

**AMENDED AGENDA\***  
**CITY OF COSTA MESA**  
**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY**  
**TO THE REDEVELOPMENT AGENCY\* MEETING**

\*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**\*NEW BUSINESS #5 MOBILE HOME PARK COMMITTEE HAS BEEN  
WITHDRAWN FROM THE AGENDA.**

**TUESDAY, JANUARY 16, 2018**  
**CITY COUNCIL CHAMBERS**  
**77 FAIR DRIVE, COSTA MESA, CALIFORNIA**  
**CLOSED SESSION – 4:00 P.M.**  
**REGULAR MEETING – 6:00 P.M.**

**SANDRA L. GENIS**  
Mayor

**ALLAN R. MANSOOR**  
Mayor Pro Tem

**KATRINA FOLEY**  
Council Member

**JOHN B. STEPHENS**  
Council Member

**JAMES M. RIGHEIMER**  
Council Member

City Attorney  
**Thomas Duarte**

City Manager  
**Thomas R. Hatch**

**Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):**

[Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible on the city's website at \[www.costamesaca.gov\]\(http://www.costamesaca.gov\). Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.](#)

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714) 754-5225 or e-mail [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

## WELCOME TO THE CITY COUNCIL MEETING

### **PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – CONSENT CALENDAR:**

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other material for copying and distribution to the City Council that is 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting **AFTER 3:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 3:00 p.m.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov).
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

## **CLOSED SESSION – 4:00 P.M.**

### **CALL TO ORDER**

### **ROLL CALL**

### **PUBLIC COMMENTS**

Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given three minutes to speak.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Manager

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Attorney

**3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

**4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: The Kennedy Commission, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

**5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. SACV14-01852 JVS.

**6. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

**7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
SIGNIFICANT EXPOSURE TO LITIGATION**

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for one potential case.

**8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: City of Costa Mesa v. Morningside Recovery, LLC, Orange  
County Superior Court of California, Case No. 30-2018-00964593-CU-OR-CJC.

**The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.**

**AGENDA CONTINUED ON THE NEXT PAGE.**

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

**TUESDAY, JANUARY 16, 2018 – 6:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Council Member Righeimer

**MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Pastor Kenneth Dennis, Watermark Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

**ANNOUNCEMENTS:** There's always something happening in Costa Mesa!  
The Mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

**PRESENTATIONS:**

Australia Sister City Education Exchange Delegation

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

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

*(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)*

1. Council Member Righeimer
2. Mayor Pro Tem Mansoor
3. Council Member Foley
4. Mayor Genis
5. Council Member Stephens

### **CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. [WARRANT RESOLUTION NO. 2590 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-24 "A" FOR \\$502.24, 17-25 FOR \\$2,602,199.22, 17-25 "A" FOR \\$7,525.88, AND 17-26 FOR \\$2,558,283.72; AND CITY OPERATING EXPENSES FOR \\$5,174,869.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#)  
Finance Department

#### **RECOMMENDATION:**

City Council approve Warrant Resolution No. 2590.

2. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF DECEMBER 5, 2017](#) -  
City Manager's Office/City Clerk Division

#### **RECOMMENDATION:**

City Council approve the minutes of December 5, 2017.

3. **INFORMATION TECHNOLOGY STRATEGIC PLAN AND ROADMAP FOR THE CITY OF COSTA MESA** – Information Technology Department

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager and the City Clerk to execute a one (1) year Professional Service Agreement for the Information Technology Strategic Plan and Roadmap with ThirdWave Corporation, 11400 West Olympic Boulevard, Suite 200, Los Angeles, CA 90064, in an amount not to exceed \$86,892.00, beginning on February 1, 2018 and ending on January 31, 2019.

4. **FISCAL YEAR 2016-2017 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND UNDER SECTION 34176.1 OF THE DISSOLUTION LAW AND SECTION 34328 OF THE CALIFORNIA HOUSING AUTHORITIES LAW** - Finance Department

RECOMMENDATION:

Staff recommends that the City Council receive and file the Fiscal Year 2016-2017 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2016-2017 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority.

5. **RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 18-19 A-B FISCAL PERIOD OF JULY 1, 2018 TO JUNE 30, 2019** - Finance Department

RECOMMENDATION:

Successor Agency adopt Successor Agency Resolution No. 18-xx approving Recognized Obligation Payment Schedule for the 18-19 A-B Annual Fiscal Period of July 1, 2018 to June 30, 2019 (“ROPS 18-19 A-B”), subject to submittal to and review by the Oversight Board and then DOF. Further, the Finance Director or authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

6. **STREET REHABILITATION PROJECT, CITY PROJECT NO. 17-14**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Street Rehabilitation Project, City Project No. 17-14; and
2. Award a construction contract to Eagle Paving Company, Inc. dba Toro Engineering 13915 Danielson St., Suite 201, Poway, CA 92064, in the amount of \$2,177,448.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **AUTHORIZE USE OF THE COUNTY OF ORANGE MASTER AGREEMENT MA-080-15011198 WITH UNITED STORM WATER, INC. FOR THE COSTA MESA CONNECTOR PIPE SCREEN INSTALLATION PROJECT**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the use of the County of Orange Master Agreement MA-080-15011198 with United Storm Water, Inc. to purchase and install Connector Pipe Screens for a total project cost of \$54,430.00.

8. **KIMLEY-HORN AND ASSOCIATES PROFESSIONAL SERVICES CONTRACT AMENDMENT FOR SOBER LIVING FACILITY PROGRAM MANAGEMENT**

Development Services Department/Community Improvement Division

RECOMMENDATION:

1. City Council approve Amendment Number Five to Professional Services Agreement with Kimley-Horn and Associates, Inc. to add \$150,000 and to extend the term through December 31, 2018; and
2. Authorize the City Manager and City Clerk to execute the agreement; and
3. Authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.



9. **FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT WITH STC ONE LLC FOR CELL TOWER LOCATED AT SHIFFER PARK**  
City Manager's Office

RECOMMENDATION:

Staff recommends that the City Council approve the First Amendment and Memorandum to the Communications Site Lease Agreement with STC ONE LLC for the cell tower located at Shiffer Park, 3143 Bear Street, and authorize the City Manager to execute the documents.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55):**

1. **APPEAL OF THE DENIAL OF SPECIAL USE PERMITS TO OPERATE SOBER LIVING HOMES AT 653 JOANN STREET (SL-15-0019) AND 647 JOANN STREET (SL-15-0041)** - Development Services Department

RECOMMENDATION:

1. City Council conduct a single public hearing for both applications given the proximity of the sites; and
2. Adopt Resolution No. 18-xx, denying the appeal and upholding the Planning Commission's denial of Special Use Permit (SUP) SL-15-19; and
3. Adopt Resolution No. 18-xx, granting the appeal and approving SUP SL-15-41; or
4. Remand the applications back to the Planning Commission for further review.

**AGENDA CONTINUED ON THE NEXT PAGE.**

2. **REVIEW OF PLANNING COMMISSION MODIFICATION OF ZONING APPLICATION ZA-16-37 TO PERMIT TWO SHIPPING CONTAINERS FOR STORAGE AT THE REAR OF THE PROPERTY AT 777 AND 779 WEST 19<sup>TH</sup> STREET** – Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission's decision related to approval of a Minor Conditional Use Permit (MCUP) to allow two shipping containers for storage at the rear of the property.

The project was approved by the Planning Commission on October 23, 2017, on a 3-2 vote, Chair Andranian and Commissioner Navarro Woods voting no. The request to review the action of the Planning Commission was filed on October 27, 2017.

**OLD BUSINESS:**

1. **SECOND READING AND ADOPTION OF ORDINANCE 18-03 TO ADOPT CODE AMENDMENT CO-17-01 AMENDING TITLE 13, ARTICLE 2, CHAPTER I, IV, V, VI OF THE COSTA MESA MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS** – Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 18-03, to be read by title only, and further reading waived, adopting Code Amendment CO-17-01 for the following amendments to Title 13 (Zoning Code) related to Accessory Dwelling Units (ADU):

- Chapter I, Article 2, Section 13-6: Replace Second Unit definition with Accessory Dwelling Unit definition;
- Chapter IV, Section 13-30: Create a consistent reference to ADU as a land use category for R-1 and R2-MD zones;
- Chapter V, Article 1, Section 13-35: Revise certain development standards of Second Units (parking, owner occupancy, maximum size, etc.); and
- Chapter VI, Section 13.85: Amend residential parking requirements to include a minimum of one parking space per bedroom or a maximum of one parking for detached ADU with certain exceptions to allow for carpool, transit use, etc.

2. **SECOND READING AND ADOPTION OF ORDINANCE NO. 18-02 FOR AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO NON-COMMERCIAL BANNERS**

Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 18-02, (Code Amendment CO-16-04B), to be read by title only, and further reading waived, amending Title 13 of the Costa Mesa Municipal Code related to non-commercial banners.

**NEW BUSINESS:**

1. **WORK PLAN FOR SMALL LOT & OVERLAY ZONES**

Development Services Department/Planning Division

RECOMMENDATION:

City Council approve the Work Plan for Residential Small Lot Subdivisions and Urban Plan/Overlay Districts. The Planning Commission recommended the City Council adopt Alternative 1, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards and then proceed with the Urban Plan/Overlay District work plan.

2. **APPOINTMENTS TO ANIMAL SERVICES COMMITTEE**

City Manager's Office/City Clerk's Office

RECOMMENDATION:

Staff recommends that the City Council make appointments to fill seven regular member vacancies and two alternate member vacancies on the Animal Services Committee, each serving staggered terms:

- a. 3 regular members, for one-year term; and
- b. 4 regular members/2 alternate, for two-year terms.

3. **RESOLUTION SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES)** – City Manager/Administration

RECOMMENDATION:

Council Member Katrina Foley requests formal City Council consideration to adopt the resolution that supports local authority to certify and regulate residential recovery facilities (Sober Living Homes).

4. **PROVIDE DIRECTION TO STAFF REGARDING THE PREPARATION OF A DETAILED STAFF REPORT REGARDING THE POSITION OF THE CITY ATTORNEY** – Office of the City Council

RECOMMENDATION:

Council Member John Stephens requested that an item be placed on the agenda to discuss the position of the City Attorney and explore options for filling that position. Staff recommends that the City Council provide direction to staff on the preparation of a detailed staff report regarding the City Attorney position.

**THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.**

- ~~5. **MOBILE HOME PARK COMMITTEE** – City Manager/Administration~~

~~RECOMMENDATION:~~

~~Council Member Foley requests formal City Council consideration to establish a committee to address mobile home parks issues and concerns in Costa Mesa.~~

6. **PILOT PROGRAM FOR PORTABLE RESTROOMS** – Office of the City Council

RECOMMENDATION:

Council Member John Stephens is requesting the City Council consider a partnership with the Costa Mesa Sanitary District (CMSD) to implement a six-month pilot mobile restroom program for the homeless population and appropriate \$21,500 for the pilot program via the City's contingency fund.

7. **AIRPORT NOISE FROM JOHN WAYNE AND LONG BEACH AIRPORTS**  
Development Services Department/Planning Division

RECOMMENDATION:

City Council direct staff to do any or all of the following:

1. Continue to monitor the airport noise issues and explore/implement public feedback portals on the City's Website;
2. Send the letter to Jetblue;
3. Seek a contract with a consultant to represent the City for noise issues and contracts;
4. Seek a proposal for a preliminary aircraft noise study;
5. Explore the possibility of creating an Airport Noise Issues Committee.

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

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

Wednesday, January 17, 2018 – **Wednesday Matinees and Discussions: Begin the Conversation**, 1-4 p.m., Alzheimer's Orange County, 2515 McCabe Way, Irvine. Join in for a movie and discussion about how dementia impacts families. Showing the "Notebook". For more information, please visit: [www.costamesachamber.com](http://www.costamesachamber.com)

Thursday, January 18, 2018 – **Public Safety Personnel Recognition Dinner**, 6-9 p.m., Fete the Venue, 3101 Red Hill. Recognizing officers and employees of the Costa Mesa Police Department, Fire Department and Communications Center. For more information, please visit: [www.costamesachamber.com](http://www.costamesachamber.com)

Monday, January 22, 2018 – **Movie Mondays**, 12:45 p.m., Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Showing "The Zoo Keeper's Wife." Popcorn is provided, so come down for a good film and good time with friends.

Tuesday, January 23, 2018 – **Costa Mesa High School Boosters Bingo**, 5-8 p.m., Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Proceeds benefit Costa Mesa High School athletics.

Friday, January 26, 2018 – **I-405 Improvement Project Groundbreaking Ceremony**, IKEA, 1475 South Coast Drive. Groundbreaking ceremony for the largest transportation project in Orange County's history.

Friday, January 26, 2018 – **Registration/cancellation deadline for Fantasy Springs Casino**, Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Trip is planned for Tuesday, February 27, 2018, 8 a.m. to 6 p.m. Register with the front desk of the Senior Center. For more information, please call 714-327-7550.

Friday, January 26, 2018 – **Costa Mesa Historical Society Annual Installation Dinner, "Faith and Hope: Our American Land"**, 6 p.m., Newport Rib Company, 2196 Harbor Blvd. Enjoy discussion with guest speaker David Whiting, a columnist with the Orange County Register. For more information, please call 949-631-5918.

Sunday, January 28, 2018 – **Lord of the Strings**, 2 p.m., SOCO and the OC Mix, 3303 Hyland Ave. Featuring Peppino D'Agostino and Carlos Reyes. For more information, please visit: [www.socoandtheocmix.com](http://www.socoandtheocmix.com)

Monday, January 29, 2018 – **Listening Tour**, 6-8 p.m., Pomona Elementary School, 2051 Pomona Ave. Join Council Members Katrina Foley and John Stephens for their listening tour event to discuss relevant issues related to the Westside. For more information, please call 714-754-5000.

Mid-January 2018 through mid-February 2018 – **Upper Newport Bay Parking Lot Rehabilitation**, 7 a.m.- 4 p.m. The Upper Newport Bay parking lot is located at University Drive and Irvine Avenue in Newport Beach. For more information, please contact Shannon Widor at 714-667-9759.