

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL,
HOUSING AUTHORITY AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY**

JULY 18, 2017

CALL TO ORDER

The Closed Session was called to order by the Mayor at 4:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Mansoor, Council Member Righeimer (arrived at 4:30 p.m.), Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS:

Jay Humphrey, Costa Mesa, spoke on Closed Session #8 and requests strong defense of Measure Y by the City.

The City Council recessed to Conference Room 5A at 4:07 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

2. 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.

3. 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.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

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, et al. v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: James Faulkner v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2017-00926083-CU-PO-CJC.

7. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for 1 potential case.

8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Sanderson J. Ray Development v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2017-00930947-CU-MC-CJC.

The City Council reconvened at 6:30 p.m.

CALL TO ORDER (00:00:28)

The meeting was called to order by the Mayor at 6:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:58) Council Member Stephens

MOMENT OF SOLEMN EXPRESSION (00:01:21)

Chaplain Jerry Hollobaugh, Police Department Chaplain

ROLL CALL (00:02:19)

Present: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

The Mayor announced that Public Hearing #2 Chick Fil-A Appeal Application was withdrawn from the agenda. (00:02:34)

CITY ATTORNEY CLOSED SESSION REPORT – City Attorney Duarte reported on Closed Session #4 and #5, in which the City Council settled both cases with prejudice, on a vote of 5-0. No monies will be paid by either of the parties and each side will bear their own costs. The parties have agreed on additional conditions that are in the settlement agreement which will be posted on the City website. (00:03:03)

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Council Member Stephens stated he spoke with firefighters Rob Gagne and Mark Martinez regarding one term that has been presented and that he will follow-up with staff. Mayor Foley stated she spoke with Mr. Gagne and Mr. Martinez, which she had revealed with the Council Members in Closed Session. (00:03:34)

ANNOUNCEMENTS (00:04:08)

“Costa Mesa Minute” was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:06:22)

1. The Mayor recognized Senior Planner Dan Inloes for receiving the City Manager’s Leadership Award for June 2017. (00:06:31)
2. The Mayor recognized the Costa Mesa National Little League Minor B Bulldogs, for winning the 2017 Tournament of Champions and presented them with certificates of appreciation. (00:10:35)
3. The Mayor recognized the Costa Mesa American and Costa Mesa National Little League All-Star Teams for playing in the 2017 Mayor’s Cup and presented them with certificates of appreciation. (00:18:23)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:33:29)

Tamar Goldmann, Costa Mesa, spoke on a parking study and parking issues. (00:33:29)

Linda Dean, Costa Mesa, spoke regarding parking issues on Coolidge Avenue. (00:37:07)

Speaker, spoke on the 2089 Harbor Boulevard project. (00:40:52)

Kim Hendricks, Costa Mesa, spoke regarding problems on 19th Street Rehabilitation project; and the U.S. Fish and Wildlife and vernal pools survey. (00:43:33)

John Lee, spoke on the services provided by the Electric Guard Dog Company and requested a potential code amendment. (00:46:42)

Robin Leffler, Costa Mesa, spoke on previous elections; and requested a moratorium on the Harbor Boulevard overlays. (00:48:51)

Wendy Leece, Costa Mesa, spoke on group home laws; and supports the police department to be fully staffed. (00:51:09)

Karl Ahlf, Costa Mesa, spoke on problems associated with illegal fireworks. (00:54:11)

Speaker, spoke on the City Council agenda; and thanked Chic-fil-A for withdrawing their appeal. (00:55:16)

Beth Refakes, Costa Mesa, requested the total number of attendees at the July 4th event at the OC Fairgrounds; expressed concern on illegal fireworks; spoke on the East 19th Street project; and problems at the skate park. (00:57:04)

Jim Gray, Costa Mesa, spoke on the vandalism incident at the skate park, requested the skate park to remain open and offered assistance. (00:59:47)

Matt Ward, Costa Mesa, spoke on the vandalism incident at the skate park, requested the skate park to remain open and offered assistance. (01:01:36)

Speaker, spoke on working together. (01:02:45)

Johnney Shilreff, Costa Mesa, spoke on supporting Action Sports and skateboarding; requested the skate park to remain open; and working together. (01:05:50)

Speaker, thanked the City Council for various issues; and spoke on sober living problems. (01:08:31)

Speaker, from Oklahoma, spoke on being curbed from Pillars Recovery. (01:11:43)

Speaker, spoke on problems with code enforcement. (01:18:01)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (01:23:48)

Council Member Righeimer spoke on group home problems. (01:23:56)

Council Member Mansoor requested information for a parking plan on Coolidge Avenue; spoke on the July 4th report; and meetings with the public. (01:27:20)

Mayor Foley requested updates on the 19th Street project, parking issue on Coolidge Avenue and 2089 Harbor Boulevard project; spoke on the Costa Mesa and South Coast Plaza bus line; the skate park incident; reported on the trip to Sacramento to address legislation on sober living issues and a future hearing with the Association of California Cities-Orange County (ACC-OC) to address these issues. (01:28:19)

Mayor Pro Tem Genis thanked everyone involved working on sober living issues; spoke on the skate park enforcement and incident; parking problems; curb cuts and extra parking; and requested an update on the City Attorney and City Manager evaluation review. (01:40:19)

Council Member Stephens spoke on the July 4th event and thanked the parties involved; spoke on illegal fireworks enforcement; the skate park incident; and the Chargers training camp. (01:44:26)

CONSENT CALENDAR (01:48:05)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13 except for **2, 5, 9, 10, and 13.**

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Aline Brower and Morigan Dawn.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF MARCH 21, 2017, APRIL 18, 2017, MAY 2, 2017, AND JUNE 6, 2017

ACTION:

City Council approved the minutes of March 21, 2017, April 18, 2017, May 2, 2017 and June 6, 2017.

4. PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES AGREEMENT

ACTION:

City Council authorized the City Manager to sign the Purchase Requisition in the amount of \$111,910.01 to fund the Software Maintenance Agreement with SunGard Public Sector Inc. (now Superior) from August 1, 2017 to July 31, 2018.

6. AMENDED AND RESTATED BYLAWS OF THE COSTA MESA HOUSING AUTHORITY (2017)

ACTION:

Housing Authority adopted Costa Mesa Housing Authority Resolution No. 2017-01 approving and adopting the Amended and Restated Bylaws of the Costa Mesa Housing Authority (2017).

7. REVIEW OF APPLICATIONS TO AND APPOINTMENT OF TENANT COMMISSIONERS TO THE HOUSING AUTHORITY BOARD

ACTION:

Housing Authority adopted Costa Mesa Housing Authority Resolution No. 2017-02 and appointed Tenant Commissioners Eloise Donaldson and Samira Reyes to the Costa Mesa Housing Authority Board.

8. FINAL MAP FOR TRACT NO. 17984 LOCATED AT 548 VICTORIA STREET, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the Final Map for Tract No. 17984 and authorized signing of the Map by the City Clerk and the City Engineer.

11. SLURRY SEAL PROJECT, CITY PROJECT NO. 16-13

ACTION:

1. City Council adopted plans, specifications, and working details for the Slurry Seal Project, City Project No. 16-13; and
2. Awarded a construction contract to Roy Allan Slurry Seal, Inc., 11922 Bloomfield Avenue, Santa Fe Springs, CA 90670, in the amount of \$543,097.75; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

12. THIRD AMENDMENT TO THE AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES

ACTION:

1. City Council approved the Third Amendment to the maintenance agreement with West Coast Arborists, Inc. (WCA), 2200 E. Via Burton Street, Anaheim, CA 92806, extending the term of the existing agreement for tree maintenance services for one (1) year and increasing the compensation by \$164,155.05; and
2. Authorized the City Manager to execute the Amendment.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2580 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-12 FOR \$2,177,642.64 AND 17-13 FOR \$2,273,716.44; AND CITY OPERATING EXPENSES FOR \$3,400,920.75; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:48:53)**

Public Comments:

Speaker, spoke on attorney fees and sober living lawsuits. (01:48:57)

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2580.

5. **ADOPTION OF RESOLUTION APPROVING SPECIAL USE PERMIT SL-15-0014 TO OPERATE A SOBER LIVING HOME SERVING SIX RESIDENTS AT 2152 RALEIGH AVENUE (01:55:05)**

Deputy City Attorney Preziosi, spoke on the item. (01:55:42)

Council Member Mansoor spoke in opposition to the item. (01:56:27)

Public Comments:

Barrie Fisher, Costa Mesa, spoke on licensing and eleven sober living homes in the area and overconcentration. (01:58:16)

Rich Russell, Costa Mesa, thanked the Mayor and delegation for the trip to Sacramento; and spoke in opposition to the item. (02:04:04)

Karl Ahlf, Costa Mesa, spoke in support of the item. (02:07:01)

Speaker, spoke in support of the item. (02:08:30)

Speaker, spoke in opposition to the item and following the laws. (02:10:49)

Speaker, spoke in support of the item. (02:12:33)

Public Comments Closed.

Council Member Stephens spoke to supporting the item. (02:14:46)

Mayor Pro Tem Genis spoke to supporting the item; and spoke regarding the timeline on wall closures. (02:16:32)

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted Resolution No. 17-48 reversing the Planning Commission's denial of Special Use Permit SL-15-0014.

9. ALLEYS REHABILITATION PROJECT - CITY PROJECT NO. 16-03 (02:18:45)

Public Comments:

Speaker, spoke on the item. (02:19:05)

Public Comments Closed.

Council Member Righeimer spoke on the issue. (02:19:53)

Council Member Stephens spoke to supporting the item. (02:20:40)

MOVED/SECOND: Council Member Stephens/Council Member Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Mace Avenue Alley (Alley No. 36), 19th Street Alley (Alley No. 70), Flower Street Alleys (Alley No. 77, Alley No. 78, and Alley No. 79), and Broadway Street Alleys (Alley No. 85, Alley No. 86, and Alley No. 88) Improvement Project - City Project No. 16-03; and
2. Awarded a construction contract to Black Rock Construction Company, 615 N. Berry Street, Unit G, Brea, CA 92821, in the amount of \$899,996.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement; and
4. Approved Contract Change Order No.1 in the amount of \$305,000.00, and authorized the City Manager to execute the Change Order.

10. PLACENTIA AVENUE MEDIAN IMPROVEMENTS, FEDERAL PROJECT NO. HSIPL-5312 (092) - CITY PROJECT NO. 16-04 (02:21:03)

Public Comments:

Speaker, spoke on the item. (02:21:07)

Robin Leffler, Costa Mesa, requested the removal of more trees to maximize the view and save money. (02:21:33)

Public Comments Closed.

Mayor Pro Tem Genis requested maximizing the view. (02:22:56)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Placentia Avenue Median Improvements, Federal Project No. HSIPL-5312 (092) – City Project No. 16-04; and
2. Approved Budget Adjustment No. 18-002 in the amount of \$350,000.00; and
3. Awarded a construction contract to Beador Construction Company, Inc. 26320 Lespur Circle, Corona, CA, in the amount of \$1,682,299.40 (Base Bid plus Additive Items); and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

13. ARLINGTON DRIVE BIOSWALE & DRY WEATHER DIVERSION PROJECT - CITY PROJECT NO. 17-09 (02:23:26)

Bart Mejia, City Engineer, presented the staff report. (02:24:43)

Public Comments:

Aaron O'Brien, Los Angeles Engineering, Inc., spoke in protest to awarding the project to Sully-Miller. (02:33:06)

Jay Humphrey, Costa Mesa, spoke on entrances to the OC Fairgrounds. (02:37:14)

Tamar Goldmann, Costa Mesa, spoke on reviewing the contract law. (02:38:21)

Ralph Taboada, Costa Mesa, spoke on reviewing the contract law. (02:39:02)

Public Comments Closed.

Discussion ensued on entrances to the OC Fairgrounds, adequate site distance and signage. (02:41:16)

City Attorney Duarte stated the City Attorney's office has reviewed the bid protest concern and City Council can move forward with the item as recommended by staff. (02:43:00)

Council Member Righeimer spoke to supporting the item. (02:44:08)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Arlington Drive Bioswale & Dry Weather Diversion Project - City Project No. 17-09; and
2. Waived a minor irregularity in the bid submitted by the apparent low bidder and awarded a construction contract to Sully-Miller Contracting Company, 135 South State College Boulevard, Suite 400, Brea, CA 92821, in the amount of \$4,011,000.00 (Base Bid Only); and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

City Council recessed into a break at 9:25 p.m. (02:47:30)

City Council reconvened at 9:33 p.m. (03:00:15)

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

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2022 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIRE MANAGEMENT ASSOCIATION (CMFMA) (03:00:20)**

Tamara Letourneau, Assistant City Manager, presented the staff report. (03:00:53)

No public comments on this item.

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: Council Member Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

1. City Council held the first public hearing regarding the proposed 2017-2022 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Fire Management Association; and
2. Scheduled the second public hearing on August 1, 2017 as required by COIN.

ITEM #2 WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.

2. **APPEAL OF PLANNING APPLICATION PA-16-60, A CONDITIONAL USE PERMIT TO ESTABLISH A DRIVE-THROUGH FAST FOOD RESTAURANT WITH WALK-UP SERVICE AND NO INTERIOR SEATING (CHICK FIL-A) AT 1750 NEWPORT BLVD. (FORMER GRANT BOYS STORE)**

OLD BUSINESS:

1. **THE LIONS PARK PROJECTS, CITY PROJECT NO. 17-03 (03:06:28)**

Raja Sethuraman, Public Services Director, presented the staff report. (03:06:38)

Bart Mejia, City Engineer, spoke on the contracting process. (03:08:33)

Public Comments:

Wendy Leece, Costa Mesa, commended staff for financing the project and supports creative financing to lower debt. (03:12:26)

Karl Ahlf, Costa Mesa, spoke in support of the project. (03:14:06)

Robin Leffler, Costa Mesa, spoke in opposition to the project. (03:14:52)

Beth Refakes, Costa Mesa, expressed concerns on the budget. (03:16:40)

Rich Russell, Costa Mesa, spoke in support of the project. (03:18:52)

Reggie Mundekis, supports seeking grants and capital campaign for the project. (03:23:32)

Speaker, spoke in opposition to the project. (03:23:32)

Jay Humphrey, Costa Mesa, spoke on increasing park open space and fees. (03:25:22)

Art Goddard, Costa Mesa, spoke in support of the project. (03:27:55)

Speaker, spoke on the project and the possibility of a skate park. (03:29:34)

Speaker, expressed concern on affording the project. (03:30:46)

Public Comments Closed.

Council Member Righeimer spoke to supporting the project. (03:32:14)

Mayor Pro Tem Genis spoke in opposition to the project. (03:42:10)

Discussion ensued on the financing plan. (03:46:36)

Mayor Foley spoke to supporting the project. (03:52:08)

Council Member Stephens spoke to supporting the project. (03:58:30)

MOVED/SECOND: Mayor Foley/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, and Mayor Foley.

Nays: Mayor Pro Tem Genis

Absent: None

Motion carried: 4-1

ACTION:

1. City Council waived irregularities in the bid submitted by the low bidder and awarded a construction contract to Tovey/Shultz Construction, Inc., 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530, in the amount of \$28,739,822.00 (Base Bid only); and
2. Authorized the Mayor or City Manager to execute the Public Works Agreement.

NEW BUSINESS:

1. SIX-MONTH REVIEW OF PLANNING APPLICATION PA-16-55 FOR HOLIDAY (FORMERLY LION'S DEN AND MAISON) 719 WEST 19TH STREET (04:01:40)

Mel Lee, Senior Planner, provided an overview of the original approval of the conditional use permit. (04:02:09)

Winston, Karuga, Code Enforcement Officer, provided a six-month review of the permit. (04:09:00)

Discussion ensued on the sound levels. (04:13:15)

Gary Hardesty of Sound Media Fusion, addressed the sound level issues, and spoke on the sound test and sound mitigation improvements. (04:29:29)

Public Comments:

Steven Chan, Costa Mesa, spoke on noticing, testing parameters, and continuing to hear the music. (04:39:17)

Jay Humphrey, Costa Mesa, supports turning the music down. (04:45:49)

Speaker, spoke on hearing the noise. (04:47:50)

Robin Leffler, Costa Mesa, spoke on feeling and hearing the bass sound. (04:49:16)

Speaker, spoke on hearing the music. (04:50:36)

Speaker, supports turning the music down and removing the woofer speakers. (04:52:49)

Tamar Goldmann, Costa Mesa, spoke on the burden to neighbors. (04:54:10)

Speaker, spoke on mitigating the sound. (04:55:43)

Marty Kish, owner, spoke on improvements made to address sound issues and security measures. (04:59:15)

Public Comments Closed.

MOTION/SECOND: Council Member Mansoor/Council Member Righeimer (05:08:60)

MOTION: To approve the recommended action and include the following additions: staff to provide a non-agendized written update in 6 months and the Community Improvement Division (CID) staff reserve the right to call upon Mr. Hardesty and/or any other qualified acoustical engineer to conduct a sound study if a complaint is verified by the CID and/or by Police Department personnel. The cost of the sound study would be covered by the applicant.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council received and filed the six-month review of the City Council's approval of Conditional Use Permit PA-16-55 and included the following additions: staff to provide a non-agendized written update in 6 months and the Community Improvement Division (CID) staff reserve the right to call upon Mr. Hardesty and/or any other qualified acoustical engineer to conduct a sound study if a complaint is verified by the CID and/or by Police Department personnel. The cost of the sound study would be covered by the applicant.

2. REQUESTS FOR WAIVERS OF APPEAL FEE FOR DEVELOPMENT REVIEW PROJECTS (05:11:55)

Peggy Schneble, Interim Assistant Director Development Services, presented the staff report. (05:12:10)

Mayor Foley spoke on the requested items. (05:13:50)

Mayor Pro Tem Genis spoke in support of the request for refund of appeal fees. (05:19:40)

Council Member Stephens spoke on keeping the process on a case by case basis and supports the request for refund of the appeal fees. (05:19:40)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of the request for refund of appeal fees. (05:21:24)

Speaker, spoke in support of the request for refund of appeal fees. (05:22:41)

Speaker, spoke in support of the request for refund of appeal fees. (05:24:09)

Public Comments Closed.

Council Member Righeimer spoke on a fee study for raising the appeal fees. (05:27:17)

MOTION/SECOND: Mayor Foley/Council Member Stephens

MOTION: To approve the request for refund of appeal fees filed by Ms. Anne Parker and Ms. Carrie Renfro.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the request for refund of appeal fees filed by Ms. Anne Parker and Ms. Carrie Renfro.

MOTION/SECOND: Mayor Pro Tem Genis/Council Member Stephens

MOTION: To continue the meeting past midnight

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: None

Motion carried: 4-1

ACTION:

City Council approved to continue the meeting past midnight.

3. DISCUSSION OF A POSSIBLE MORATORIUM AS TO THE SMALL LOT ORDINANCE (05:29:02)

Barry Curtis, Economic and Development Services Director, presented the staff report. (05:29:11)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of a moratorium. (05:32:48)

Tamar Goldmann, Costa Mesa, spoke in support of a moratorium. (05:33:22)

Cynthia McDonald, Costa Mesa, spoke in support of a moratorium. (05:33:55)

Adam Wood, Building Industry Association, spoke against a moratorium. (05:36:30)

Robin Leffler, Costa Mesa, spoke in support of a moratorium. (05:37:20)

Rich Russell, Costa Mesa, spoke against a moratorium. (05:40:41)

Speaker, spoke in support of a moratorium. (05:41:55)

Speaker, spoke in support of a moratorium. (05:44:44)

Speaker, spoke in support of a moratorium. (05:47:08)

Public Comments Closed.

Discussion ensued on timelines and pending residential projects subject to the Small Lot Ordinance. (05:48:40)

Council Member Righeimer spoke on the issue. (06:03:05)

Council Member Mansoor spoke on the issue. (06:06:48)

Mayor Pro Tem Genis spoke on the issue. (06:14:38)

Council Member Stephens spoke on the issue. (06:18:12)

Mayor Foley spoke on the issue. (06:20:55)

MOTION/SECOND: Council Member Righeimer/Council Member Mansoor (06:32:00)

MOTION: To receive and file the report and direct staff to proceed with a Joint Planning Commission and City Council Study Session on September 12, 2017 to consider the Small Lot Subdivision Ordinance.

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Genis (06:32:08)

SUBSTITUTE MOTION: To schedule a moratorium for the August 1, 2017 City Council meeting.

Motion died due to lack of a second.

ORIGINAL MOTION/SECOND: Council Member Righeimer/Council Member Mansoor

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, and Mayor Foley.

Nays: Mayor Pro Tem Genis

Absent: None

Motion carried: 4-1

ACTION:

City Council received and filed the report and directed staff to proceed with a Joint Planning Commission and City Council Study Session on September 12, 2017 to consider the Small Lot Subdivision Ordinance.

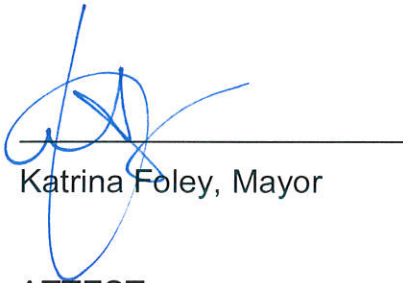
ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (06:33:12) - NONE

REPORT – CITY MANAGER (06:33:15) - NONE

REPORT – CITY ATTORNEY (06:33:19) - NONE

ADJOURNMENT (06:33:22) - The Mayor adjourned the meeting at 1:07 a.m.

Minutes adopted on this 5th day of September, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk