

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."

***PH-2 APPEAL OF PA-16-30 & PA-16-31 HAS BEEN
WITHDRAWN FROM THE AGENDA.**

TUESDAY, APRIL 17, 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. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Association (CMPA)

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: 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.

6. 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, APRIL 17, 2018 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Mayor Pro Tem Mansoor

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.]*

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.

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

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: Mark M. Gnesin

RECOMMENDATION:

City Council receive and file.

2. WARRANT RESOLUTION NO. 2596 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-06 "A" FOR \$-6,410.77 AND 18-07 FOR 2,546,307.71; AND CITY OPERATING EXPENSES FOR \$2,409,571.95; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2596.

3. MINUTES OF THE SPECIAL CITY COUNCIL CLOSED SESSION OF FEBRUARY 27, 2018 - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of February 27, 2018.

4. APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Resolution No. 18-xx, for the submittal of a grant application to the Orange County Transportation Authority (OCTA) for the City's Tier 1 Water Quality BMP Installation Project; and
2. Authorize the Public Services Director to act as the City's representative.

5. **PARKING LOT REHABILITATION PROJECT AT VARIOUS LOCATIONS, BIKE TRAIL WEST OF HARBOR BOULEVARD AND BALEARIC COMMUNITY CENTER IMPROVEMENTS, CITY PROJECT NO. 17-02**
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.

6. **PICNIC SHELTER IMPROVEMENTS AT PAULARINO PARK AND PINKLEY PARK - CITY PROJECT NO. 17-07**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by R.E. Shultz Construction, Inc. 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.

7. **ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW**
Development Services Department/Planning Division

RECOMMENDATION:

City Council approve 2017 Annual Report of the 2015-2035 adopted Costa Mesa General Plan.

8. **RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2018-19 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017** - Public Services Department

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, adopting a list of projects for Fiscal Year (FY) 2018-19 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

9. **BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES** – Development Services Department/Fire Department

RECOMMENDATION:

1. City Council approve and authorize the Mayor and the City Clerk to amend professional service agreements for contract building plan check and contract building counter permit technicians with the companies of Scott Fazekas & Associates Inc., Bureau Veritas, Melad & Associates, Interwest Group, VCA Code, HR Green, Permit Management Solutions and JAS Pacific. Also approve and authorize the Mayor and the City Clerk to execute one-year professional service agreements for contract building inspection services with the companies of JAS Pacific, Interwest Group, Bureau Veritas, VCA Code and Safebuilt. The additional requested amount for contract building plan check, contract counter permit technicians and contract building inspections services is \$103,584 in addition to the current contract amount of \$107,938, as budgeted for FY 2017-2018. The same consultants for building plan check and contract building contract counter permit technicians are providing contract fire plan checking for a total aggregate amount up to \$142,000 as budgeted for FY 2017-2018 with no change to this amount; and
2. Authorize the City Manager and the City Clerk to renew the agreement for four (4) additional one-year periods upon mutual written agreement of both parties

10. **FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER** – City Manager's Office

RECOMMENDATION:

1. City Council authorize additional funding in the amount \$75,000 to allow Best Best & Krieger (BB&K) to provide legal assistance with group home issues and a multi-agency lawsuit involving AmeriCare MedServices, Inc.; and
2. Satisfy the City's financial obligation to BB&K in connection with the sober living home litigation and additional work related to the AmeriCare MedServices, Inc. litigation in the amount of \$33,502.34.

11. **DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2018 REGIONAL CONFERENCE AND GENERAL ASSEMBLY** – City Manager's Office

RECOMMENDATION:

City Council designate Mayor Genis as the delegate for the upcoming 2018 Annual SCAG Regional Conference & General Assembly.

**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. **REVIEW OF MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE**
Development Services Department/Planning Division

RECOMMENDATION:

City Council continue the hearing to the May 1, 2018 City Council meeting to allow staff additional time to review the issues raised at the April 3, 2018 hearing for this project.

THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA.

- ~~2. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-30 AND PA-16-31 TO OPERATE A SOBER LIVING FACILITY SERVING 37 GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 321 AND 327 CABRILLO STREET** - Development Services Department/Planning Division~~

~~RECOMMENDATION:~~

- ~~1. City Council hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility.~~
- ~~2. Adopt a resolution 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-16-30.~~
- ~~3. Adopt a resolution 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-16-31.~~
- ~~4. Or, alternatively, make a finding that approval of both of these application will not result in an overconcentration of similar uses, and approve Conditional Use Permits PA-16-30 and PA-16-31.~~

3. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-37 AND PA-16-38 TO OPERATE A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 26 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 125 AND 131 EAST WILSON STREET

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility.
2. Adopt a resolution 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-16-37.
3. Adopt a resolution 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-16-38.
4. Or, alternatively, make a finding that approval of both of these application will not result in an overconcentration of similar uses, and approve Conditional Use Permits PA-16-37 and PA-16-38.

AGENDA CONTINUED ON THE NEXT PAGE.

4. [APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-39 AND PA-16-40 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 24 ADULTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 235 AND 241 E. 18TH STREET](#) - Development Services Dept./Planning Division

RECOMMENDATION:

1. City Council hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility.
2. Adopt a resolution 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-16-39.
3. Adopt a resolution 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-16-40.
4. Or, alternatively, make a finding that approval of both of these applications will not result in an overconcentration of similar uses and approve Conditional Use Permits PA-16-39 and PA-16-40.

OLD BUSINESS:

1. [FY 2017-18 MID-YEAR BUDGET REPORT AND 5 YEAR FINANCIAL PROJECTIONS](#) - Finance Department

RECOMMENDATION:

Staff recommends that the City Council:

1. Mid-Year Budget Report:
 - a. Receive and file this report.
 - b. Allocate \$1 million to potentially establish a 115 Trust.
 - c. Allocate \$1,571,499 towards the Self-Insurance Fund.
 - d. 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.
 - e. Approve recommended FY 2017-18 budget adjustments.
2. Five-Year Financial Plan:
 - a. Review and file the five-year financial plan
 - b. Provide direction to staff regarding the issues raised in connection with the five-year financial plan and future priorities.

NEW BUSINESS:

1. **CONSIDER ADOPTION OF A RESOLUTION SEEKING CALIFORNIA STATE LEGISLATIVE SUPPORT TO REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES)** - City Manager's Office/Administration

RECOMMENDATION:

Mayor Pro Tem Mansoor requests formal City Council consideration to adopt the resolution that requests support from the State of California to provide the necessary regulatory tools to ensure local jurisdictions have adequate means to bring balance between neighborhoods and the placement of residential recovery facilities (Sober Living Homes).

2. **CONSIDERATION OF FUNDING ALLOCATION FOR A COMMUNITY FOURTH OF JULY EVENT TO PROMOTE PUBLIC SAFETY AND PROMOTION OF AN INCREASE FOR ILLEGAL FIREWORK DISCHARGE FINE**

City Manager's Office

RECOMMENDATION:

It is recommended that the City Council provide direction to staff whether to:

1. Reauthorize the coordination of a centrally located City-sponsored Fourth of July celebration to promote public safety in partnership with the HERO's Hall foundation and Spectra Entertainment Inc. on location at the Orange County Fair and Event Center.
2. Authorize up to \$50,000 in Fiscal Year 2017-2018 contingency funds to cover event costs, or an amount agreed to by the City Council.
3. Continue to utilize the proactive campaign to inform citizens that the City will be vigorously enforcing its prohibition against the discharge of illegal fireworks and seeking the maximum penalty for such violations.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Friday, April 20 through Sunday, April 22, 2018 – **Spring CERT Training**, Friday evening 6-10 p.m., Saturday and Sunday, 8:30 a.m.- 4:30 p.m. For more information, and to reserve your spot please contact Brenda Emrick at 714-327-7406.

Saturday, April 21, 2018 – **Tour De OC 2018**. Help abused and neglected children. For more information and to register for the event, please visit www.tourdeoc.org.

Saturday, April 21, 2018 – **Explore Merrimac**, 12-4 p.m., Merrimac Way (between Harbor Boulevard and Fairview Road.) Enjoy pop-up features like a protected bike lane, artsy crosswalk and new sidewalk seating at this event. Provide your feedback to help the City of Costa Mesa consider implementing these temporary street improvements that show how simple solutions can make significant impacts to access and safety for all. Explore Merrimac and enjoy family-friendly activities. For more information, please visit www.gohumansocal.org.

Saturday, April 21 and Sunday, April 22, 2018 – **Orange County Model Engineers Public Train Ride**, 10 a.m.- 3 p.m., Fairview Park 2500 Placentia Avenue. Special activities include crafts, ping-pong, special Earth Day activities and more. For more information, please visit www.ocmetrains.org.

Sunday, April 22, 2018 – **Earth Dayfest**, 11 a.m. – 3 p.m. Celebration includes live music, workshops, artisans and classes that will nourish the mind and body. A free family friendly event. For more information, please visit www.thecampsite.com

Tuesday, April 24, 2018 – **Film Club**, 5 p.m. Donald Dungun Library, 1855 Park Ave. Meets every Tuesday. For more information, please call 949-646-8845.

Thursday, April 26, 2018 – **Multi Chamber Business Mixer**, 5:30-7:30 p.m., Water Grill South Coast Plaza 3300 Bristol St. Attend for networking fun, cocktails and appetizers. For more information, please call 714-885-9090.

Thursday, April 26 through Saturday, April 28, 2018 – **Outdoor Living Spaces: Mind, Body and Soil**, South Coast Plaza 3333 Bear St. South Coast Plaza's home stores will present the very best of outdoor living spaces inspired by this year's Southern California Spring Garden Show theme, Mind. Body.

Friday, April 27 through Sunday, April 29, 2018 – **Pet Expo**, OC Fair and Event Center, 88 Fair Dr. A weekend full of education and entertainment. Exhibits include retailers, groomers, hobbyists, rescue organizations, breeders and pet experts.

Saturday, April 28, 2018 – **Love Costa Mesa Day**, 8 a.m. Newport Mesa Church parking lot, 2599 Newport Blvd. City wide serve day bringing people, businesses and churches in the community together with city, school district and non-profits. For more information, please visit <https://www.lovecostamesa.org/>

Saturday, April 28, 2018 – **Citizens Environmental Protection Academy**, 9-11 a.m., Costa Mesa Sanitary District 290 Paularino Ave. Join the Costa Mesa Sanitary District's free educational series to learn how trash and water are recycled locally. The Citizens Environmental Protection Academy includes opportunities to hear from solid waste and wastewater professionals, as well as tour state-of-the-art recycling facilities. For more information and to RSVP, please call 949-645-8400.

Saturday, May 12, 2018 – **Spring Bark Bash**, 11 a.m.- 3 p.m. Bark Park, 890 Arlington Drive. Dog costume parade, silent auction and more. For more information, please call 714-754-5300.