

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."

TUESDAY, JUNE 5, 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.** Materials can be e-mailed to cityclerk@costamesaca.gov. 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.**
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 LEGAL COUNSEL - PENDING LITIGATION
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

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

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.

6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: James Faulkner v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2017-00926083-CU-PO-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.

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

TUESDAY, JUNE 5, 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 Mike Decker, Palm Harvest 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.

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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: Mark Clifton, Joseph Edward Guilmette, Sina Mangani, Rochelle O'Donnell, Craig Richards, and Jacob Rodriguez.

RECOMMENDATION:

City Council receive and file.

2. [**WARRANT RESOLUTION NO. 2599 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-09 "A" FOR \\$625.74 AND 18-10 FOR \\$2,444,839.71; AND CITY OPERATING EXPENSES FOR \\$3,643,574.49; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2599.

3. [**MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF APRIL 3, 2018 AND APRIL 17, 2018**](#) - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of April 3, 2018 and April 17, 2018.

4. **RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF**

Development Services Department/Housing & Community Development Division

RECOMMENDATION:

City Council authorize the City Manager to execute Amendment Four to exercise the fourth extension of four renewal options of the existing Professional Services Agreement with Mike Linares, Inc., for one year in an amount not-to-exceed \$90,125 for FY 2018-2019.

5. **CONTRACT AMENDMENTS FOR TEMPORARY ANIMAL SHELTER AND ADOPTION SERVICES** – Parks & Community Services Department

RECOMMENDATION:

City Council approve the amendments to its contracts for animal shelter services provided by Newport Center Animal Hospital (NCAH) and animal adoption services provided by Priceless Pet Rescue (PPR), and authorize the City Manager to execute the amendments.

6. **FAIRVIEW ROAD SAFETY IMPROVEMENTS PROJECT**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council approve the Professional Services Agreement for the design of the Fairview Road Safety Improvements Project to Stantec Consulting Services, Inc. in the amount of \$136,918; and
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement.

7. **AGREEMENT WITH ANDREWS & THORNTON FOR LEGAL SERVICES**

City Attorney's Office

RECOMMENDATION:

1. City Council approve the agreement with Andrews & Thornton to pursue on behalf of the City all civil remedies against the manufacturers and distributors of prescription opioids responsible for the opioid epidemic; and
2. Authorize the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.

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

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

1. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT**
City Manager’s Office/Administration

RECOMMENDATION:

1. City Council conduct a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for the 2018-2019 fiscal year; and
2. Adopt Resolution No. 18-xx, levying an annual assessment for Fiscal Year 2018-2019 for a business improvement area covering certain Costa Mesa hotels and motels; and
3. Adopt the Fiscal Year 2018-2019 Community-Wide Marketing and Support Budget.

2. **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 a resolution overturning the decision of the Planning Commission and approve Conditional Use Permit (CUP) PA-16-04; **OR**
2. Adopt a resolution upholding the decision of the Planning Commission to deny CUP PA-16-04.

AGENDA CONTINUED ON THE NEXT PAGE.

3. **ACTIVE TRANSPORTATION PLAN AND ASSOCIATED GENERAL PLAN AMENDMENT GP-18-01 TO AMEND THE CIRCULATION ELEMENT WITH AN UPDATED BICYCLE MASTER PLAN EXHIBIT AND RELATED STREET CROSS SECTIONS AND TO REVISING THE DESIGNATION OF CERTAIN RECOMMENDATIONS UNDER GOALS C-7 TO C-12 TO POLICIES; AND APPROVAL OF THE DRAFT ACTIVE TRANSPORTATION PLAN**

Development Services Department/Planning Division and Public Services Department/Transportation Services Division

RECOMMENDATION:

The Planning Commission recommended that the City Council adopt Resolution Nos. 18-xx and 18-xx with the following actions:

1. Approve the addendum to Environmental Impact Report (EIR) No. 1053 (adopted for the 2015-2035 General Plan) related to the proposed Active Transportation Plan and revisions to the Circulation Element; and
2. Approve the General Plan Amendment GP-18-01 to revise the Circulation Element related to the City's Bicycle Master Plan, roadway typical cross sections, and policy recommendations by adoption of resolution; and
3. Approve the Draft Active Transportation Plan (ATP) as recommended by the City's Planning Commission and Bikeway and Walkability Committee by adoption of resolution.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Resident Registration for summer youth and adult swim lessons - Ongoing. Register online or at the Downtown Aquatic Center. For more information, please call: 714-327-7564.

Tuesday, June 5, 2018- **I-405 Improvement Project Open House**, 6-8 p.m., Senior Center in Central Park, 18041 Goldenwest Street. Each Open House will include the following: a project overview, tentative bridge schedule, and an interactive map and Waze app demonstration.

Thursday, June 7, 2018 - **Fight Club OC**, 7 p.m., OC Fair and Event Center, 88 Fair Drive. Pro Boxing and Pro MMA show featuring a 40-foot big screen with instant replay. For more information, please visit: www.ocfair.com.

Friday, June 8, 2018 - **Saturday Night Fever, Music of the Bee Gees**, 8 p.m., Segerstrom Center for the Arts, 600 Town Center. Flash back to the 70's with the Bee Gees tribute band. For more information, please call: 714-556-2787.

Saturday, June 9, 2018 - **NMUSD's 3rd Annual Robotics Competition**, 9 a.m., Estancia High School Big Gym, 2323 Placentia Ave. For more information, please email: edtech@nmusd.us

Saturday, June 9, 2018 - **Food Preservation Workshop**, 9:30 a.m. OC Fair and Event Center, 88 Fair Drive. A workshop on the introduction in safety standards and steam canning high acid foods. You will be making three jars of chutney to enjoy at home. For more information, please visit: www.ocfair.com.

Friday, June 15 through Sunday, June 17, 2018 - **OC Night Market**, 4 p.m. OC Fair and Event Center, 88 Fair Drive. Hundreds of food, merchandise, art and entertainment booths come together for an Asian-themed night market. For more information, please visit: www.ocfair.com.

Saturday, June 16, 2018 - **Truck Adventures for Kids**, 9 a.m - 2 p.m., OC Fair and Event Center, 88 Fair Drive. Fun-filled event meant to bring families and children together in the community in which they live. Children of all ages will be able to get up close and personal with all types of trucks and other vehicles they see every day on the road. For more information, please visit: www.ocfair.com.

Wednesday, June, 27, 2018 - **Date Night at Mesa Water Landscape Workshop for Couples**, 6-8:30 p.m. Mesa Water District: 1965 Placentia Avenue. Mesa Water's expert staff will provide information about California Friendly® plants, sprinkler efficiency, turf removal methods, and water-efficient landscape design. For more information and/or to register, please visit: MesaWater.org/LandscapeWorkshop, or call 949-631-1200.