

# **Jury unanimously agrees with city and dismisses challenge to sober living ordinance**

The City of Costa Mesa won a complete and resounding victory in federal court on Friday Dec. 7 as a jury unanimously agreed the city's sober living ordinance is not discriminatory and does not violate the Fair Housing Act and dismissed a lawsuit filed by Yellowstone Women's First Step House, Inc. and two other entities against the City.

The verdict means the City can continue to enforce its ordinance, which regulates sober living home operators, including limiting the number of residents to six or fewer and maintaining a 650-foot buffer between non-licensed sober living homes.

Costa Mesa Mayor Katrina Foley was thrilled with Friday's victory.

"The City Council had the courage to stand up to those in the sober living home industry who profited from exploiting vulnerable people," Foley said. "I'm glad the jury understood that the city's lawful motivation was to protect recovery residents and preserve our neighborhoods. They rejected the sober living home industry's unreasonable position that ANY regulation no matter how reasonable was discrimination. They went so far as to say that even regulations preventing sex offenders and felons from managing a house were too onerous and discriminating. That's just unreasonable. The recovery residents and the community of Costa Mesa all won today."

The City of Costa Mesa was represented by lead trial attorney Jennifer Keller of Keller/Anderle LLP.

"The Costa Mesa City Council stood tall and refused to be

intimidated by the Plaintiffs,” Keller said. “The victory today is a victory not just for the people of Costa Mesa and those in recovery homes, but also for every city in California.”

The City’s law, passed in 2014, was written to balance the rights of all citizens – including residents of group homes – to live in and enjoy Costa Mesa’s single family neighborhoods.

The City implemented the law to protect the entire community from operators of unlicensed facilities which exposed residents to dangerous conditions and created public nuisance concerns.

Yellowstone, another sober living home and an industry trade group brought the suit in the Central District of California in 2014. Numerous city employees and officials, including former Mayor Jim Righeimer, and former Assistant City Manager Rick Francis, testified before the eight-person jury.

They spoke about the need for the law and discussed the City’s efforts to help those rendered homeless after being kicked out of sober living homes, including many people recovering from drug and alcohol addiction who had been enticed to come to Costa Mesa from out of state.

Several neighbors of poorly run recovery homes testified about the way these facilities mistreated recovering addicts and the impacts they had on the community.

Nancy Clark, who has operated a highly respected recovery program in Costa Mesa for 28 years, also spoke on behalf of the City. Her testimony made clear that high quality recovery programs have always been welcome in Costa Mesa, and that such programs should embrace the City’s regulation efforts as beneficial to people in recovery as well as the entire community.

After a four-week trial before the Honorable James Selna, the

jury deliberated for half a day on Friday before returning the verdict on all counts for the City of Costa Mesa.

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# **Notice of Recruitment for Positions on the Parks and Recreation, Planning and Senior Commissions**

The Costa Mesa City Council is currently seeking interested individuals from the community to serve on the Parks and Recreation, Planning, and Senior Commissions.

**Parks and Recreation Commission** – The Commission meets on the fourth Thursday of each month and assists the City Council and various City departments with issues related to parks, parkways, recreation programs, and community services. The appointed terms of three commissioners will expire February 2019. The city is currently recruiting for those seats with a term expiration of February 2023. Applicants must be registered voters in the City. For further information, please contact Executive Secretary Allison Burch at (714) 754-5009.

**Planning Commission** – The Commission meets on the second and fourth Monday of each month and advises on planning, land use, and development matters.

The Commission has the authority to review: 1) regulations pertaining to the future growth, development, and beautification of the City with respect to public and private projects; 2) consistency with municipal plans to ensure that future growth and development do not impede upon sanitation,

public utilities, and transportation facilities; 3) the location and design of proposed buildings, structures or works; and, 4) the design and improvement of proposed subdivisions of land.

The Commission is the final decision-making body for certain discretionary land use approvals such as design review, conditional use permits, and land divisions. The Commission also functions as an advisory body to the City Council for Zoning and General Plan amendments. The appointed terms of three commissioners will expire February 2019. We are currently recruiting for those seats with a term expiration of February 2023.

Applicants must be registered voters in the City. For further information, please contact Administrative Secretary Julie Colgan at (714) 754-5612.

Senior Commission: The Commission meets on the second Tuesday of every other month and functions as an advisory body to the City Council on issues related to the Costa Mesa Senior Center, senior programs and services within the community. The appointed terms of four commissioners will expire February 2019. The city is currently recruiting for those seats with a term expiration of February 2023. For further information, please contact Executive Secretary Allison Burch at (714) 754-5009.

Application Process – Residents who are interested in getting involved in local government are encouraged to complete a Commission Application Form from the City Clerk's Office or from the City's website ([www.costamesaca.gov/apply](http://www.costamesaca.gov/apply)). The completed application may be submitted online; mailed to Costa Mesa City Clerk at Post Office Box 1200, Costa Mesa, California, 92628-1200; faxed to (714) 754-4942; emailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov); or hand-delivered to the City Clerk's Office at City Hall, 77 Fair Drive, Costa Mesa.

The deadline is 5 p.m., Wednesday, Jan. 16, 2019. Appointments are tentatively scheduled for the Feb. 5, 2019 City Council meeting.

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## **Costa Mesa makes history with first directly elected woman mayor and new council members by district**

A new Costa Mesa City Council was sworn in Tuesday, Dec. 4.

This brought with it several firsts; Mayor Katrina Foley as the first directly elected mayor, and the first council members to be elected to represent distinct council districts—Andrea Marr, Manuel Chavez and Arlis Reynolds.

In addition, the formation of this City Council brings with it a majority of women (Foley, Genis, Marr and Reynolds), the first Latino/a council members (Chavez, Marr and Reynolds) and the youngest person to hold office in Costa Mesa (Chavez).

“I am extremely honored to serve as the city’s first directly elected woman mayor,” Foley said. “I look forward to working alongside my fellow council members—especially our newly elected members that bring such diversity, youth and excitement to the dais. We know residents elected us to ensure that they can live, work and thrive in our great City of Costa Mesa. We will do that through a spirit of collaboration and civility, while prioritizing public safety, neighborhood improvement and community services for our youth, families and seniors.”



In November of 2016, Costa Mesa voters adopted Measure EE, which created six councilmember districts and a directly elected mayor. This year, Council Districts 3 (Marr), 4 (Chavez) and 5 (Reynolds) were on the ballot.

Districts, 1, 2 and 6 will be up for election in November of 2020. Council Members Sandy Genis, John Stephens and Allan Mansoor still have two years left on their terms.

Foley served as Mayor in 2016-2017, and has been on the City Council for 10 years. She was first elected in 2004 and served through 2010, when she was elected to the Newport Mesa Unified School District Board of Trustees. She served on the school board until 2014, and then ran successfully for the council in 2014. That term expired in November of 2018.

As the first directly elected mayor, she will serve a two-year term that will expire in 2020.

Foley is an employment law attorney and business owner. She graduated from Seattle University School of Law and UCLA as an English major with Women's Studies emphasis.

For more information click Mayor Foley's webpage [here](#).

Prior to being elected to City Council District 3, Marr served on the city's Cultural Art Committee, where she helped spearhead a number of different community art projects and events. She also previously served on the Bikeway and Walkability Committee where she focused on cyclist and pedestrian safety.

Marr is a graduate of the U.S. Naval Academy of which she was nominated to attend by Vice President Al Gore. During her time at the Academy, she held multiple leadership positions and competed with the Academy Karate team. She was recognized for her leadership by the Naval Academy Superintendent and graduated with a degree in Aerospace Engineering.

Marr also holds an M.S. in Engineering Management from Old Dominion University where her coursework focused on the Leadership in Energy and Environmental Design (LEED) Green Building program. She was a 2013 recipient of the White House Champion of Change award for her work in energy as a veteran. She is a licensed professional engineer in the state of Washington and is a Director at Willdan Group, a publicly traded energy solutions company.

For more information click Council Member Marr's webpage [here](#).

At the age of 23, District 4 Council Member Chavez is likely the youngest person to serve on the Costa Mesa City Council.

Chavez grew up on the Westside of Costa Mesa and attended local public schools through high school. While a student at

Estancia High School, he became heavily involved with the Save Our Youth program (SOY).

After graduating from Estancia High School, Chavez attended UC Irvine where he studied Political Science and became very involved with both the UCI College Democrat Club, where he was elected President his senior year, and the Orange County Young Democrats.

For more information click Council Member Chavez's webpage [here](#).

District 5 Council Member Reynolds served as Vice Chair of Costa Mesa's Parks and Recreation Commission and as Commission liaison to the Fairview Park Steering Committee.

Reynolds grew up in the Freedom Homes neighborhood of Westside Costa Mesa where she attended local schools. After graduating from Estancia High School, she went on to attend Massachusetts Institute of Technology where she earned a Bachelor of Science degree in Mechanical Engineering. She is currently a member of the Executive MBA Program at the UCI Paul Merage School of Business. She works as a consultant in the clean-energy industry, specializing in evaluation of energy efficiency and clean energy projects and technologies.

For more information click Council Member Reynolds' webpage [here](#).

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**With rainstorm coming,**

# **sandbags will be available at City Hall**

With inclement weather expected to hit Costa Mesa and Orange County over the coming days, the city will provide residents with sand bags in the rear parking lot of City Hall, located at 77 Fair Drive.

It is a self-service location, and the number of sandbags is limited to 15 per household.

Additionally, Maintenance Services staff will be patrolling potential flooding spots to make sure catch basins are clear of debris and operational throughout the city.

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# **Court sides with Costa Mesa, issues preliminary injunction to stop needle exchange program**

The Superior Court for the County of San Diego has issued a preliminary injunction against the Orange County Needle Exchange Program and the California Department of Public Health to effectively stop those agencies from operating a mobile needle exchange program in Costa Mesa and other cities in the county.

“We are pleased the court agreed with the city’s position regarding the public health hazard the needle exchange would have posed to Costa Mesa,” said Mayor Sandra Genis. “This

ruling is a victory to all who work, live and play in this city and fortifies our commitment to the highest level of public safety.”

Last August, the State Department of Public Health granted the Orange County Needle Exchange Program the right to distribute needles in Costa Mesa on 17th Street, from the intersection of Whittier Avenue westward to the Armstrong Petroleum Plant. The State also granted the group the right to operate needle exchange programs in the Cities of Orange, Anaheim and Santa Ana.

In response to those approvals, the Costa Mesa City Council voted unanimously to pursue legal action and joined Anaheim, Orange and the County of Orange to seek a preliminary and permanent restraining order/ injunction and to put a halt to the operation of the approved mobile needle exchange program.

“The City of Costa Mesa vigorously fought to ensure the safety of its citizens by not having needles distributed with no accounting for the dangerous needle waste,” said Mayor-Elect Katrina Foley.

The court’s ruling this week preliminarily enjoins the Orange County Needle Exchange Program and the State from conducting their needle exchange program in Orange County,

though the court did not rule out the possibility that the Orange County Needle Exchange Program could apply to operate a different exchange in Orange County at a later date.

The Orange County Needle Exchange Program had previously operated a needle exchange program at the Santa Ana Civic Center but that operation was terminated down by government officials who revoked OCNEP’s permit after a massive increase in needle litter that posed a threat to public safety. Several people were pricked by discarded needles, including members of the Santa Ana Police Department. The City of Costa Mesa received written and photographic evidence of the needle

litter.

Prior to the State's approval of the needle exchange program, the Costa Mesa Police Department and the City Attorney's Office submitted evidence and statements to State officials that chronicled the substantial risks to public health the program presents to the Costa Mesa community and asked that the application be denied.

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## **Costa Mesa launches new webpage to illustrate how city is Confronting Homelessness**

The City of Costa Mesa has created a new webpage titled "Confronting Homelessness in Costa Mesa" that will provide members of the public with pertinent information regarding the city's search for a location to create shelter beds as required by Federal Court.

The new webpage, located here, will be updated on a regular basis and contains important facts, useful links and resources for those who are homeless or may be on the verge of being homeless.

Look for videos, Frequently Asked Questions and more information in the coming days and weeks ahead.

The webpage creation is in response to a lawsuit filed against the City of Costa Mesa, Anaheim, Orange, Santa Ana and the County of Orange regarding Santa Ana River trail and the

individuals who were illegally camping there and were scheduled to be moved.

As part of that lawsuit, Federal District Court Judge David Carter ordered the city to provide shelter beds equal to 60 percent of the city's last homeless count numbers. In January of 2017, the count found 103 unsheltered homeless individuals in Costa Mesa, and 60% of 103 equals 62 beds.

In response to the judge's order, the City of Costa Mesa is aggressively searching to identify appropriate locations throughout the city for potential purchase and development of a new community shelter. A number of locations throughout the city have and continue being evaluated and inspected by city staff.

City staff is evaluating market conditions and price, zoning and city code obstacles and potential community impacts for each location. There is no perfect location. The court order has created very short timelines that require fast decisions.

In addition, Costa Mesa has already satisfied the need for 12 of its 62 required beds by approving an application to operate a critical care facility from College Hospital, a longtime and respected provider of mental health and medical treatment in the community.

The city's commitment with any location will be to design the highest quality facility that is securely operated and free of loitering or neighborhood disruptions and any impacts to the greater Costa Mesa community will be minimized.

The particular focus will be a 2,000-foot radius around where the required shelter is placed. It is vital that this center does not negatively impact the immediate surrounding neighborhood.

Additionally, by opening a 50-bed community shelter, the city will avoid further litigation and the court will allow the

city to put a heightened focus and strict enforcement of the city's anti-camping laws.

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## **City officials continue work to fulfill court requirement for shelter beds**

The City of Costa Mesa has been a county leader in finding compassionate and creative solutions to help individuals experiencing homelessness, while at the same time appropriately conducting enforcement efforts to ensure the safety and well-being of residents, business owners and visitors.

Despite those efforts, a lawsuit was filed against the City of Costa Mesa and Federal District Court Judge David Carter ordered the city to provide shelter beds equal to 60 percent of the city's last homeless count numbers.

In January of 2017, the count found 103 unsheltered homeless individuals in Costa Mesa, and 60% of 103 equals 62 beds.

[Click here to read our latest Fact Sheet for more information.](#)

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**Assistant**

**Recreation**

# Supervisor Christian Hernandez gets City Manager Leadership Award

City Manager Tom Hatch presented Assistant Recreation Supervisor Christian Hernandez with the City Manager Leadership Award for October at the monthly Meet and Greet Ceremony on Thursday Oct. 25.

“Christian is a great example of how hard work and dedication can propel your career,” City Manager Hatch said. “He started with the city in an entry level position and has consistently progressed through the organization as one of our valued leaders. He’s an outstanding role model for anyone who is considering a career in city government.”

As the assistant recreation supervisor, Hernandez oversees the city’s free, youth sports and fitness program that serve thousands of kids weekly. He also became the staff lead for the reintroduced and revamped Mobile Recreation program.

He was also part of the team that was awarded the Healthy Out-of-School Grant from the Walmart Foundation and also assisted with bringing the Los Angeles Chargers Summer Training Camp to Jack Hammett Sports Complex.

Hernandez was part of the team that worked to subcontract the City’s adult softball league, which has resulted in participation growing to more than 100 active softball teams per season. He serves as the staff representative of the Youth Sports Council, where he meets monthly with representatives from the school district and representatives from every youth sports organization in the city. He was also a major contributor towards updating the City’s outdated and confusing Field Use and Allocation Policy.

Hernandez began his Costa Mesa career in March of 2011 as a part-time recreation leader II and received multiple promotions before being named to his current role in December of 2016.

Hernandez holds a degree in Sports Psychology and Leadership with a Minor in Recreation from Cal State Long Beach and is currently attending Cal State Long Beach to receive his Master's in Public Administration.

In addition to Hernandez, City Manager Hatch recognized the following new hires and promotions.

In Development Services, Andy Godinez and Rene Jiminez have been hired as new full-time – Code Enforcement Officers and in the Finance Department, Louis Li is the new Budget Specialist.

In the Parks & Community Services Department, Ashley Armenta Vega is the new Recreation Leader II and Arely Escoto is the new Recreation Leader III, and the Police Department hired Christine Van as a new Communications Officer.

Two promotions announced at the Meet and Greet event included Emmanuel Gutierrez Jacinto who was promoted Recreation Leader III and Bill Nelson to Management Aide.

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## **Homeless lawsuit settlement update**

The City of Costa Mesa is continuing to negotiate with the plaintiffs and working to resolve the OC Catholic Worker case.

The lawsuit was filed against the City of Costa Mesa, Anaheim, Orange, Santa Ana and the County of Orange regarding the Santa

Ana River trail and the individuals who were illegally camping there and were scheduled to be moved.

As part of that lawsuit, Federal District Court Judge David Carter ordered the city of Costa Mesa to provide shelter beds equal to 60 percent of the city's last homeless count numbers. In January of 2017, the count found 103 unsheltered homeless individuals in Costa Mesa.

The City of Costa Mesa has been aggressively searching to identify appropriate locations throughout the city for potential purchase and development of a new community shelter. The city's commitment with any location will be to design the highest quality facility that is securely operated, free of loitering or neighborhood disruptions and any impacts to the greater Costa Mesa community will be minimized.

By opening the required 50-bed community shelter, the city will avoid further litigation, and the court will allow the city to put a heightened focus on the city's anti-camping laws and apply a much stricter enforcement.

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## **Chief Sharpnack issues update on coyote sightings**

Police Chief Rob Sharpnack reports police officers conducted an investigation into reports of a coyote den in the College Park area and found that no such den exists.

"Based on our observations, we believe an adult and two teenage coyotes have habituated the area," Chief Sharpnack said. "In response, we have conferred with Fish and Wildlife and placed traps in the neighborhood. The "Havahart" traps

have been out for a few weeks and are checked multiple times per day by Animal Control. Thus far, we have yet to trap a coyote.”

Chief Sharpnack notes that these actions are consistent with the city’s Coyote Management Plan.

[Click here](#) for our Coyote Information page for the Coyote Management Plan, video tips and more.

It should be noted that although the department employs humane traps, it is against the law to relocate captured coyotes. Additionally, the Police Department has and will continue to remove coyotes who have become aggressive and a threat to the community.

The police department has also placed traps in the Monticello area, near City Hall, and around Vanguard. No dens have been identified or located in any of these areas as well. In working the previously described areas, Animal Control staff have observed the presence of a variety of coyote attractants. For example, one resident had an elevated plate full of peanuts and sunflower seeds. It appeared the resident was leaving the food out for squirrels, which in turn will bring in coyotes.

The department has also seen evidence of coyotes feeding on fruit trees, easily accessible trash and food waste and pet food. In addition, the department continues to request residents with overgrown shrubs and plants cut them back so coyotes will not bed down in those concealed locations.

Chief Sharpnack urged residents to continue to report sightings on the Coyote Cacher, [click here](#) for that tool.

The Coyote Cacher enables authorities to track activity and to help determine when or if coyotes are habituated in an area. The benefit for residents is that authorities may be able to identify trends and respond to their area in a more timely

manner.

Depending on the circumstances, the Coyote Cacher information may also help in deciding whether to deploy traps and/or seek out the coyotes with tranquilizer guns. In those cases, the coyotes that are captured are euthanized.

[Click here for a Coyote Warning flier.](#)

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## **Free Landlord Workshop to Teach Fair Housing Rights and Responsibilities**

The Fair Housing Foundation will be holding a Landlord Workshop at the Balearic Community Center; at 1975 Balearic Drive, Costa Mesa from 10:00am – 12:00pm on Tuesday, Oct. 9, 2018.

This workshop is free and open to the public. Attendees will learn how to seek prospective tenants, the rental process, and credit checks. They will also be educated about Fair Housing Laws and their rights and responsibilities as a landlord or property management professional.

The Fair Housing Foundation services residents of the city of Costa Mesa. The Foundation is contracted by the city of Costa Mesa and receive funds through the Community Development Block Grants.

The Foundation educates the public about Fair Housing rights and responsibilities through workshops, trainings, and community events. FHF provides mediation and counseling services through our housing assistance hotline 1-800-446-FAIR

and walk-in clinics. It also investigate issues of discrimination related to housing.

For more information or to RSVP for the Landlord Workshop, call 1-800-446-FAIR

**About the Fair Housing Foundation:**

Founded in 1964, the Fair Housing Foundation (FHF) is a private, non-profit, non-partisan educational agency dedicated to promoting the enforcement of fair housing laws and encouraging an atmosphere of open housing through education, enforcement activities, counseling services, and outreach programs. The Fair Housing Foundation is an approved HUD Housing Counseling Affiliate. We are contracted with cities throughout Orange and Los Angeles counties to provide Fair Housing services. Fair Housing Foundation serves over 10,000 clients annually through our programs.

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# **ARTventure slated to take place at Segerstrom Center for the Arts this Friday Oct. 5 and Saturday Oct. 6**

The Cultural Arts Committee along with the Parks and Community Services Department are proud to host the fourth annual ARTventure event.

This free two-day cultural arts event is scheduled for Friday Oct. 5 and Saturday Oct. 6 at the Segerstrom Center for the Arts in the beautiful, multi-tiered glass lobby of the Renée and Henry Segerstrom Concert Hall.

On Friday, Oct. 5 from 5 p.m. to 9 p.m., the Concert Hall will be transformed with more than 325 pieces of art. Live musical entertainment will be provided by the Dylan Romaine Quartet band, and refreshments will be served as the city celebrates the incredible talents of local artists with an opening reception and awards presentation.

This one-of-a-kind juried exhibition of art, will showcase the work of local artists in a variety of media, including but not limited to: oil, watercolor and acrylic paintings, metal sculpture, wood and leather crafting, fashion, photography, fiber art and mixed media.

On Saturday, Oct. 6 from 10 a.m. to 3 p.m., the Concert Hall and the Argyros Plaza will offer an incredible family-friendly day full of live art entertainment, including musical, theatrical, literary, culinary, and hands-on demonstration. Art activity booths are sponsored by Art Steps, OC Fair, Newport Mesa Unified School District, Chuck Jones Center, Inspired Art and Wine and Vanguard University.

This free community event is organized in partnership with the City of Costa Mesa and The Segerstrom Center for the Arts, highlighting Costa Mesa's "City of the Arts" motto.

For event details, parking information or to RSVP, visit [www.ARTventureCM.com](http://www.ARTventureCM.com).