

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

APRIL 3, 2018

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

The City Council recessed to Conference Room 5A at 4:06 p.m. for Closed Session to consider the following items:

1. 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.

2. 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.

3. 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.

4. 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.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Casa Capri Recovery, Inc. v. City of Costa Mesa, United States
District Court, Central District of California – Southern Division, Case No. 8:18-
cv-00329-JVS-PJW.

**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

The City Council reconvened at 6:04 p.m.

CALL TO ORDER (00:03:12)

The meeting was called to order by Mayor Genis at 6:04 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:03:37) - Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION (00:03:55) - Pastor Jim Turrell, The Center for Spiritual Living Newport Mesa, Costa Mesa

ROLL CALL (00:04:33)

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Mansoor, and Mayor Genis.

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:06:11) – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) (00:06:16) – NONE

ANNOUNCEMENTS (00:06:24) "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:08:37)

1. Mayor's Award - Mr. Kim Pederson, Community Leader, received the Mayor's award in recognition of his years of service to the community.

PUBLIC COMMENTS: (00:23:34)

Debra Ashby, representing South Coast Air Quality Management District, invited everyone to a public meeting on April 17th at the Brookhurst Community Center regarding AB 134 and AB 617; and spoke on the Annual Clean Air Awards. (00:24:02)

Reggie Mundekis, spoke on the Orange County Fairgrounds Master Site Plan; and occupancy levels. (00:25:59)

Jo Ellen Chatham, spoke on the Pacific Symphony and upcoming events. (00:28:04)

Robin Leffler, Costa Mesa, praised Kim Pederson; and spoke on a vision for Costa Mesa; and development. (00:31:00)

Al Melone, Costa Mesa, spoke on the conditions of the large dog park. (00:34:01)

Kim Hendricks, Costa Mesa, spoke on the Endemic Environmental Services contract and the Fairview Park Alliance. (00:37:29)

Speaker spoke on an educational event at Fairview Park and the OC Model Engineers contract. (00:40:31)

Beth Refakes, Costa Mesa, spoke on the RFP for audio and visual for the Council Chambers; thanked staff for cleaning the 55 freeway terminus; praised Kim Pederson; spoke on code enforcement response times; parking at Lions Park and the library; and spoke against the Fairview Developmental as a temporary shelter. (00:42:24)

Speaker, spoke against the Fairview Developmental Center as a homeless shelter. (00:45:27)

Wendy Leece, Costa Mesa, spoke on homelessness and connecting individuals with their home City and families. (00:48:06)

Speaker, spoke against the Small Lot Ordinance; and spoke on Sober Living Homes. (00:51:08)

Speaker, spoke on accountability and good governance. (00:54:06)

Speaker, spoke on Sober Living issues. (00:56:32)

Rebecca Trahan, Costa Mesa, spoke on homelessness. (01:00:35)

Speaker, spoke on a City Council meeting video. (01:01:20)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(01:04:29)**

Council Member Righeimer spoke on SB 54 (California Sanctuary State) and agendizing the item for the next City Council meeting; spoke against the Fairview Developmental Center for homeless housing; and supports safety of the Costa Mesa residents. (01:04:41)

Mayor Pro Tem Mansoor spoke on SB 54 and effects on public safety; and spoke against the Fairview Developmental Center for homeless housing. (01:08:14)

Council Member Foley spoke on the Equestrian Center at the OC Fairgrounds; Bike to School month in May; requested updates on the General Plan and overlays; reported on her attendance at the Travel Costa Mesa meeting; clarified a moratorium on Sober Living Homes; and spoke against the Fairview Developmental Center as a homeless shelter. (01:10:30)

Mayor Genis spoke on Serve Costa Mesa Day on April 28; requested copies of the quarterly reports on Fairview Park; spoke on Council video tapes; homeless issues; SB 54; public safety; and Keepcalsafe.org initiative. (01:14:35)

Council Member Stephens requested to adjourn the meeting in memory of Coach Jeff Hirsch; spoke on the Animal Services Committee addressing the large dog park; deliverables of the Endemic Environmental Services contract; Haven for Hope in San Antonio and homeless issues; and Sanctuary City considerations. (01:18:38)

CONSENT CALENDAR (01:22:15)

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for 2 and 6.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Jessica DeTemple, Sumiko Maehara, Masae Matsunaga, and Akemi Miyake.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF MARCH 6, 2018
City Manager's Office/City Clerk Division

ACTION:

City Council approved the minutes of March 6, 2018.

4. BEAR STREET TRAFFIC SIGNAL SYNCHRONIZATION PROJECT
Public Services Department/Transportation Services Division

ACTION:

1. City Council awarded a Professional Services Agreement for the design and implementation of the Bear Street Traffic Signal Synchronization Project to Albert Grover & Associates in the amount of \$605,253; and
2. Authorized the City Manager to execute the Professional Services Agreement, and future amendments to the agreement; and
3. Approved the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana for the Bear Street Traffic Signal Synchronization Project and authorized the City Manager to execute the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana; and
4. Approved Budget Adjustment No. 18-016 in the amount of \$605,253; and
5. Approved an amendment to the Fiscal Year 2017-18 Capital Improvement Program to include the Bear Street Traffic Signal Synchronization Project.

5. FAIRVIEW ROAD TRAFFIC SIGNAL SYNCHRONIZATION PROJECT
Public Services Department/Transportation Services Division

ACTION:

1. City Council approved the Professional Services Agreement for the design and implementation of the Fairview Road Traffic Signal Synchronization Project to ADVANTEC Consulting Engineers. Inc., in the amount of \$2,066,435; and
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement; and
3. Approved the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana for the Fairview Road Traffic Signal Synchronization Project and authorized the City Manager and the City Clerk to execute the Agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2595 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-06 FOR \$2,454,969.97; AND CITY OPERATING EXPENSES FOR \$3,955,036.81; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:22:52)**

Finance Department

Public Comment:

Speaker, spoke on Jones and Mayer payments. (01:22:54)

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

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2595.

6. **APPROVAL OF A RESOLUTION SETTING FORTH THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT PA-16-04 TO ALLOW A SOBER LIVING FACILITY SERVING 13 ADULTS OPERATED BY SUMMIT COASTAL LIVING AT 2041 TUSTIN AVENUE (01:25:48)**

Development Services Department/Planning Division

City Attorney Duarte clarified the item. (01:26:39)

Public Comments opened:

Marie Takeshta, spoke against the resolution. (01:28:05)

Martin Dietrich, Costa Mesa, spoke against the resolution. (01:29:35)

Dr. Cummings, Costa Mesa, spoke against the resolution. (01:33:21)

Linda Kirkpatrick, Costa Mesa, spoke against the resolution. (01:34:14)

Barbara Morihira, Costa Mesa, spoke against the resolution. (01:41:01)

Sara Burke, Costa Mesa, spoke against the resolution. (01:44:50)

Speaker, spoke against the resolution. (01:49:12)

Speaker, spoke against the resolution. (01:54:06)

Sally Hansen, Costa Mesa, spoke against the resolution. (01:56:38)

Wendy Leece, Costa Mesa, spoke against the resolution. (01:59:53)

Robin Leffler, Costa Mesa, spoke against the resolution. (02:02:48)

Bill Bertovich, Costa Mesa, spoke against the resolution. (02:05:18)

Speaker, spoke against the resolution. (02:07:47)

Keith Randle, applicant and property owner of Summit Coastal Living, addressed the comments by the public speakers. (02:15:11)

Speaker, spoke against the resolution. (02:20:35)

Mr. Randle spoke on the website. (02:23:37)

Public Comments closed.

Mayor Genis spoke on reviewing the police calls for service. (02:24:10)

Council Member Foley spoke on reviewing police, fire, and paramedic calls for service and code enforcement actions. (02:24:25)

Council Member Stephens spoke on the motion. (02:27:22)

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: Direct staff to schedule another public hearing for the City Council's consideration of Conditional Use Permit PA-16-04.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council directed staff to schedule another public hearing for the City Council's consideration of Conditional Use Permit PA-16-04.

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

City Council recessed into a break at 8:33 p.m.

City Council reconvened at 8:45 p.m.

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 (02:31:56)
Development Services Department/Planning Division

Mel Lee, Senior Planner, presented the staff report. (02:32:10)

Discussion ensued on the overlay plan; daily trips; trip generation; and parking counts. (02:43:32)

Discussion ensued on the overall number of units allowed in the Sobeca area. (02:55:05)

Chris Bennet, representing The Lab, provided a PowerPoint presentation. (02:32:10)

Public Hearing opened:

Robin Leffler, Costa Mesa, spoke on parking, traffic, and trip budget concerns. (03:08:30)

Public Hearing closed.

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To uphold the Planning Commission's decision to approve Planning Application PA-17-28. (03:12:36)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
SUBSTITUTE MOTION: To reverse the Planning Commission's decision and deny the Planning Application PA-17-28. (03:12:54)

Council Member Righeimer spoke on the parking study. (03:13:25)

Discussion ensued on the square footage of the buildings; restaurants; and a parking structure. (03:15:08)

Council Member Stephens spoke against the substitute motion. (03:55:00)

Mayor Pro Tem Mansoor spoke in support of the substitute motion. (03:56:07)

Mayor Genis spoke on parking concerns. (03:57:20)

Mr. Bennet spoke on street parking. (03:59:40)

Shaheen Sadeghi, owner of The LAB Holding, LLC, spoke on the parking spaces. (04:00:11)

Discussion ensued on shared parking; parking requirements; Sobeca vs. regular zoning code; and participating in a parking structure. (04:02:00)

Council Member Righeimer spoke on the parking structure. (04:14:20)

Discussion ensued on developing a parking study and plan review; shared parking ratio; and the condition of approval. (04:16:54)

MOVED/SECOND: Mayor Genis/Council Member Righeimer

SUBSTITUTE MOTION: To continue the item to a future City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council continued the item to a future City Council meeting.

OLD BUSINESS:

- 1. SECOND READING AND ADOPTION OF ORDINANCE 18-04: 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)**

ADOPTION OF A RESOLUTION WAIVING CERTAIN FEES FOR HOLDERS OF EXISTING MEDICAL MARIJUANA BUSINESS PERMITS AND CONDITIONAL USE PERMITS THAT PROCESS APPLICATIONS TO AMEND THEIR PERMITS TO ALLOW FOR ADULT USE MARIJUANA IN ADDITION TO MEDICAL MARIJUANA AS SET FORTH IN ORDINANCE 18-04

Development Services Department/Planning Division

MOVED/SECOND: Council Member Righeimer/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: Council Member Stephens

Motion carried: 4-0-1

ACTION:

City Council gave second reading and adopted Ordinance No. 18-04, read by title only and further reading waived, to adopt Code Amendment CO-17-07 amending the following:

- 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; and

MOVED/SECOND: Council Member Righeimer/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: Council Member Stephens

Motion carried: 4-0-1

ACTION:

City Council adopted Resolution No. 18-21, waiving certain fees for holders of existing Medical Marijuana Business Permits and Conditional Use Permits that process applications to amend their permits to allow for adult use marijuana in addition to Medical Marijuana as set forth in Ordinance No. 18-04.

2. **SECOND READING AND ADOPTION OF ORDINANCE 18-05: 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

MOVED/SECOND: Council Member Righeimer/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Mayor Pro Tem Mansoor, and Mayor Genis.

Nays: None

Absent: Council Member Stephens

Motion carried: 4-0-1

ACTION:

City Council gave second reading and adopted Ordinance No. 18-05, read by title only and further reading waived, to adopt 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.

NEW BUSINESS:

NEW BUSINESS ITEM #1 WAS CONTINUED TO THE APRIL 17, 2018 CITY COUNCIL MEETING.

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

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:05:20) - NONE

REPORT – CITY MANAGER (05:05:25) - NONE

REPORT – CITY ATTORNEY (05:05:29) - NONE

ADJOURNMENT (05:05:31) – Mayor Genis adjourned the meeting at 11:18 p.m. in memory of Coach Jeff Hirsch.

Minutes adopted on this 5th day of June, 2018.



Sandra L. Genis, Mayor

ATTEST:



Brenda Green, City Clerk
