

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

APRIL 21, 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 at 4:04 p.m. for Closed Session to consider the following items:

1. 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

2. 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

3. 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

4. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - TWO CASES** - Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code, potential initiation of litigation.
5. **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.
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

The City Council reconvened at 6:33 p.m.

CALL TO ORDER (00:00:12) - The meeting was called to order by Mayor Foley at 6:33 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

NATIONAL ANTHEM (00:03:15)– A recording of the National Anthem was played.

PLEDGE OF ALLEGIANCE (00:05:18) – Led by Mayor Pro Tem Stephens

ROLL CALL (00:06:07)

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 and Development Services Director Barry Curtis, and Information Technology Director Steve Ely.

Officials Present: City Clerk Brenda Green and Economic Development Administrator Dan Inloes.

CITY ATTORNEY CLOSED SESSION REPORT (00:06:45) - Ms. Hall Barlow reported on Closed Session item number 4 and that approval was given to initiate litigation with the following votes:

MOVED/SECOND: Mayor Foley/Council Member Marr

MOTION: To initiate litigation on the first case.

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

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: To initiate litigation on the second case.

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:

1. Ms. Farrell Harrison provided COVID-19 updates. (00:08:16)
2. Mr. Inloes, Economic Development Administrator, Diane Pritchett, Executive Director of South Coast Metro Alliance, Paulette Lombardi-Fries President of Travel Costa Mesa, and Eileen Benjamin, Costa Mesa Chamber of Commerce provided a COVID-19 Economic Recovery Plan. Mayor Foley spoke on the reStore Costa Mesa recovery plan. (00:19:00)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

Ms. Green, City Clerk, played voicemails received for public comment regarding:

Speaker spoke on face coverings and social distancing in sober living homes.

Geoff West regarding the City's work on COVID-19, public safety, and keeping the city operating.

Speaker thanked staff and City Council for their work during COVID-19.

Speaker wished Mary Spadoni a Happy Birthday.

Wendy Leece regarding staff work load and residents participating, thanked staff for all of the communications to the public, and requested information on who is staying at hotels within the city regarding COVID-19.

Speaker regarding opening the city parks.

Speaker regarding the Triangle Square Planning Commission item.

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

Al Morelli regarding follow up at the Target store Code Enforcement request.

Suzi Anderson regarding opening the city.

Carol Brier Alred regarding opening the golf courses.

David Waller regarding opening the Mesa Verde Country Club Golf Course.

Robert Knapp regarding opening city parks and the country club.

Molly Chapman requesting golf courses to be open.

Marjorie Manning regarding opening up parks, golf courses, and other facilities.

Warren Tayler regarding COVID-19 restrictions being lifted.

Shelly Haywood asking for private clubs to be allowed to open to members only.

Theresa Waller regarding opening the Mesa Verde Country Club Golf Course.

Ellen Stewart regarding opening golf courses, parks, and trails.

Tom Graham regarding opening golf courses.

Terry Stewart regarding opening golf courses.

Regarding opening up the economy.

Cynthia McDonald regarding plans to close down roads for safe exercise.

Speaker regarding Planning Commission items on the agendas.

Brad and Hengameh Abraham regarding rent extensions and small business assistance.

Jose Trinidad Castaneda regarding COVID-19.

Edgar Beltran, Eli Piazza, Ivy Tomashoff, Anthony Paglia, and Kate Davis regarding delayed deployment of wireless infrastructure permits.

Tony Hays and Jerry Collamer regarding Transportation Corridors Agencies (TCA).

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez spoke on parking at Paularino school, creating motorcycle street parking, and thanked residents for following COVID-19 guidelines. (01:46:16)

Council Member Marr spoke on COVID - 19, the need to keep distancing, the reStore plan, the rental assistance program, and the need to flatten the curve and not lift bans. (01:50:49)

Council Member Mansoor spoke in support of opening the parks and golf courses. (01:53:54)

Council Member Genis spoke on April is child abuse prevention month, COVID-19 testing rates, opening parks and golf courses, requested staff to look into the pallets and trash at Target, public participation at meetings, careful about opening businesses, faith based organizations, and meeting via zoom. (01:56:13)

Council Member Reynolds spoke on public participation at meetings, balancing open parks with health and safety measures, and on safety measures on streets to improve traffic. (01:59:38)

Mayor Pro Tem Stephens spoke on public comments and working together collaboratively, spoke on health and safety measures and opening up parks and golf courses, spoke on reStore Costa Mesa, confusion on the eviction moratorium and resources, and public law center and legal aide. (02:03:12)

Mayor Foley spoke on 70 new cases tested at Huntington Beach Valley hospital and 2 deaths, spoke on health and safety measures, spoke on obtaining funds from the county to recover losses, sending communication to Congress and Senate for funding directly to cities, the need to evaluate the amount of red curbs, thanked the business community and spoke on responding to public comments. (02:07:48)

REPORT – CITY MANAGER – NONE (02:14:42)

REPORT – CITY ATTORNEY (02:14:54)

Ms. Hall Barlow stated that the Planning Commission agendas are not set by the City Council or by politics, they are set by requirements under the law for timely consideration of applications, and spoke on public comments.

CONSENT CALENDAR: (Items 1-6) (02:14:54)

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for 3.

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. WARRANT RESOLUTION NO. 2639 – Finance Department

ACTION:

City Council approved Warrant Resolution No. 2639 of the City Council of the City of Costa Mesa, California, allowing certain claims and demands, including Payroll Register Nos. 20-06 "A" for -\$3,077.53 and 20-07 for \$2,649,425.88; and City operating expenses for \$1,582,754.09.

4. ADOPT 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

ACTION:

City Council adopted Ordinance No. 2020-12 that establishes 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. SLURRY SEAL PROJECT, CITY PROJECT NO. 19-12

ACTION:

1. City Council accepted the work performed by American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, CA 92337 and authorized the City Clerk to file the Notice of Completion.
2. Released the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond if appropriate, at the conclusion of the one-year warranty period; and release the retention monies 35 days after the Notice of Completion filing date.

6. PROJECT W - SAFE TRANSIT STOPS PROJECT

ACTION:

City Council approved a twenty-four (24) month time extension request to the Orange County Transportation Authority (OCTA) for the Project W Safe Transit Stops Project (19-CMSA-STS-3929).

ITEMS PULLED FROM THE CONSENT CALENDAR:

3. ADOPT ORDINANCE NO. 2020-11 IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19 (02:18:38)

Council Member Mansoor pulled the item for a separate vote.

Public Comments: None

MOVED/SECOND: Mayor Foley/Council Member Chavez

MOTION: Adopt Ordinance No. 2020-11.

Council Member Genis spoke on not supporting the item.

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:

City Council adopted 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).

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

PUBLIC HEARINGS:

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

1. RESOLUTION ESTABLISHING FEES IN CONNECTION WITH THE APPLICATIONS FOR THE MODIFICATION OF MARIJUANA BUSINESS PERMITS (02:23:30)

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

Public Comments: None (02:26:59)

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

MOTION: Adopt Resolution No. 2020-18 establishing fees in connection with applications for the modification of marijuana business permits.

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. 2020-18 establishing fees in connection with applications for the modification of marijuana business permits.

OLD BUSINESS: NONE

NEW BUSINESS:

1. APPROVAL OF EXTENSION OF THE LEASE AGREEMENT WITH THE COSTA MESA LIGHTHOUSE CHURCH OF THE NAZARENE FOR USE OF A PORTION OF EXISTING PROPERTY TO BE UTILIZED AS THE CITY'S TEMPORARY BRIDGE SHELTER (02:28:18)

Staff presentation by Ms. Price, Assistant City Manager.

Discussion ensued on current shelter numbers and if there is a need for volunteers or donations.

Public Comments:

Ms. Green, City Clerk, read into the record a public comment received from Brad and Hengameh Abraham regarding having more police presence in the area of the shelter. (02:44:39)

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

Mayor Pro Tem Stephens thanked staff for their work on the shelter.

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 Amendment to the Commercial Lease Agreement and Addendum 1 (Lease) between the City of Costa Mesa and the Costa Mesa Lighthouse Church of the Nazarene (Property Owner) to allow the City to utilize a portion of the existing property for a temporary bridge shelter for those experiencing homelessness.
2. Authorized the City Manager and City Clerk to execute the proposed Amendment to the Commercial Lease Agreement and future authorized changes and amendments to this Agreement.
3. Authorized a budget adjustment in the amount of \$164,300.04 from unassigned balance in the General Fund to fund the lease payments through December 2020, with an additional four (4) one-month extensions.

2. **ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES ORDERING THAT ALL RESIDENTS OR VISITORS WITHIN THE GEOGRAPHIC BOUNDARIES OF THE CITY OF COSTA MESA WEAR A FACE MASK OR COVERING WHILE ENGAGING IN ESSENTIAL ACTIVITIES (02:47:39)**

Staff presentation by Ms. Farrell Harrison, City Manager.

Discussion ensued on wearing a face covering while providing or engaging in essential activities, clarifying essential activities, Costa Mesa case count, and informing people on how to make masks.

Public Comments:

Ms. Green, City Clerk, read into the record a comment received from Mr. Hall, he is not in support of the mandate of wearing face coverings. (03:05:39)

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Adopt Resolution No. 2020-17 ratifying a Regulation issued by the Director of Emergency Services ordering that all residents or visitors within the geographic boundaries of the City of Costa Mesa wear a face mask or covering while engaging in essential activities in order to minimize the spread of the COVID-19 virus.

Discussion ensued on the importance of individuals wearing masks, long-term results of wearing masks, businesses being able to mandate masks to customers, and not citing residents for not wearing masks, but gaining voluntary compliance.

Mayor Foley spoke to the motion and requested the motion include golf courses and parks when they reopen.

Council Members Marr and Chavez agreed to the change.

Council Member Marr clarified that by including the change does not mean there is a desire to open the golf courses any sooner.

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Adopt Resolution No. 2020-17 ratifying a Regulation issued by the Director of Emergency Services ordering that all residents or visitors within the geographic boundaries of the City of Costa Mesa wear a face mask or covering while engaging in essential activities including parks and golf courses in order to minimize the spread of the COVID-19 virus.

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor

Absent: None

Abstain: None

Motion carried: 6-1

ACTION:

City Council adopted Resolution No. 2020-17 ratifying a Regulation issued by the Director of Emergency Services ordering that all residents or visitors within the geographic boundaries of the City of Costa Mesa wear a face mask or covering while engaging in essential activities including parks and golf courses in order to minimize the spread of the COVID-19 virus.

City Council recessed into a break at 10:00 p.m.

City Council reconvened at 10:05 p.m.

3. URGENCY ORDINANCE TO WAIVE MINOR CONDITIONAL USE PERMITS AND CONDITIONAL USE PERMITS AND RELATED REQUIREMENTS FOR PARKING LOTS USED TO SUPPORT FOOD DISTRIBUTION OR FOOD SALES (03:27:07)

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

Discussion ensued on the need in the community for drive through distribution, and on the partners working in collaboration to bring this to fruition.

Mayor Foley spoke on a program related to FEMA funds to buy food from restaurants & farmers markets.

Public Comments: None (03:32:14)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Adopt an Urgency Ordinance to allow waiver of the requirement for a conditional use permit to facilitate drive-through operations applicable to food banks and farmer's markets, and to allow waiver of minor conditional use permits to allow curbside and parking lot takeout locations for local restaurants for the period of the state emergency to enhance food security during the COVID-19 crisis. 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 Urgency Ordinance No. 2020-13 to allow waiver of the requirement for a conditional use permit to facilitate drive-through operations applicable to food banks and farmer's markets, and to allow waiver of minor conditional use permits to allow curbside and parking lot takeout locations for local restaurants for the period of the state emergency to enhance food security during the COVID-19 crisis.

4. REQUEST TO DIRECT STAFF TO PREPARE ORDINANCE OR RESOLUTION MANDATING SANITATION AND PROTECTIVE MEASURES FOR FOOD RETAILERS, GROCERY RETAIL, DRUG RETAIL, FOOD DELIVERY PLATFORMS, AND CANNABIS DELIVERY WORKERS (03:39:01)

Presentation by Mayor Foley.

Discussion ensued on providing framework for when the isolation is lifted, handwashing, deliveries, providing tools and supplies, bathrooms, hand sanitizing stations, clarifying non-contact delivery, the County issuing guidelines, enforcement, and providing information to businesses.

Public Comments: None (04:01:49)

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Stephens

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 directed staff to bring back a report accordingly.

5. COVID-19 EMERGENCY PURCHASES OVER \$50,001 (04:10:36)

Staff presentation by Ms. Molina, Budget and Purchasing Supervisor.

Public Comments: None (04:13:19)

MOVED/SECOND: Council Member Chavez/Council Member Reynolds

MOTION: Receive and file the report.

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 received and filed this report regarding the emergency purchases of \$50,001.00 or more.

6. FY 2019/2020 GENERAL FUND ESTIMATED BUDGET IMPACTS DUE TO THE CORONAVIRUS (COVID-19) CRISIS AND RECOMMENDATIONS (04:14:09)

Staff presentation by Ms. Farrell Harrison, City Manager and Ms. Molina, Budget and Purchasing Supervisor.

Discussion ensued on the confirmed dollar amounts for the quarter, the fiscal effects of businesses being closed, the General Fund Balance, reductions due to COVID-19, additional revenue, additional expenses, homeless shelter costs, reserves, overtime costs, the CIP budget, reducing compensation, staffing changes, communication with employees, Finance and Pension Advisory Committee recommendations, South Coast Plaza sales tax dollars, federal funding, and keeping the community safe.

Public Comments:

Ms. Green, City Clerk, read into the record the email received for public comment from Ralph Taboada on options the city has to deal with the potential deficit due to COVID-19. (05:08:32)

MOVED/SECOND: Council Member Mansoor/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:

1. City Council received and filed the information regarding reduced appropriations in the Fiscal Year 2019/2020 Revised Budget of \$4 million as described in the FY 2019/2020 COVID-19 Estimated Fiscal Impacts Report.
2. Reduced the FY 2019/20 Capital Improvement Projects Budget and approved the temporary deferral or suspension of \$6.0 million in General Fund supported Capital Improvement Projects in Fund 401.

ADJOURNMENT (05:21:03) – Mayor Foley adjourned the meeting at 12:00 a.m. in memory of Andrew Dixon, son of former Mayor Linda Dixon.

Minutes adopted on this 16th day of February, 2021.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk