

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."

***OB-1 MID-YEAR BUDGET REPORT HAS BEEN WITHDRAWN FROM THE AGENDA.**

TUESDAY, MARCH 20, 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.

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.
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 a total of three minutes to speak on all items on the Closed Session agenda.

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

2. 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.

3. 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.

4. 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, Central District of California – Southern Division, Case No. 8:18-cv-00155.

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, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

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.

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

TUESDAY, MARCH 20, 2018 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Stephens

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 Phil Eyskens, The Lighthouse 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:

[1. Cultural Arts Committee Annual Report](#)

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

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. READING FOLDER

Claims received by the City Clerk: State Farm Insurance, as subrogee for Armin Skalmoloski and Steve Stevenson.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2594 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-04 "A" FOR \\$0.00 AND 18-05 FOR \\$2,468,828.02; AND CITY OPERATING EXPENSES FOR \\$2,054,073.29; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2594.

3. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF FEBRUARY 20, 2018](#)

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of February 20, 2018.

4. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: TEWINKLE PARK ADA AND PARKING LOT IMPROVEMENTS, CITY PROJECT NO. 17-01** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by All American Asphalt for the subject project and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

5. **2017 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION** - Police Department/Support Services Division

RECOMMENDATION:

1. City Council authorize the City Manager or his designee to execute the Agreement to Transfer Funds for the 2017 Emergency Management Performance Grant (EMPG) Program; and
2. Adopt Resolution No. 18-xx, which authorizes the application for and acceptance of funds under the Emergency Management Performance Grant (EMPG) Program, and authorizes the City Manager or his designee to accept the EMPG Program funds.

6. **UPDATE OF STATE OF CALIFORNIA, GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) DESIGNATION OF APPLICANT'S AGENT RESOLUTION** - Police Department/Support Services Division

RECOMMENDATION:

1. City Council approve and adopt the State of California, Governor's Office of Emergency Services (Cal OES) Designation of Applicant's Agent Resolution (Cal OES Form 130); and
2. Authorize submittal of the approved Cal OES Form 130 to the State.

7. **BUS SHELTER FRANCHISE AGREEMENT AND MAINTENANCE SERVICES**
Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the proposed First Amendment to the Franchise Agreement with Clear Channel Outdoor, Inc. (Clear Channel), reflecting their commitment to pay an additional \$35,000 annually, plus an annual CPI increase to the City, for additional bus shelter pressure washing services performed by the City or City's contractor; and
2. Authorize the City Manager to execute the First Amendment, and future amendments for extending the Franchise Agreement and CPI increases to the annual compensation to the City; and
3. Approve Budget Adjustment No. 18-014; and
4. Authorize the City Manager to execute a Maintenance Services Agreement with CleanStreet for bus shelter pressure washing services in the amount of \$35,000 annually for three years, with two one-year renewal options.

8. **THIRD PARTY WORKERS' COMPENSATION CLAIMS ADMINISTRATION SERVICES** – City Manager's Office/Human Resources Division

RECOMMENDATION:

1. City Council award the contract for Third Party Workers Compensation Claims Administration Services per Request for Proposal (RFP) to AdminSure, Inc.; and
2. Authorize the Mayor and City Clerk to execute the four (4) year Professional Services Agreement for the contract; and
3. Authorize the City Manager to extend the contract for an additional one-year term as applicable.

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE
CONSENT CALENDAR**

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

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

1. [ORDINANCE 18-XX: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 5 \(ADMINISTRATION, APPLICATION AND PROCEDURES\) OF CHAPTER I \(BUSINESS TAX\) AND CHAPTER VI \(MEDICAL MARIJUANA BUSINESS PERMITS\) OF TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\); CHAPTER IV \(CITYWIDE LAND USE MATRIX\) AND ARTICLE 21 \(MEDICAL MARIJUANA DISTRIBUTING, MANUFACTURING, PROCESSING, RESEARCH AND DEVELOPMENT, TESTING LABORATORIES AND TRANSPORTING LOCATIONS\) OF CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\), RELATING TO AMENDMENTS TO VOTER APPROVED ORDINANCE 16-15 \(MEASURE X, THE COSTA MESA MEDICAL MARIJUANA MEASURE\)](#)

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council find that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that activity in question may have an effect on the environment, the activity is not subject to CEQA”; and
2. Introduce Ordinance No. 18-xx, to be read by title only and further reading waived, adopting Code Amendment CO-17-07 for the following amendments:
 - Article 5 of Chapter I of Title 9 of the Costa Mesa Municipal Code (Licenses and Business Regulations) Section 9-29.5 and Sections 9-481 through 9-499;
 - Chapter IV of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) Sections 13-30 (31a through 31f); and
 - Article 21 of Chapter IX of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, And Development) Sections 13-200.90 through 13-200-94.

2. [ORDINANCE 18-XX: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA ADOPTING THE TEXT OF URGENCY ORDINANCE 17-16, AMENDING ARTICLE 20 \(MARIJUANA AND/OR MEDICAL MARIJUANA USES AND ACTIVITIES\) OF CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\), RELATING TO CULTIVATION OF MARIJUANA AND CERTAIN MARIJUANA RELATED USES](#) – Development Services Department/Planning Division

RECOMMENDATION:

1. City Council Find that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that activity in question may have an effect on the environment, the activity is not subject to CEQA”; and
2. Introduce Ordinance No. 18-xx, to be read by title only and further reading waived, adopting Code Amendment CO-18-01 amending the following:
 - Article 20 (Marijuana and/or Medical Marijuana Uses and Activities) of Chapter IX (Special Land Use Regulations) of Title 13 (Planning Zoning and Development), Relating to Cultivation of Marijuana and Certain Marijuana Related Uses.
3. [APPEAL OF THE PLANNING COMMISSION’S DENIAL OF CONDITIONAL USE PERMIT PA-16-04 TO ALLOW A SOBER LIVING FACILITY SERVING 13 ADULTS OPERATED BY SUMMIT COASTAL LIVING AT 2041 TUSTIN AVENUE](#) - Development Services Department/Planning Division

RECOMMENDATION:

1. City Council adopt Resolution 18-xx, upholding the Planning Commission’s denial of Conditional Use Permit (CUP) PA-16-04; **OR**
2. Direct staff to prepare a resolution granting the appeal and approving CUP PA-16-04.

4. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT PA-16-15 TO ALLOW A LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 14 ADULTS OPERATED BY CASA CAPRI LLC, AT 166 EAST 18TH STREET, INCLUDING AN APPEAL OF A DENIAL OF A REQUEST FOR A REASONABLE ACCOMMODATION FROM LAND USE REQUIREMENTS - Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permit PA-16-15.

5. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-42 AND PA-16-43 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL FACILITY SERVING 28 ADULTS OPERATED BY WINDWARD WAY RECOVERY AT 351 VICTORIA STREET AND 357 VICTORIA STREET, INCLUDING AN APPEAL OF A DENIAL OF A REQUEST FOR A REASONABLE ACCOMMODATION FROM LAND USE REQUIREMENTS - Development Services Department/Planning Division

RECOMMENDATION:

City Council adopt resolutions upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permits PA-16-42 and PA-16-43.

OLD BUSINESS:

THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.

- ~~1. FY 2017-18 MID-YEAR BUDGET REPORT – Finance Department~~

~~RECOMMENDATION:~~

- ~~1. City Council receive and file this report; and~~
- ~~2. Allocate \$1 million to potentially establish a 115 Trust; and~~
- ~~3. Allocate \$1,571,499 towards the Self-Insurance Fund; and~~
- ~~4. Approve the two new code enforcement officer positions and eliminate the vacant Programmer Analyst II in the IT Department and Plan Check Engineer in Development Services; and~~
- ~~5. Approve recommended FY 2017-18 budget adjustments.~~

NEW BUSINESS:

1. APPOINTMENTS TO VARIOUS COMMITTEES

City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council make appointments to the following Committees:

1. Bikeway and Walkability Committee - make appointments to fill seven regular member vacancies, all for two-year terms.

City Council liaison – Council Member Foley

2. Cultural Arts Committee - make appointments to fill three regular member vacancies and two alternate member vacancies:

- a. 4 two-year terms; and
- b. 1 one-year term (alternate).

City Council liaison – Council Member Foley

3. Finance & Pension Advisory Committee - make appointments to fill six regular member vacancies, all for two-year terms.

City Council liaison – Mayor Genis

4. Historical Preservation Committee - make appointments to fill four regular member vacancies and two alternate member vacancies, all for two-year terms.

City Council liaison – Mayor Pro Tem Mansoor

5. Housing and Public Service Grant Committee - make appointments to fill four regular member vacancies and one alternate membership vacancy, all for two-year terms.

City Council liaison – Mayor Genis

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, March 21, 2018 – **Knowledge and Health Fair Expo**, 10 a.m. -1 p.m., Costa Mesa Senior Center, 695 W. 19th St. Visit with more than 30 vendors on health and wellness, housing and enjoy free health screenings. For more information, please call 714-327-7550.

Saturday, March 24, 2018 - **SOCO Farmers Market**, 9 a.m.-2 p.m., SOCO and The OC Mix, 3315 Hyland Ave. Over 30 vendors highlight the best that California farmers and local food artisans have to offer. Live music, knife sharpening and free balloon animals for the kids. A free pet sitting service is also offered on the last Saturday of each month. For more information, visit www.farmermark.com.

Monday, March 26, 2018 – **Landlord Rights Workshop**, 2-4 p.m., Balearic Community Center, 1975 Balearic Dr. Learn your rights and responsibilities as a landlord. This workshop will cover a variety of subjects. RSVP's are mandatory. Please call 1-800-446-3247.

Tuesday, March 27, 2018 – **Costa Mesa High School Boosters Bingo**, 5-8 p.m., Costa Mesa Senior Center, 695 W. 19th St. Proceeds benefit Costa Mesa High School athletics.

Tuesday, March 27, 2018 – **Solutions for the Homeless**, 7-9 p.m., University United Methodist Church, 18422 Culver Drive, Irvine, 92612. Panel members will discuss various aspects of homeless help. For more information, please call 714-522-2608.

Thursday, March 29, 2018 - **Alzheimer's Forum**, 6-8 p.m., Costa Mesa Senior Center, 695 W. 19th St. Please join Mayor Pro Tem Allan Mansoor and Dr. Dung Trinh for a community forum on Alzheimer's disease. RSVP to Jennifer Christ at 714-754-5347.

Thursday, March 29, 2018 – **Orange County's Largest Mixer**, 4-8 p.m., OC Fair and Event Center, 88 Fair Drive. Build business relationships at the largest mixer in the county. For more information, please call 310-862-2878.

Saturday, March 31, 2018 – **Eggcitement 2018**, 9 a.m.-12 p.m. Tanager Park, corner of Tanager Drive and Hummingbird Drive near Adams Avenue and Mesa Verde East. Activities will include an Easter egg hunt, bounce house, pony rides, petting zoo and a visit with the East Bunny. For more information, please call 714-540-7355.

Friday, April 13 – Sunday, April 15, 2018 – **Imaginology**, OC Fair & Event Center. Set a course for full STEAM ahead to OC Fair's Imaginology, where science, technology, engineering, art and math come alive in the most fun and exciting ways. www.ocfair.com/imaginology

Saturday, April 21, 2018 – **Tour de OC Bike-A-Thon**, Start and finish at Vanguard University, the 24th Annual Tour de OC raises money for abused and neglected children in the foster care system www.tourdeoc.org