

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, 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

[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.

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.
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. 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 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, APRIL 3, 2018 – 6:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Righeimer

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 Jim Turrell, The Center for Spiritual Living Newport Mesa, 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.

PRESENTATIONS:

1. Mayor's Award – Mr. Kim Pederson

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

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: Jessica DeTemple, Sumiko Maehara, Masae Matsunaga, and Akemi Miyake.

RECOMMENDATION:

City Council receive and file.

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

RECOMMENDATION:

City Council approve Warrant Resolution No. 2595.

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

RECOMMENDATION:

City Council approve the minutes of March 6, 2018.

4. **BEAR STREET TRAFFIC SIGNAL SYNCHRONIZATION PROJECT**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council award 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. Authorize the City Manager to execute the Professional Services Agreement, and future amendments to the agreement; and
3. Approve the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana for the Bear Street Traffic Signal Synchronization Project and authorize the City Manager to execute the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana; and
4. Approve Budget Adjustment No. 18-016 in the amount of \$605,253; and
5. Approve 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

RECOMMENDATION:

1. City Council approve 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. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement; and
3. Approve the Cooperative Agreement between the City of Costa Mesa and the City of Santa Ana for the Fairview Road Traffic Signal Synchronization Project; and authorize the City Manager and the City Clerk to execute the Agreement.

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

RECOMMENDATION:

City Council adopt Resolution No. 18-xx, overturning the decision of the Planning Commission and approving the language of the resolution of approval for CUP PA-16-04.

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

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

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

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission’s decision to approve the following:

Planning Application PA-17-28 is a:

1. Request for a Master Plan for a mixed-use development (The Plant). The project consists of renovating four existing commercial buildings (currently containing the Car Mart and the former Plant Stand) totaling 20,340 square feet for retail, restaurant, and food stall uses surrounding a central courtyard area. The proposed new buildings consist of a 540-square-foot greenhouse structure and a four-story mixed use building with 48 residential units, six live/work units, and 5,500 square feet of workshop/maker office space above a two-level parking structure containing 180 parking spaces. Thirty on-site surface parking spaces and an additional 32 parking spaces off of Century Place are also proposed, for a total of 242 onsite parking spaces.

The Planning Commission’s approval was called up for review by Councilmember Righeimer.

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](#)

Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading to and adopt Ordinance 18-04 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

Adopt Resolution No. 18-xx, 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.

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

RECOMMENDATION:

City Council give second reading to and adopt Ordinance 18-05 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:

1. [CONSIDER ADOPTION OF A RESOLUTION SEEKING CALIFORNIA STATE LEGISLATIVE SUPPORT TO REGULATE RESIDENTIAL RECOVERY FACILITIES \(SOBER LIVING HOMES\)](#) - City Manager's Office/Administration

RECOMMENDATION:

Mayor Pro Tem Mansoor requests formal City Council consideration to adopt the resolution that requests support from the State of California to provide the necessary regulatory tools to ensure local jurisdictions have adequate means to bring balance between neighborhoods and the placement of residential recovery facilities (Sober Living Homes).

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, April 4, 2018 – **Citizen's Fire Academy**, 6:30-9 p.m. Pre-registration is required. This includes a seven-week Wednesday evening from 6:30-9 p.m. and one Saturday morning, for eight sessions total. Pre-register online at the city's website or call 714-327-7400.

Thursday, April 5, 2018 – **Future Eagles Night Out**, 6:30-8:15 p.m., Estancia High School Main Gym, 2323 Placentia Ave. Incoming 9th graders and families are invited to learn about Estancia, meet teachers, counselors and coaches, take a guided campus tour and view presentation. For more information, please visit: <http://estancia.nmusd.us/>

Thursday, April 5, 2018 – **Arts and Culture Master Plan Public Outreach Session**, 6 p.m. Kaiser Elementary school MPR, 2130 Santa Ana Ave. Help the City of Costa Mesa plan for the future of arts and culture in the community. Several public outreach sessions taking place the next couple of weeks. For questions or to RSVP, please call 714-754-5300.

Friday, April 6, 2018 - **Arts and Culture Master Plan Public Outreach Session**, 1-5 p.m., City Hall, Conference Room 1A, 77 Fair Dr. Help the City of Costa Mesa plan for the future of arts and culture in the community. Several public outreach sessions taking place the next couple of weeks. For questions or to RSVP, please call 714-754-5300.

Saturday, April 7, 2018 - **Arts and Culture Master Plan Public Outreach Session**, 10 a.m., Senior Center, 695 W. 19th St. Help the City of Costa Mesa plan for the future of arts and culture in the community. Several public outreach sessions taking place the next couple of weeks. For questions or to RSVP, please call 714-754-5300.

Sunday, April 8, 2018 – **Van Gogh's Untold Journey**, 4 p.m., Inspired Art Wine, 1500 Adams Ave. Meet author William Havlicek as he shares his book Van Gogh's Untold Journey. A reception to follow presentation. RSVP to Bob Ooten, 714-545-9613.

Thursday, April 12 and Thursday, April 26, 2018 – **Healthy Communication and Limit Setting**, NMUSD – Education Center, 2985 Bear St. Open to all NMUSD families, April 12 presentation is from 9-11 a.m., and April 26 event is from 6-8 p.m. For more information, please call 714-424-5058.

Friday, April 13 – Sunday, April 15, 2018 – **Imaginology**, OC Fair & Event Center. Set a course for full STEAM ahead to OC Fair's Imaginology, where science, technology, engineering, art and math come alive in the most fun and exciting ways. www.ocfair.com/imaginology

Saturday, April 14, 2018 – **Teens Give Back**, 8 -11 a.m., Fairview Park, 2525 Placentia Ave. Parks and Community Services department presents an opportunity for kids to earn community service hours. This free event is for grades 7-12. For more information, please call 714- 327-7562.

Friday, April 20 through Sunday, April 22, 2018 – **Spring CERT Training**, Friday evening 6-10 p.m., Saturday and Sunday, 8:30 a.m.- 4:30 p.m. For more information and to reserve your spot, please contact Brenda Emrick at 714-327-7406.

Saturday, April 21, 2018 – **Tour De OC 2018**. Help abused and neglected children. For more information and to register for the event, please visit: www.tourdeoc.org.

Saturday, April 28, 2018 – **Love Costa Mesa Day**, 8 a.m. Newport Mesa Church parking lot, 2599 Newport Blvd. City wide serve day bringing people, businesses and churches in the community together with city, school district and non-profits. For more information, please visit: <https://www.lovecostamesa.org/>