AMENDED AGENDA*
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.”

TUESDAY, APRIL 2, 2019
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
*AMENDED-CLOSED SESSION #11 ADDED
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
Kimberly Hall Barlow
City Attorney
Tamara S. Letourneau
Acting City Manager

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 Packages will be made available for public inspection. Binders containing these agenda-related documents are located in the back of Grand Hall 1. In addition, such documents may be posted—whenever possible on the city’s website at www.costamesaca.gov or by clicking here.

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 materials for copying and distribution to the City Council that are 10 pages or less, must be submitted to the City Clerk NO LATER THAN 12:00 P.M. Materials can be e-mailed to cityclerk@costamesaca.gov or provided on a flash drive. If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting AFTER 12:00 p.m., 10 copies will need to be provided for distribution. Please note that NO copies of written communication will be made AFTER 12:00 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 30 MINUTES PRIOR TO THE START OF THE MEETING. Please note that there is not an overhead projector available for this meeting.

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 Grand Hall 1 to conduct a phone conversation.

3. Free Wi-Fi is available in Grand Hall 1 during the meetings. The username is SCWIFI and the password is l@cmsc99.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside Grand Hall 1 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 - Grand Hall 1 then will recess to Room 102

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 – 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 and Successor Agency to the Redevelopment Agency will
recess to Room 102 for Closed Session at the conclusion of public comments.
CALL TO ORDER

NATIONAL ANTHEM Mariners Middle School

PLEDGE OF ALLEGIANCE

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 Sarah Heath, First United Methodist Church of Costa Mesa

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

PRESENTATIONS:

1. Boys and Girls Club Presentation

2. Animal Services Committee Annual Report

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 Chavez
2. Council Member Marr
3. Council Member Mansoor
4. Council Member Genis
5. Council Member Reynolds
6. Mayor Pro Tem Stephens
7. Mayor Foley

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

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. 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

RECOMMENDATION:

City Council and Agency Board waive 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 Mardikian, and Stewart Waithanji.

RECOMMENDATION:

City Council receive and file.
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** - Finance Department

RECOMMENDATION:

City Council approve 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** – City Clerk’s Office

RECOMMENDATION:

Staff recommends that the City Council:

1. Give second reading by title only, and adopt 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. Change the terms of Planning Commissioners currently residing in Districts 1 and 2, to expire in January 2021; and

3. Give second reading by title only, and adopt 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. Give second reading by title only, and adopt 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.

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

Development Services Department/Planning Division

RECOMMENDATION:

City Council give second reading by title only, and adopt 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.
6. **DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2019 REGIONAL CONFERENCE AND GENERAL ASSEMBLY** – City Manager’s Office

RECOMMENDATION:

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

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** - Public Services Department/Engineering Division

RECOMMENDATION:

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

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

Development Services Department/Planning Division

RECOMMENDATION:

Staff recommends that the City Council:

a) Determine 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) Authorize 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
9. **HYLAND AVENUE AT MACARTHUR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 19-01**  
Public Services Department/Engineering Division

RECOMMENDATION:

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

2. Award a construction contract to Black Rock Construction Company, 929 Mariner Street, Brea, CA, 92821, in the amount of $370,500.00; and

3. Authorize the Acting City Manager and the City Clerk to execute the Public Works Agreement (PWA), and authorize the Acting City Manager to execute future contract amendments within Council authorized limits; and

4. Authorize an additional ten percent (10%) contingency totaling $37,050.00 as needed for unforeseen costs; and

5. Approve 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

6. Authorize the City Manager to accept the work when completed and authorize the City Clerk to file the Notice of Completion upon such acceptance; authorize release of the retention monies 35 days after the Notice of Completion is filed; authorize release of the Labor and Material Bond one year after the Notice of Completion is filed; and authorize release of the Faithful Performance Bond, if appropriate, at the conclusion of the one-year warranty period.

10. **ADOPTING PRIORITIES FOR 2019-20** - City Manager’s Office

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 19-xx, adopting the City Council Goals and Priorities for 2019.

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

----------------------------------- END OF CONSENT CALENDAR -----------------------------------
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 -Police Department

RECOMMENDATION:

1. City Council find 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. Introduce and adopt as Urgency Ordinance No. 19-XX, 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. Introduce for first reading, by title only, Ordinance No. 19-XX, 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. Introduce and adopt Urgency Ordinance No. 19-XX, 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. Introduce for first reading, by title only, Ordinance No. 19-XX, 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:

1. **AN AMENDMENT TO THE SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES REFERENCED IN COSTA MESA MUNICIPAL CODE SECTION 19-15** - Developments Services Department/Planning Division

   RECOMMENDATION:

   City Council adopt Resolution No. 19-xx, amending the Small Cell Telecommunication Facility Design Guidelines to comply with FCC Small Cell Regulatory Order 18-133.

2. **ADOPT POSITION STATEMENTS, REQUESTS, AND CONCERNS ON VARIOUS BILLS PENDING BEFORE THE STATE LEGISLATURE**
   City Manager’s Office

   RECOMMENDATION:

   Staff recommends that the City Council provide direction to staff on positions to take on various bills pending in the California legislature.

ANNOUNCEMENTS

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES


Tuesday, April 10, 2019 – **2019 State of the City Luncheon**, 11:30 a.m. - 1:30 p.m. Segerstrom Center for the Arts –Rene & Henery Segerstrom Concert Hall, 600 Town Center Drive, Costa Mesa. Presented by Costa Mesa Chamber of Commerce. For more information: [www.costamesachamber.com](http://www.costamesachamber.com)

Thursday, April 4, 2019 – **Wild & Crazy Taco Night**, SOS Community Health Center at 1550 Superior Avenue, Costa Mesa. Presented by Share Our Selves. For more information: [www.shareourselves.org](http://www.shareourselves.org)
Friday - Sunday, April 12 - 14, 2019 – **Imaginology**, OC Fair & Event Center, 88 Fair Drive. For more information: [www.ocfair.com/imaginology](http://www.ocfair.com/imaginology)

Saturday, April 13, 2019 – **DogFest Orange County**, 9:00 a.m. – noon, Segerstrom Center for the Arts, 600 Town Center Drive. Presented by Canine Companions for Independence.

Thursday, April 18, 2019 – **Battle for the Bottles**, 6:00 - 9:30 p.m. Coleman's Cardroom (at Net Development Building), 3130 Airway Drive, Costa Mesa. Presented by Costa Mesa Chamber of Commerce. For more information: [www.costamesachamber.com](http://www.costamesachamber.com)

Saturday, April 20, 2019 – **EGG-citement**, 9:00 a.m. – noon, Tanager Park, 1780 Hummingbird Drive. For more information: [www.torellirealty.com](http://www.torellirealty.com)

Saturday, April 20, 2019, **Teens Give Back Fairview Park Clean-up**, 8:30 – 11:30 a.m., Fairview Park, 2501 Placentia Avenue. Presented by City of Costa Mesa Parks & Community Services.

Friday, April 26, 2019 – **Lions Park Projects Phase 1 / Donald Dungan Library Ribbon Cutting Ceremony**, 10 a.m., 1855 Park Ave., Costa Mesa. For more information: [www.costamesaca.gov](http://www.costamesaca.gov)

Saturday, April 27, 2019 – **Tour de OC**, 7:00 a.m., rides start at Vanguard University. Tour de OC is a fundraising cycling event supporting the Royal Family Kids Camp for abused children. For more information: [www.tourdeoc.org](http://www.tourdeoc.org)

Saturday, April 27, 2019 – **Compost Giveaway & Clothing Donation Event**, 9:00 a.m. – noon, Orange Coast College Recycling Center, Hosted by Costa Mesa Sanitary District and CR&R Environmental Services. For more information: [www.cmsdca.gov](http://www.cmsdca.gov)