

**ACTION REPORT  
CITY OF COSTA MESA  
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY  
TO THE REDEVELOPMENT AGENCY\* MEETING**

\*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**\*AMENDED-CLOSED SESSION #11 ADDED**

**TUESDAY, APRIL 2, 2019**

**COSTA MESA SENIOR CENTER**

**695 W. 19<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA**

**CLOSED SESSION – 4:00 P.M. (ROOM 102)**

**REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

**KATRINA FOLEY**  
Mayor

**MANUEL CHAVEZ**  
Council Member

**JOHN B. STEPHENS**  
Mayor Pro Tem

**ANDREA MARR**  
Council Member

**ARLIS REYNOLDS**  
Council Member

**ALLAN R. MANSOOR**  
Council Member

**SANDRA L. GENIS**  
Council Member

City Attorney  
**Kimberly Hall Barlow**

Acting City Manager  
**Tamara S. Letourneau**

**CALL TO ORDER**

The Closed Session was called to order by Mayor Foley at 4:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19<sup>th</sup> Street, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

The City Council recessed to Room 102 at 4:05 p.m. for Closed Session to consider the following items:

**1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
INITIATION OF LITIGATION – ELEVEN POTENTIAL CASES**

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: City of Costa Mesa v. Clean Path Recovery, LLC, a California limited liability company; Lee Heligman, an individual; Lucy Lee Holdings, LLC, a California limited liability company; Pomona Associates CM, LLC, a California limited liability company, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01015745-CU-OR-CJC.

**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Casa Capri, LLC, a California limited liability corporation; Casa Capri Recovery Center, LLC, a California limited liability corporation; Irani Zackary, an individual; Timothy Carr, an individual; Melissa Holmes Goodmon, an individual; Jeremy Broderick, an individual, Superior Court of the State of California, County of Orange, Central Justice Center, Case No. 30-2018-01006156-CU-OR-CJC.

**4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. Ohio House, LLC, a California limited liability corporation; Richard Perlin, Nancy Perlin, Dolores Perlin, and Brandon Stump as individuals, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01006173-CU-OR-NJC.

**5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: City of Costa Mesa v. SoCal Recovery, Inc., a California corporation; Darryl Shinder, an individual; Kenneth Norwood, an individual; Ian Grimley, an individual, Superior Court of the State of California, County of Orange, North Justice Center, Case No. 30-2018-01022764-CU-OR-NJC.

**6. 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.

**7. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: National Therapeutic Services, Inc. dba Northbound Treatment Services, a Nevada corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01080-JVS-AGR.

**8. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Pacific Shores, LLC, a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01170 JVS-PJW.

**9. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: SoCal Recovery, LLC, a California limited liability company v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01304-JVS-PJW.

**10. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Summit Coastal Living, Inc., a California corporation v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:18-cv-01369-JVS-PJW.

**11. 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.

The City Council reconvened at 6:00 p.m.

**CALL TO ORDER**

The meeting was called to order by Mayor Foley at 6:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19<sup>th</sup> Street, Costa Mesa, California.

**ROLL CALL**

Present: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Absent: None

**CITY ATTORNEY CLOSED SESSION REPORT** – Ms. Barlow stated there were no reportable actions taken in Closed Session but direction was given to staff.

**REPORT – CITY MANAGER** – Ms. Letourneau provided an update on the Council Chambers remodel; spoke on a photo contest by the Parks and Community Services department; and Mr. Martin spoke on the challenges of growing grass in the dog park.

**REPORT – CITY ATTORNEY** – Ms. Barlow spoke on the Emergency Appeal filed on behalf of the Orange County Needle Exchange program and the Court dismissing the petition.

**CONSENT CALENDAR:**

**MOVED/SECOND:** Council Member Genis/Council Member Chavez

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for 3, 4, 6, 8 and 10.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

- 1. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

**ACTION:**

City Council and Agency Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER -** Claims received by the City Clerk: Luke Thomas Fangel, Marie Grecco, Kenneth Jackson, Nancy Marcus, Eric McVey, George Tfaye and Albert

**ACTION:**

City Council received and filed.

- 5. SECOND READING OF AN ORDINANCE DELETING TIME LIMITS FOR CERTAIN TEMPORARY SIGNS PERMITTED IN RESIDENTIAL ZONES**

**ACTION:**

City Council gave second reading by title only, and adopted Ordinance No. 19-08 (Code Amendment CO-18-05), amending Title 13 of the Costa Mesa Municipal Code related to time periods for placement and display of non-commercial portable signs on private residentially-zoned properties.

**7. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

**ACTION:**

City Council adopted Resolution No. 19-13, adopting a list of projects for Fiscal Year (FY) 2019-20 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

**9. HYLAND AVENUE AT MACARTHUR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 19-01**

**ACTION:**

City Council adopted plans, specifications, and working details for Hyland Avenue at MacArthur Boulevard Intersection Improvements, City Project No. 19-01; and

1. Awarded a construction contract to Black Rock Construction Company, 929 Mariner Street, Brea, CA, 92821, in the amount of \$370,500.00; and
2. Authorized the Acting City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorized the Acting City Manager to execute future contract amendments within Council authorized limits; and
3. Authorized an additional ten percent (10%) contingency totaling \$37,050.00 as needed for unforeseen costs; and
4. Approved a budget adjustment recognizing \$405,734.00 in Measure M2 grant funds and appropriating a total of \$507,167.00 to the Hyland Avenue at MacArthur Boulevard Intersection Improvements Project; \$405,734.00 in Measure M2 grant funds and \$101,433.00 from unassigned fund balance in the Traffic Impact Fees Fund; and
5. Authorized the City Manager to accept the work when completed and authorized the City Clerk to file the Notice of Completion upon such acceptance; authorized release of the retention monies 35 days after the Notice of Completion is filed; authorized release of the Labor and Material Bond one year after the Notice of Completion is filed; and authorized release of the Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

**ITEMS PULLED FROM THE CONSENT CALENDAR:**

- 3. WARRANT RESOLUTION NO. 2616 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL 19-06 FOR \$2,584,031.95 AND CITY OPERATING EXPENSES FOR \$3,789,087.79; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**MOVED/SECOND:** Council Member Marr/Council Member Reynolds

**MOTION:** Approve Warrant Resolution No. 2616.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

**ACTION:**

City Council approved Warrant Resolution No. 2616.

- 4. SECOND READING OF ORDINANCES INCREASING THE NUMBER OF MEMBERS OF THE PLANNING AND PARKS AND RECREATION COMMISSIONS, RENAMING THE PARKS AND RECREATION COMMISSION, AND DISSOLVING THE SENIOR COMMISSION**

**MOVED/SECOND:** Council Member Chavez/Council Member Reynolds

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

**ACTION:**

1. City Council gave second reading by title only, and adopted Ordinance No. 19-05 of the City Council of the City of Costa Mesa, California, amending Section 13-10 (Planning Commission) of Article 3 (Review Authorities) of Chapter I (In General) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code; and
2. Changed the terms of Planning Commissioners currently residing in Districts 1 and 2, to expire in January 2021; and

3. Gave second reading by title only, and adopted Ordinance No. 19-06 of the City Council of the City of Costa Mesa, California, amending Chapter III (Parks and Recreation Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code; and
4. Gave second reading by title only, and adopted Ordinance No. 19-07 of the City Council of the City of Costa Mesa, California, dissolving the Senior Commission and repealing Chapter IV (Senior Commission) of Title 12 (Parks and Recreation) of the Costa Mesa Municipal Code.

**6. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2019 REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds

**MOTION:** Designate Council Member Marr as the delegate for the upcoming 2019 Annual Southern California Association of Governments (SCAG) Regional Conference & General Assembly.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

**ACTION:**

City Council designated Council Member Marr as the delegate for the upcoming 2019 Annual Southern California Association of Governments (SCAG) Regional Conference & General Assembly.

**8. JOHN WAYNE AIRPORT GENERAL AVIATION IMPROVEMENT PROGRAM DRAFT ENVIRONMENTAL IMPACT REPORT**

**MOVED/SECOND:** Mayor Foley/Mayor Pro Tem Stephens

**MOTION:** Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

**ACTION:**

- a) City Council determined this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Authorized the Mayor to send a letter to the Orange County Board of Supervisors requesting the Supervisors to adopt Alternative 3, which is described as follows per the draft Environmental Impact Report for the John Wayne Airport (JWA) General Aviation Improvement to correct non-standard conditions:
  - Relocate the Vehicle Service Road (also known as Perimeter Road) along Taxiway A to comply with FAA clearance standard dimensions for Group V aircraft
  - Remove obstructions (two community hangars from the Full Service Southeast FBO) to comply with FAA height restrictions
  - Remove 31 transient aircraft apron parking spaces from within the extended object-free area (“OFA”) in the approach to Runway 2L

**10. ADOPTING PRIORITIES FOR 2019-20**

**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Reynolds

**MOTION:** Adopt Resolution No. 19-12, adopting the City Council Goals and Priorities for 2019 with certain changes to the Goals and Priorities.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Mansoor

Absent: None

Motion carried: 6-1

**ACTION:**

City Council adopted Resolution No. 19-12, adopting the City Council Goals and Priorities for 2019 with certain changes to the Goals and Priorities.

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

City Council recessed into a break at 8:45 p.m.

City Council reconvened at 9:02 p.m.



**MOVED/SECOND:** Mayor Pro Tem Stephens/Council Member Genis  
**MOTION:** Consider New Business Item Number 1 prior to Public Hearing.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

**ACTION:**

City Council agreed to consider New Business Item Number 1 prior to Public Hearing.

**NEW BUSINESS:**

1. **AN AMENDMENT TO THE SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES REFERENCED IN COSTA MESA MUNICIPAL CODE SECTION 19-15**

**MOVED/SECOND:** Council Member Marr/Council Member Genis

**MOTION:** Adopt Resolution No. 19-14 amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with certain changes to the resolution.

The motion carried by the following roll call vote:

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

Nays: Council Member Chavez and Council Member Reynolds.

Absent: None

Motion carried: 5-2

**ACTION:**

City Council adopted Resolution No. 19-14, amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133 with certain changes to the resolution.

City Council recessed into a break at 10:27 p.m.

City Council reconvened at 10:35 p.m.

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

- 1. INTRODUCTION AND ADOPTION OF URGENCY ORDINANCE NO. 19-XX AND INTRODUCTION OF REGULAR ORDINANCE NO. 19-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 10-194 (SLEEPING IN MOTOR VEHICLES PROHIBITED) OF CHAPTER X (STOPPING, STANDING AND PARKING GENERALLY) OF TITLE 10 (MOTOR VEHICLES AND TRAFFIC), RELATING TO PROHIBITIONS AGAINST SLEEPING IN VEHICLES**

**INTRODUCTION AND ADOPTION OF URGENCY ORDINANCE NO. 19-XX AND INTRODUCTION OF REGULAR ORDINANCE NO. 19-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTIONS 11-302 (DEFINITIONS) AND 11-304 (CAMPING IN PUBLIC AREAS PROHIBITED) OF CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES- MISCELLANEOUS), RELATING TO PROHIBITIONS AGAINST CAMPING IN PUBLIC AREAS**

**MOVED/SECOND:** Council Member Marr/Mayor Pro Tem Stephens

**MOTION:** Approve recommended actions with certain changes to the Ordinances.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

**ACTION:**

1. City Council found that adoption of each of these ordinances is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21065, and that each is exempt from the provisions of CEQA pursuant to CEQA Guidelines (14 Cal. Code. Regs. § 15000, et seq.) Sections 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) and 15321 (enforcement actions by regulatory agencies), such that no environmental review under CEQA is required; and
2. Introduced and adopted as Urgency Ordinance No. 19-09 with certain changes, Amending Section 10-194 (Sleeping in Motor Vehicles Prohibited) of Chapter X (Stopping, Standing and Parking Generally) Of Title 10 (Motor Vehicles and Traffic), Relating to Prohibitions Against Sleeping in Vehicles; and

3. Introduced for first reading, by title only, Ordinance No. 19-10 with certain changes, Amending Section 10-194 (Sleeping in Motor Vehicles Prohibited) of Chapter X (Stopping, Standing and Parking Generally) of Title 10 (Motor Vehicles and Traffic), Relating to Prohibitions Against Sleeping in Vehicles; and
4. Introduced and adopted Urgency Ordinance No. 19-11 with certain changes, Amending Sections 11-302 (Definitions) and 11-304 (Camping in public areas prohibited-Penalties) of Chapter XIV (Camping and Storage of Personal Property in Public Areas) of Title 11 (Offenses-Miscellaneous), Relating to Prohibitions Against Camping in Public Areas;
5. Introduced for first reading, by title only, Ordinance No. 19-12 with certain changes, Amending Section 11-302 (Definitions) and 11-304 (Camping in public areas prohibited-Penalties) of Chapter XIV (Camping and Storage of Personal Property in Public Areas) of Title 11 (Offenses-Miscellaneous), Relating to Prohibitions Against Camping in Public Areas.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**2. ADOPT POSITION STATEMENTS, REQUESTS, AND CONCERNS ON VARIOUS BILLS PENDING BEFORE THE STATE LEGISLATURE**

**MOVED/SECOND:** Council Member Marr/Council Member Reynolds

**MOTION:** Continue the item to the April 16, 2019 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Chavez

Absent: None

Motion carried: 6-1

**ACTION:**

City Council continued the item to the April 16, 2019 City Council meeting.

**ADJOURNMENT** - The Mayor adjourned the meeting at 11:45 p.m.