

# **AGENDA**

## **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, FEBRUARY 6, 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**

**Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):**

[Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible on the city's website at \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

**Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.**

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714) 754-5225 or e-mail [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

## WELCOME TO THE CITY COUNCIL MEETING

### **PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – CONSENT CALENDAR:**

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other material for copying and distribution to the City Council that is 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting **AFTER 3:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 3:00 p.m.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov).
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

**CLOSED SESSION – 4:00 P.M.**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENTS** - Members of the public are welcome to address the City Council only on those items on the Closed Session agenda. Each member of the public will be given a total of three minutes to speak on all items on the Closed Session agenda.

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Manager

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Attorney

**3. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

**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. Morningside Recovery, LLC, Orange  
County Superior Court of California, Case No. 30-2018-00964593-CU-OR-CJC.

**5. 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.

**6. 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.

**7. 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 for the  
Central District of California – Southern Division, Case No. 8:18-cv-00155.

**The City Council and Successor Agency to the Redevelopment Agency will recess to  
Conference Room 5A for Closed Session at the conclusion of public comments.**

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

**TUESDAY, FEBRUARY 6, 2018 – 6:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Pro Tem Mansoor

**MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Pastor Rod Randall, Harbor Trinity Baptist Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

**ANNOUNCEMENTS:** There's always something happening in Costa Mesa!

The Mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

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## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

*(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)*

1. Mayor Pro Tem Mansoor
2. Council Member Foley
3. Mayor Genis
4. Council Member Stephens
5. Council Member Righeimer

### **CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

1. **READING FOLDER** - Claims received by the City Clerk: Jennifer Lilley and Michael Anthony McDonough.

#### RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2591 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-26 "A" FOR \\$8,212.60 AND 18-01 FOR \\$2,575,467.01; AND CITY OPERATING EXPENSES FOR \\$3,109,663.83; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

#### RECOMMENDATION:

City Council approve Warrant Resolution No. 2591.

3. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JANUARY 2, 2018 AND JANUARY 16, 2018](#) - City Manager's Office/City Clerk Division

#### RECOMMENDATION:

City Council approve the minutes of January 2, 2018 and January 16, 2018.

4. **REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON TRINITY DRIVE BETWEEN PAULARINO AVENUE AND YELLOWSTONE DRIVE** - Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council adopt Resolution No. 18-xx, approving the implementation of a “**Resident Only**” parking restriction on Trinity Drive between Paularino Avenue and Yellowstone Drive; and
2. Authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed.

5. **COSTA MESA SENIOR CENTER ADA RESTROOM IMPROVEMENTS (CDBG) CITY PROJECT NO. 17-18** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Costa Mesa Senior Center ADA Restroom Improvements Project, City Project No. 17-18, funded by the Community Development Block Grant (CDBG) program; and
2. Reject the bid submitted by KG Axis, Inc., 21 Gramercy Unit 221, Irvine, California 92612; and
3. Reject the bid submitted by Glowex Builders, 324 South Beverly Drive, Beverly Hills, California 90212; and
4. Award a construction contract to R Dependable Const. Inc., 1019 W. 3<sup>rd</sup> Street, Suite B, San Bernardino, California 92410, in the amount of \$189,000.00; and
5. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

6. **NOTICE OF INTENT FOR THE VACATION OF LANDSCAPE EASEMENT AT 1585 MACARTHUR BOULEVARD, 3530 HYLAND AVENUE AND 1580-1590 SCENIC AVENUE** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on March 6, 2018, for the vacation of a portion of a Landscape Easement at 1585 MacArthur Boulevard, 3530 Hyland Avenue and 1580-1590 Scenic Avenue; and
2. Adopt Resolution of intent to vacate Landscape Easement.

7. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00086 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17781 LOCATED AT 2026 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize the release of the Performance and Labor and Material Bonds (Certificate No. 802522S) in the amounts of \$50,040.00 each for street improvements, and (Certificate No. 802523S) for setting corner survey monuments in the amount of \$1,500.00 to Richmond American Homes of Maryland, Inc., (Developer), 5171 California Avenue, Suite 120, Irvine, California 92617.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

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

1. PLANNING APPLICATION PA-15-22 FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A EVENT CENTER/BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR ACTIVITY SPACE AND DEVIATION FROM PARKING REQUIREMENTS FOR OFF-SITE SHARED PARKING WITH 2991 RANDOLPH AVENUE AND 765 ST. CLAIR STREET FOR A PROPOSED PROJECT AT 2955 RANDOLPH AVENUE SUITE B - Development Services Department/Planning Division

RECOMMENDATION:

The City Council should either uphold, uphold with revisions or reverse the Planning Commission's decision to approve a Conditional Use Permit for the renovation of a 2,300-square-foot tenant space within a single-story industrial building at 2955 Randolph Avenue for an event venue (Alleylujah). The request includes the following:

1. Conditional use permit for:
  - a) operation of an event center/ banquet facility
  - b) valet parking at 2955 and 2991 Randolph Avenue and 765 St. Clair
2. Minor conditional use permit for:
  - a) an outdoor relief area for the event center
  - b) shared parking at 765 St. Clair Street and 2991 Randolph Avenue.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

1. [\*\*WORK PLAN FOR SMALL LOT & OVERLAY ZONES\*\*](#)  
Development Services Department/Planning Division

RECOMMENDATION:

City Council approve the Work Plan for Residential Small Lot Subdivisions and Urban Plan/Overlay Districts. The Planning Commission recommended the City Council adopt Alternative 1, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards and then proceed with the Urban Plan/Overlay District work plan.

2. [\*\*RESOLUTION SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES \(SOBER LIVING HOMES\)\*\*](#) – Office of the City Council

RECOMMENDATION:

Council Member Katrina Foley requests formal City Council consideration to adopt the resolution that supports local authority to certify and regulate residential recovery facilities (Sober Living Homes).

3. [\*\*PROVIDE DIRECTION TO STAFF REGARDING THE PREPARATION OF A DETAILED STAFF REPORT REGARDING THE POSITION OF THE CITY ATTORNEY\*\*](#) – Office of the City Council

RECOMMENDATION:

Council Member John Stephens requested that an item be placed on the agenda to discuss the position of the City Attorney and explore options for filling that position. Staff recommends that the City Council provide direction to staff on the preparation of a detailed staff report regarding the City Attorney position.

4. [\*\*PILOT PROGRAM FOR PORTABLE RESTROOMS\*\*](#) – Office of the City Council

RECOMMENDATION:

Council Member John Stephens is requesting the City Council consider a partnership with the Costa Mesa Sanitary District (CMSD) to implement a six-month pilot mobile restroom program for the homeless population and appropriate \$21,500 for the pilot program via the City's contingency fund.

5. **AIRPORT ISSUES CONCERNING JOHN WAYNE AND LONG BEACH AIRPORTS** - Development Services Department/Planning Division

RECOMMENDATION:

City Council direct staff to do any or all of the following:

1. Continue to monitor the airport noise issues and explore/implement public feedback portals on the City's Website;
2. Send the letter to Jetblue;
3. Seek a contract with a consultant to represent the City for noise issues and contracts;
4. Seek a proposal for a preliminary aircraft noise study;
5. Explore the possibility of creating an Airport Noise Issues Committee.

6. **CANDIDATE FORUMS** – City Manager's Office

RECOMMENDATION:

City Council provide direction regarding City staff's participation in videotaping of candidate forums and the inclusion of such forums on the City's cable television channel (CMTV3) and website.

**ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**ADJOURNMENT**

**UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

Saturday, February 3 through Sunday, February 4, 2018 – **Great Train Show**, 10 a.m.- 4p.m., OC Fair and Event Center, 88 Fair Dr. The nation's only coast-to-coast model train show will feature over 300 tables of trains for sale, exhibitors from across the country, 20 huge operating model train displays, bounce houses for kids and more. For more information, please visit: [trainshow.com/costamesa](http://trainshow.com/costamesa)

Monday, February 5, 2018 – **Fall Prevention**, 9:30-10:30 a.m. Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. An interactive presentation and workshop designed to educate attendees on fall prevention, risks and recovery methods. For more information, please call: 714-327-7550.

Tuesday, February 6, 2018 – **OCC-CMCC Joint Breakfast Learning Series**, 8-10 a.m. Orange Coast College Ronnenberg Center 101, 2701 Fairview Rd. This is the first session in a series, [Emergency Preparedness "Grab & Go" Binder, with Cloud Back Up!](#) For more information, please call: 714-432-5880.

Wednesday, February 7, 2018 – **Tenant Rights Workshop**, 2-4 p.m., Balearic Community Center – Sierra Room, 1975 Balearic Drive, Costa Mesa. Attendees will learn about protection under fair housing laws, what their rights and responsibilities as tenants are, and how to deal with tenant-landlord disputes. For more information or to RSVP for the Tenant Rights Workshop, call 1-800-446-FAIR.

Thursday, February 8, 2018 – **Battle of the Bottles Texas Hold'em Tournament**, 6-9:30 p.m. Coleman's Cardroom, Net Development, 3130 Airway Drive, Costa Mesa. \$100.00 buy-in plus \$50 + value bottle of spirits or wine brought to event. \$25.00 all non-playing guest or spectators. Bunco and Raffle Prizes also. For more information, please contact Eileen Benjamin at 714-885-9095.

Monday, February 12, 2018 – **Movie Monday, Beauty and the Beast**, 12:45 p.m. A live action version of the Disney adapted animated feature. Popcorn will be provided. For more information, please call: 714-327-7550.

Wednesday, February 14, 2018 – **Monthly Networking Luncheon**, 11:30 a.m.- 1 p.m. Karl Strauss Brewery, 901 A South Coast Dr. Meet new friends, share your business story, find out about what's happening around the community and make business contacts. For more information, please call: 714-885-9093.

Thursday, February 15 through Sunday, February 18, 2018 – The Shrek Musical, Robert B. Wentz Theatre, Newport Harbor High School, 600 Irvine Ave. For more information, please call: 949-515-6537.

Thursday, February 15, 2018 – **Monthly Luncheon Series, Homelessness and Your Business**, 11:30 a.m. - 1 p.m. Learn about the business perspective on homelessness. Learn what does not work, what can work, and what you can do. For more information, please visit: [www.costamesachamber.com](http://www.costamesachamber.com)

Friday, February 16 through Sunday, February 18, 2018 – **UVSA Tet Festival**, OC Fair and Event Center, 88 Fair Dr. Celebrate the Lunar New Year at the 37th annual UVSA Tet Festival. With more than 150 exhibitors, delicious ethnic foods, cultural displays, live entertainment, and carnival rides and attractions. For more information, please visit: [tetfestival.org](http://tetfestival.org).

Friday, February 16, 2018 – **Express Yourself**, 4:30 - 6:30 p.m., DRC 1860 Anaheim Ave. Teens are invited to join the teen program for a fun art event that gives you the freedom to express yourself in print making. For more information, please contact: 714-327-7652.