

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

MARCH 24, 2020

CALL TO ORDER (00:00:12)

The meeting was called to order by Mayor Foley at 6:46 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California

PLEDGE OF ALLEGIANCE (00:03:34)

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

ROLL CALL (00:03:56)

Present by Teleconference: Council Member Chavez, Council Member Genis (Called in 6:50 p.m.), Council Member Marr, Council Member Reynolds, and Mayor Pro Tem Stephens.

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

Absent: None

Officials Present: City Manager Lori Ann Farrell Harrison, Development Services Director Barry Curtis, City Attorney Kimberly Hall Barlow, and City Clerk Brenda Green.

CITY ATTORNEY REPORT CLOSED SESSION REPORT (00:05:00)

Ms. Hall Barlow requested two items be added to the special meeting agenda as the items need to be acted upon prior to the next council meeting. 1) City Manager report regarding COVID-19 and 2) Add item number 6 entitled: Removal of tier two salary and benefits structure for communications officers and temporary suspension of the transparency policy related to the emergency.

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION: Approve City Attorneys request and add the 2 items to the special agenda.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Abstain: None

Motion carried: 6-0-1

ACTION:

1. The City Council added the City Manager's report regarding COVID-19 to the special meeting agenda; and
2. Added item number 6 entitled Removal of tier two salary and benefits structure for communications officers and temporary suspension of the transparency policy to the special meeting agenda.

CITY MANAGER COVID-19 REPORT (00:07:04)

Chief Stefano provided a status update on the city's response regarding COVID – 19, working with local, state, and federal partners, staff preparedness, the potential surge in numbers and safety precautions.

Mr. Dempsey, Emergency Services Director provided an overview of COVID-19 and its impact locally and worldwide and safety precautions.

Chief Glass spoke on public safety and being prepared for COVID-19, how the city has taken precautions for the first responders and emphasized the need for the community to follow safety orders.

Ms. Farrell Harrison, City Manager spoke on working together with every level of government to have the best response, the President's approval of the Governor's request for a major disaster declaration to enable additional funding, increased cases of COVID-19 in California and first death in Orange County, the activation of the city's Emergency Operation Center at a level two, and that all levels of government and Health Care Agencies are planning for a surge of cases and shortage of beds including using the Fairview Developmental Center.

SPECIAL ITEMS: (00:32:37)

1. **ADOPTION OF URGENCY ORDINANCE NO. 2020-09 TEMPORARILY SUSPENDING MUNICIPAL CODE SECTION 13-174 IMPOSING A LIMIT OF THIRTY DAYS MAXIMUM FOR MOTEL STAYS DURING THE COVID-19 EMERGENCY, DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION (00:32:49)**

Staff presentation by Ms. Farrell Harrison, City Manager.

Discussion ensued on the duration of the Urgency Ordinance and the specific ending date.

Public Comments: None.

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

MOTION: Approve the staff recommendation.

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 and adopted Urgency Ordinance No. 2020-09 that would take effect immediately, to 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).

2. CHANGE ORDER #3 SOUTH COAST EMERGENCY VEHICLE SERVICE (00:40:25)

Staff presentation by Ms. Farrell Harrison, City Manager.

Public Comments: None.

MOVED/SECOND: Council Member Mansoor/Council Member Chavez

MOTION: Approve 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 Change Order #3 in the amount of \$25,000 for South Coast Emergency Vehicle Service contract for maintenance and repair of fire apparatus; and
2. Authorized the City Manager to execute Change Order #3.

3. ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION NO. 1 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES TO CLOSE ALL CITY PARKS PURSUANT TO PROCLAMATION NO. 20-01 DECLARING THE EXISTENCE OF A LOCAL EMERGENCY (00:42:51)

Staff presentation by Ms. Farrell Harrison, City Manager, and Ms. D'Agosta, Fairview Park Administrator.

Discussion ensued regarding passing through a park, signage, voluntary enforcement, consistent messaging, the county closures of beaches and parks, the need to flatten the curve, and steps for community safety.

Public Comments:

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

Jackson Kelly requesting all Costa Mesa parks, parking lots, and public restrooms be closed immediately. (01:15:15)

Hank Castignetti inquiring how the ban on parks and public areas will be enforced and if signs and citations will be issued. (01:15:35)

JM Perler requested to not to restrict access to park as it promotes mental health. Suggested prohibit group gatherings, number of people at a given time, and to enforce social distancing. (01:15:51)

Michelle Simpson, stating that they are not seeing gatherings that would cause the spread of coronavirus and recommended posting signs at entrances of parks social distance guidelines and to tape off swing sets and playground equipment. (01:16:32)

Charlene Ashendorf, regarding sheltering in place and how it does not come easy for volunteers, make connections to seniors living in age-restricted communities, thanked staff for serving senior population, and reminded essential services are still being provided to seniors. (01:18:13)

Mary Fewel, objects to closing the City parks and has witnessed people at the parks social distancing. (01:21:15)

Marisol Hernandez, regarding working from home and how it is good to take a walk with her dogs for physical and mental health, opposed to the closing of the parks. (01:22:02)

Jack Morales, regarding following the federal and state guidelines for social distancing and closing parks would add additional concerns and anxiety. (01:22:54)

Bob Knapp, asking to keep parks open and to educate residents on proper social distancing. (01:23:30)

A resident; opposing closing the parks. (01:24:15)

Nancy Martinez; requesting not to close the parks. (01:24:39)

Public Comments Closed

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

MOTION: Approve the staff recommendation except allow for passive, walkthrough, pedestrian, and cycling activity.

MOVED/SECOND: Mayor Foley/Council Member Marr

SUBSTITUTE MOTION: Approve the staff recommendation as presented.

Mayor Foley and Council Members Marr and Chavez spoke on supporting the substitute motion and the need to stay home.

Council Member Genis spoke to not supporting the substitute motion and mental and physical health.

Council Member Reynolds spoke on the difficulty of the decision and trusting staff's recommendation.

Mayor Pro Tem Stephens spoke on favoring the original motion.

The substitute motion carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Mansoor, and Mayor Pro Tem Stephens

Absent: None

Motion carried: 4-3

ACTION:

City Council adopted Resolution No. 2020-13 ratifying Regulation No. 1 issued by the Director of Emergency Services closing the city's parks and open spaces pursuant to Proclamation No. 2020-01, declaring the existence of a local emergency in order to minimize the spread of the COVID-19 virus.

4. ADOPTION OF URGENCY ORDINANCE NO. 20-08 IMPOSING A TEMPORARY MORATORIUM ON THE EVICTION OF RESIDENTIAL OR COMMERCIAL TENANTS UNABLE TO PAY RENT BECAUSE OF COVID-19, DECLARING THE ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY UPON ADOPTION (01:41:48)

Staff presentation by Ms. Hall Barlow, City Attorney.

Discussion ensued on collection of real-estate taxes, 5th amendment violations, paying interest, documentation process, communicating the information, the effect on small owners, the 120-day plan and exceeding the city's authority, restricting the landlord's ability to recover the rent, documentation of income due to COVID-19, and the adequacy of the documentation.

Public Comments:

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

Tanya Navarro, spoke on protecting working families who have mortgages, and to explore a moratorium on foreclosure. (02:05:17)

Dan Oliver, who expressed concern on living situations and to pass items 4 and 5 on the agenda. (02:05:31)

Beau Brady, asking to initiate a rent freeze and save residents from going into debt during this time. (02:06:15)

Sandy Worrel, spoke on Governor Newsom executive order and asked to pass a ban on evictions in Costa Mesa. (02:06:45)

Joe Scagliotti, spoke on a temporary moratorium on eviction of commercial tenants unable to pay rent. (02:07:46)

A resident, asking to impose a restriction for businesses and renters, and to create a payment plan to payback. (02:09:00)

Adele B., regarding property owner rights and someone using the ordinance to not pay, questioned using the unemployment and stimulus check to make payments, and to consider exclusions for property owners who own less than a certain amount of properties. (02:09:23)

Public Comments Closed

MOVED/SECOND: Council Member Marr/Council Member Chavez
MOTION: Adopt Urgency Ordinance 2020-08 as written.

Council Members Marr, Chavez, Reynolds, Mayor Pro Tem Stephens, and Mayor Foley spoke in support of the motion.

Council Member Genis requested a change in section 1a to a date certain of May 31 and a change to exclude property owners of 3 or fewer dwelling units.

Council Member Marr did not agree to the changes.

Council Members Genis and Mansoor spoke on not supporting the motion.

Mayor Foley requested a change to section g regarding repayment adding the phrase “unless the parties otherwise agree in writing”, a change to exclude tenants who are receiving full wages from unemployment or stimulus relief, and adding the phrase “including but not limited to a loss or reduction of compensable hours of work or elimination of a non-essential job.”

Council Members Marr and Chavez agreed to the changes.

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 and Council Member Mansoor

Absent: None

Abstain: None

Motion carried: 5-2

ACTION:

City Council introduced and adopted Urgency Ordinance No. 2020-08 that would take effect immediately, 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) with the changes as stated.

5. COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM (02:33:36)

Staff presentation by Ms. Farrell Harrison, City Manager.

Discussion ensued on funding options, how the program will work with other programs throughout the city in the private sector, concern for fraud, implementation processes, how the \$250,000 was determined, if the program can be structured to give priority to landlords with smaller renters units, and the availability of federal home funds.

Public Comments: None.

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION: Direct staff to move forward to create a disaster relief fund program.

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

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 gave direction to the City Manager and City Attorney to create a disaster relief program and bring it back to council at a later date.

This item was added to the agenda at the start of the meeting.

6. REMOVAL OF TIER TWO SALARY AND BENEFITS STRUCTURE FOR COMMUNICATIONS OFFICERS AND TEMPORARY SUSPENSION OF THE TRANSPARENCY POLICY (03:05:19)

Staff presentation by Mr. Nakamoto, HR Manager.

Public Comments: None.

MOVED/SECOND: Council Member Chavez/Council Member Genis

MOTION: Approve 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 made necessary revisions to the CMCEA MOU to reflect the removal of Tier Two salary and vacation accrual rates, moving current employees to the commensurate Tier One salary rates and vacation leave accrual structure for classifications in the Communications Officers series; and
2. Suspended the Transparency in Labor Negotiations City Council Policy (#300-8) to stabilize classifications in the Communications Officer series.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (03:08:07)

Council Member Genis reminded everyone to clean their shoes when walking into the house.

Council Member Reynolds encouraged the public to ask questions or provide suggestions and thanked staff for all the hard work.

Council Member Chavez asked everyone to please stay at home to stop the spread.

Council Member Marr spoke on the council chambers being closed.

Council Member Mansoor requested the public to please copy the City Clerk on communications to have their comments on record, and commented on the difficult times.

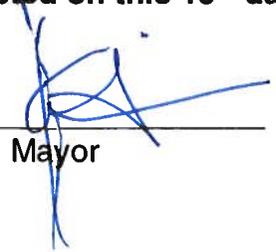
Mayor Pro Tem thanked staff and Council for all the work and engagement.

Mayor Foley thanked the city team for sanitation on the dais, please stay home to stop the spread, and encouraged all to go to the city website to stay informed and click on COVID-19 tab.

ADJOURNMENT (03:12:18)

Mayor Foley adjourned the special meeting at 10:00 p.m.

Minutes adopted on this 15th day of September, 2020.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk