

**ACTION REPORT
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

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley (arrived at 4:14 p.m.), Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Absent: None

The City Council recessed to Conference Room 5A at 4:03 p.m. for Special Closed Session to consider the following items:

**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

FOR INFORMATIONAL PURPOSES ONLY

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 reconvened at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:00 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 Mansoor, and Mayor Genis.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

CITY ATTORNEY CLOSED SESSION REPORT – City Attorney Duarte reported on Closed Session #1, in which the City Council, on a vote of 5-0, directed staff to initiate litigation and the identities of the defendants will be made available when the complaint is filed.

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

CONSENT CALENDAR:

MOVED/SECOND: Council Member Stephens/Council Member Righeimer

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 2 and 7.

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

ACTION:

City Council received and filed.

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

ACTION:

City Council approved 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

ACTION:

City Council authorized 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.

FOR INFORMATIONAL PURPOSES ONLY

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

ACTION:

City Council approved 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 authorized the City Manager to execute the amendments.

6. **FAIRVIEW ROAD SAFETY IMPROVEMENTS PROJECT**

Public Services Department/Transportation Services Division

ACTION:

1. City Council approved 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. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR

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

MOVED/SECOND: Council Member Righeimer/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. 2599.

7. AGREEMENT WITH ANDREWS & THORNTON FOR LEGAL SERVICES

City Attorney's Office

MOVED/SECOND: Council Member Foley/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:

1. City Council approved 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. Authorized the City Manager to execute the agreement and to approve any changes and future amendments to the agreement.

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

MOVED/SECOND: Council Member Foley/Council Member Righeimer

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:

1. City Council conducted a public hearing regarding the Business Improvement Area (BIA) reauthorization and levy of the annual assessment for the 2018-2019 fiscal year; and
2. Adopted Resolution No. 18-34, levying an annual assessment for Fiscal Year 2018-2019 for a business improvement area covering certain Costa Mesa hotels and motels; and
3. Adopted 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

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: City Council adopt Resolution No. 18-16, reversing the decision of the Planning Commission and approving Conditional Use Permit PA-16-04 for a Sober Living Facility operated by Summit Coast Living housing nine occupants (including one live-in House Manager) within three existing units at 2041 Tustin Avenue.

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 adopted Resolution No. 18-16, reversing the decision of the Planning Commission and approving Conditional Use Permit PA-16-04 for a Sober Living Facility operated by Summit Coast Living housing nine occupants (including one live-in House Manager) within three existing units at 2041 Tustin Avenue.

City Council recessed into a break at 8:40 p.m.

City Council reconvened at 8:51 p.m.

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

MOVED/SECOND: Council Member Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: Mayor Pro Tem Mansoor

Absent: None

Motion carried: 4-1

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council approved 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.
2. City Council approved 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 Resolution No. 18-35 with the following revisions:
 - a. Amend Figure 6-1, "Existing and Proposed Bicycle Facilities Map" with an added note to make a reference to the Fairview Master Plan and compliance with Measure AA requirements.
 - b. Include removal of any future bike trail from the end of 19th Street into Talbert Park and along the Costa Mesa Golf Course referred to as Tanager Bicycle Trail, no additional right-of-way acquisition except as mutually agreed with the affected property owner; and approval of a bikeway along Paularino Channel only with substantial, high quality improvements that would adequately buffer residential properties.
3. City Council approved the Active Transportation Plan (ATP) as recommended by the City's Planning Commission and Bikeway and Walkability Committee by adoption of Resolution No. 18-36 with the following revisions:
 - a. Include revision to Figure 6-1, "Existing and Proposed Bicycle Facilities Map" with an added note to make a reference to the Fairview Master Plan and compliance with Measure AA requirements.
 - b. Include removal of any future bike trail from the end of 19th Street into Talbert Park and along the Costa Mesa Golf Course referred to as Tanager Bicycle Trail, no additional right-of-way acquisition except as mutually agreed with the affected property owner; and approval of a bikeway along Paularino Channel only with substantial, high quality improvements that would adequately buffer residential properties.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – Mayor Genis adjourned the meeting at 10:31 p.m.