Budget and Fiscal Year 2020-2021 Appropriation Limit be continued to a Special City Council Meeting of June 9, 2020 at 7:00 p.m. The Fiscal Year 2020-2021 Budget and Fiscal Year 2020-2021 Appropriation Limit were publicly noticed for the June 2, 2020 meeting and continued to the June 9, 2020 meeting.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION, RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT (02:10:21)**

Staff presentation by Ms. Reyes, Assistant to the City Manager.

Paulette Lombardi-Fries, President of Travel Costa Mesa presented an update to City Council.

Discussion ensued on cyclocross and the Taste of Costa Mesa.

Public Comment: None.

**MOVED/SECOND:** Mayor Pro Tem Stephens/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 approved the 2019/20 Annual Report for the Business Improvement Area (BIA).
2. Received and filed the audited financial report for Fiscal Years 2018 and 2019.
3. Adopted Resolution 2020-22, declaring the City's intention to levy an annual assessment for Fiscal Year 2020-21 for the business improvement area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing on the proposal.

**2. CITYWIDE PARKWAY MAINTENANCE AND NEW SIDEWALK CONSTRUCTION PROJECT – CITY PROJECT NO. 20-07 (02:32:39)**

Staff presentation by Mr. Mejia, Interim City Engineer.

Discussion ensued on Gas Tax Funds.

Public Comment:

Susan Iwomoto, spoke on slide #9 of the presentation and encouraged the Council to look into opportunity zones for funding. (02:46:02)



**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:**

1. City Council adopted plans, specifications, and working details for the Citywide Parkway Maintenance and New Sidewalk Construction Project, City Project No. 20-07.
  2. Rejected the bid submitted by Alfaro Communications Construction, Inc., as non-responsive.
  3. Awarded a construction contract to Nationwide Contracting Services, Inc., dba Nationwide General Construction Services, 10725 Ellis Avenue, Unit I, Fountain Valley, CA 92708 in the amount of \$3,342,325.00.
  4. Authorized an additional ten percent (10%) contingency totaling \$334,232.50 as needed for unforeseen costs.
  5. Authorized the City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the City Manager to execute future contract amendments within Council-authorized limits.
  6. Authorized the City Manager to approve the use of funds from the Gas Tax and Measure M Fund up to an additional ten percent (10%) of the contract totaling \$334,232.50 as contingency for unforeseen costs related to this project.
- 3. URGENCY ORDINANCE TO SUSPEND THE REQUIREMENTS FOR MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS TO ALLOW TEMPORARY OUTDOOR ACTIVITIES (02:49:42)**

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

Discussion ensued on noise limitations, proximity to residential communities, encroachment permits, music regulations, public right of way, the permitting process, and fees.

Public Comment:

Written communications were received from Marice DePasquale, Russell Toler, Steven Shepherd, Linda Kraemer, Raine Vanderoef, Olga Zapata Reynolds, Flo

Martin, Charles Barfield, and Luke Hagenbach, and were provided to City Council, made part of the record, and are posted on the city website.

Speaker spoke in support of the item. (03:08:01)

Marc Perkins, Costa Mesa, spoke on items to consider. (03:11:05)

Russell Toler, Costa Mesa, spoke in support of the item. (03:13:02)

Ralph Taboada, Costa Mesa, spoke in support of the item. (03:14:19)

**MOVED/SECOND:** Council Member Reynolds/Mayor Foley

**MOTION:** Approve the recommended actions with the following change: to add the wording “unless otherwise approved 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

**ACTION:**

City Council approved Urgency Ordinance No. 2020-15 to allow the suspension of the requirement for a minor conditional use permit or conditional use permit to facilitate the installation or temporary expansion of outdoor dining patios and that religious services be temporarily permitted to occur in accompanying parking lots for a period of 180 days as a result of COVID-19 limitations and added the wording “unless otherwise approved by staff”.

## **SPECIAL ITEMS:**

### **1. ADOPT RESOLUTION RATIFYING PROCLAMATION NO. 2020-02 DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AND CITYWIDE CURFEW (03:40:10)**

Staff presentation by Ms. Farrell Harrison, City Manager.

Public Comment: None

**MOVED/SECOND:** Mayor Pro Tem Stephens/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 Resolution No. 2020-23 ratifying Proclamation No. 2020-02, declaring the existence of a local emergency to enhance the City's emergency preparedness, public safety capabilities, and overall readiness for circumstances arising from civil unrest, and ratifying the citywide curfew regulations put in place to protect public safety.

**3. AUTHORIZATION TO ENTER INTO SUBRECIPIENT AGREEMENT FOR COUNTY OF ORANGE CARES ACT FUNDING AND ACCEPTANCE OF FUNDS (03:45:27)**

Staff presentation by Ms. Farrell Harrison, City Manager.

Discussion ensued on the options for appropriations of the funds.

Public Comment:

Susan Iwomoto thanked staff and spoke on SB 939. (03:52:42)

**MOVED/SECOND:** Mayor Foley/Council Member Marr

**MOTION:** Approve the recommended actions with changes.

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 approved the County of Orange Coronavirus Aid, Relief, and Economic Security (CARES) Act funding Subrecipient Agreement.
2. Authorized the City Manager, or designee, to accept \$2,746,469.39 million from the County of Orange in CARES Act funds and appropriate the funds for authorized purposes.

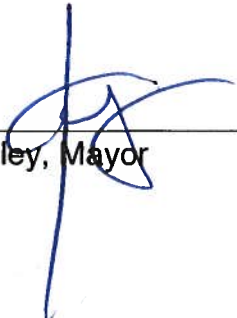
**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (03:55:32)**

Mayor Foley spoke on the eviction moratorium, the Town Hall meeting on Thursday at 4:00 p.m. and park accessibility.

Council Member Genis spoke on buying gift cards at local businesses.

**ADJOURNMENT (03:59:15)** – Mayor Foley adjourned the meeting at 10:23 p.m. in respect for George Floyd.

**Minutes adopted on this 6<sup>th</sup> day of October, 2020.**

  
\_\_\_\_\_  
Katrina Foley, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda Green, City Clerk

