

**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, APRIL 3, 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 4:01 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

FOR INFORMATIONAL PURPOSES ONLY

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

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.

FOR INFORMATIONAL PURPOSES ONLY

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – NONE

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

CONSENT CALENDAR:

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

FOR INFORMATIONAL PURPOSES ONLY

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**
Finance Department

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.

FOR INFORMATIONAL PURPOSES ONLY

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

Development Services Department/Planning Division

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
Development Services Department/Planning Division

MOVED/SECOND: Mayor Genis/Council Member Righeimer

SUBSTITUTE 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.

FOR INFORMATIONAL PURPOSES ONLY

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

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

FOR INFORMATIONAL PURPOSES ONLY

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:

THIS ITEM 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**

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor adjourned the meeting at 11:18 p.m. in memory of Coach Jeff Hirsch.