

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

JUNE 5, 2018

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

PUBLIC COMMENTS ON CLOSED SESSION - NONE

The City Council recessed to Conference Room 5A at 4:03 p.m. for 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

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 (00:00:06)

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.

PLEDGE OF ALLEGIANCE (00:00:28) – Council Member Stephens

MOMENT OF SOLEMN EXPRESSION (00:00:49) – Pastor Mike Decker, Palm Harvest Church, Costa Mesa

ROLL CALL (00:02:07)

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 (00:02:23) – 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) (00:02:42) – NONE

ANNOUNCEMENTS (00:02:51) - "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS (00:05:10)

Speaker, Costa Mesa, thanked the City Council for their service and for being civil. (00:05:50)

Beth Refakes, Costa Mesa, thanked the staff for the budget information meeting and being civil (00:07:49)

Tim Lewis, spoke on the Vanguard University Plan; and Planning Application 13-29. (00:10:05)

Robin Leffler, Costa Mesa, thanked the City Council for being civil. (00:13:01)

Kim Hendricks, Costa Mesa, spoke in support of relocating the Fish Fry out of Fairview Park. (00:14:03)

Steve Gaitan, Costa Mesa, spoke on Sober Living Homes and Business License criteria; and a Police Department letter opposed to the needle exchange program. (00:16:08)

Speaker, spoke against Sober Living Homes; and spoke on overdoses in the City. (00:19:18)

Cindy Black, Costa Mesa, spoke in support of relocating the Fish Fry out of Fairview Park; and spoke on a program at Talbert Park to remove grass. (00:21:05)

Tom Pollitt, Costa Mesa, spoke on City Council priorities; reducing spending in the budget; updating goals; and adding technology as one of the priorities. (00:23:29)

Speaker, spoke against the Small Lot Ordinance; and spoke on the City Manager's evaluation. (00:26:35)

Ken Burger, Costa Mesa, spoke against Sober Living Homes; and thanked the City Council for not approving the Canary bike trail. (00:30:12)

Speaker, shared a video and spoke on the Go Fund me page for Phil Leavy. (00:33:13)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Stephens spoke on St. John the Baptist festival; voting and running for office. (00:37:04)

Council Member Righeimer clarified that the City is opposed to the needle exchange program; and spoke on representation. (00:38:52)

Mayor Pro Tem Mansoor thanked Mayor Genis for running the meeting; and spoke on civility. (00:40:56)

Council Member Foley spoke on registering to vote; clarified that the City is opposed to the needle exchange program; spoke on homeless problems at the DMV property; balance on committees; thanked volunteers for the Memorial Day celebration; and spoke on partnering with the Newport Mesa Exchange Club. (00:41:28)

Mayor Genis thanked the Freedom Committee for the Memorial Day celebration; spoke in support of the Animal Shelter; spoke on disaster preparedness; and clarified that the City is opposed to the needle exchange program.

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

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

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.

5. CONTRACT AMENDMENTS FOR TEMPORARY ANIMAL SHELTER AND ADOPTION SERVICES

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

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 (00:51:06)**

Public Comment:

Speaker, spoke on no invoice for Jones and Mayer. (00:51:18)

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
(00:52:29)**

Tom Duarte, City Attorney, presented the staff report. (00:52:31)

Public Comments:

Speaker, spoke in favor of the agreement. (00:52:54)

Speaker, spoke in favor of the agreement. (00:55:23)

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.

Discussion ensued on the request for continuance on Public Hearing #3, Active Transportation Plan. (00:59:05)

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

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT (01:02:22)

Dan Baker, Assistant to the City Manager, presented the staff report. (01:02:38)

Paulette Lombardi-Fries, President of the Costa Mesa Conference and Visitor Bureau, showed a video on Travel Costa Mesa. (01:04:02)

Public Comments:

Speaker, spoke on eating and exercising. (01:16:49)

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 (01:17:44)**

Sheri Vander Dussen, Consultant, and Scott Porter, Deputy Attorney with Jones and Mayer, presented the staff report. (01:17:44)

Public Hearing opened:

Keith and Jill Randle, owners of Summit Coastal Living, spoke on their application. (01:25:15)

Speaker, spoke against the Conditional Use Permit (CUP). (01:47:56)

Dale Darling, Costa Mesa, spoke against the CUP. (01:49:46)

Speaker, spoke in support of the CUP. (01:52:09)

Rob Bullion, Costa Mesa, spoke against the CUP. (01:53:19)

Speaker, spoke against the CUP. (01:56:53)

Speaker, spoke against the CUP. (01:59:09)

Speaker, spoke against the CUP. (02:00:44)

Bob Graham, Costa Mesa, spoke against the CUP. (02:01:54)

Speaker, spoke against the CUP. (02:02:56)

Robin Leffler, Costa Mesa, spoke against the CUP. (02:04:36)

Speaker, spoke in support of the CUP. (02:07:10)

Sally Hanson, Costa Mesa, spoke against the CUP. (02:08:12)

Speaker, spoke against the CUP. (02:10:50)

Carol Kogel, spoke against the CUP. (02:13:37)

Mr. Randle spoke and addressed the comments by the public speakers. (02:16:40)

Public Hearing closed.

Council Member Stephens spoke on the number of Sober Living Homes in the City. (02:29:05)

Council Member Righeimer spoke on the Ordinance and the law. (02:29:35)

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.

Council Member Righeimer spoke on the motion. (02:32:50)

Mayor Genis spoke in support of the motion. (02:33:33)

Council Member Foley spoke on the number of approved Sober Living Homes. (02:37:35)

Mayor Pro Tem Mansoor spoke in support of the motion. (02:38:49)

Council Member Stephens spoke in support of the motion. (02:39:05)

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. (02:39:50)

City Council reconvened at 8:51 p.m. (02:51:04)

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 (02:51:16)**

Mino Ashabi, Principal Planner, Raja Sethuraman, Public Services Director and Jennifer Rosales, Transportation Manager, presented the staff report. (02:51:16)

Cynthia McDonald, Chair of the Bikeway and Walkability Committee, spoke on the Active Transportation Plan. (03:01:58)

Mayor Genis clarified that the proposed plan does not include the bike trail behind the residences on Tanager and the connection from Canary Drive. (03:06:01)

Discussion ensued on compliance with Measure AA; bike sharing; and a permit program. (03:06:01)

Mayor Pro Tem Mansoor spoke on the concerns by the committee members. (03:06:01)

Council Member Foley spoke on the concerns by the committee members. (03:14:34)

Mr. Sethuraman spoke on the Paularino Channel Trail. (03:15:58)

Discussion ensued on bike lockers; achieving Silver Level Bicycle Friendly Community; and policy vs. recommendation. (03:18:17)

Public Hearing opened:

Lisa Chavaya, Costa Mesa, spoke against the Paularino Channel Trail. (03:24:17)

Terry Koken, Costa Mesa, spoke on removing items in the Active Transportation Plan (ATP). (03:27:07)

Mike Chun, Costa Mesa, spoke against the ATP. (03:30:45)

Cindy Black, Costa Mesa, spoke against the addendum to the EIR. (03:34:52)

Mr. Sethuraman spoke on removing the 19th Street project from the ATP. (03:38:22)

Liz McCormick, Costa Mesa, spoke on the committee process; and spoke against the ATP. (03:39:43)

Speaker, spoke against the Paularino Channel Trail. (03:42:26)

James Peterson, Costa Mesa, spoke on residents not receiving notifications for meetings. (03:45:40)

Richard Mehren, Costa Mesa, spoke on the Fairview Park Steering Committee bringing the Fairview Park Master Plan in conformity with Measure AA. (03:46:16)

Robin Leffler, Costa Mesa, spoke on Tanager, Swan and Canary Drives. (03:48:03)

Bill Burke, Costa Mesa, spoke on the Bikeway and Walkability Committee; and spoke against the ATP. (03:50:17)

Jack Ross, Costa Mesa, spoke against the ATP. (03:53:28)

Speaker, spoke against the Paularino bike trail. (03:57:24)

Ralph Taboada, Costa Mesa, spoke in support of the ATP. (03:57:24)

Public Hearing closed.

Discussion ensued on the Paularino Channel Trail; and Measure AA.

Council Member Righeimer spoke on the issue. (04:02:08)

Mr. Sethuraman spoke on specifying buffers and wall features. (04:11:35)

Council Member Foley spoke on the issue. (04:14:00)

Council Member Stephens spoke on the issue. (04:18:30)

MOVED/SECOND: Council Member Foley/Council Member Stephens (04:20:12)

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

ACTION:

1. City Council approved the addendum to the 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

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS - NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

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

Minutes adopted on this 3rd day of July, 2018.



Sandra L. Genis, Mayor

ATTEST:



Brenda Green, City Clerk