

ACTION REPORT
CITY OF COSTA MESA
SPECIAL CITY COUNCIL AND SUCCESSOR AGENCY TO
THE REDEVELOPMENT AGENCY* MEETING

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

COUNCIL MEMBER STEPHENS WILL BE ATTENDING THE MEETING VIA
TELECONFERENCE FROM:

Cortina Inn & Resort
Business Center
103 US Route 4
Killington, Vermont 05701

Phone Number:
802-772-7118

Closed Session will commence
at 7:00 p.m. Vermont time

TUESDAY, OCTOBER 3, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:00 P.M.
SPECIAL MEETING – 6:00 P.M.

KATRINA FOLEY
Mayor

SANDRA L. GENIS
Mayor Pro Tem

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

ALLAN R. MANSOOR
Council Member

City Attorney
Thomas Duarte

City Manager
Thomas R. Hatch

SPECIAL CLOSED SESSION

CALL TO ORDER

The Special Closed Session was called to order by the Mayor at 4:07 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, Council Member Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:12 p.m. for Special 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: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, U.S. District Court, Central District of California, Case No. SACV14-01852 JVS.

The City Council reconvened at 6:01 p.m.

FOR INFORMATIONAL PURPOSES ONLY

CALL TO ORDER

The meeting was called to order by the Mayor at 6:01 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, Council Member Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Mayor Foley met with Ms. Letourneau and the president of the Costa Mesa Firefighters Association regarding series of phrases in the contract.

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 4 except for 2.

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: Cuauhtemoc Colin, Nancy Cox, Cheryl Giacomino, Shakrzad Kayvan, and Michael Schaffer.

ACTION:

City Council received and filed.

3. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 5, 2017-**

ACTION:

City Council approved the minutes of September 5, 2017.

FOR INFORMATIONAL PURPOSES ONLY

4. **AWARD CONTRACT FOR INTERSECTION SAFETY LIGHTING PROJECT – CITY PROJECT NO. 17-15**

ACTION:

1. City Council adopted the plans, specifications, and working details for the Intersection Safety Lighting Project, City Project No. 17-15; and
2. Approved Budget Adjustment No. 18-010; and
3. Awarded a construction contract to Express Energy Services, 10610 Humbolt Street, Los Alamitos, CA 90720, in the amount of \$308,095.49; and
4. Authorized the City Manager to execute the Public Works Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2584 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-17 “A” FOR \$546.74; 17-18 FOR \$2,268,534.34; 17-18 “A” FOR \$-1,239.69; AND 17-19 FOR \$2,301,688.25; AND CITY OPERATING EXPENSES FOR \$2,879,433.35; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -**

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:

City Council approved Warrant Resolution No. 2584.

FOR INFORMATIONAL PURPOSES ONLY

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

1. **CODE AMENDMENT CO-16-04A – AMENDMENT TO ARTICLE 1 (RESIDENTIAL DISTRICTS) OF CHAPTER 5 (DEVELOPMENT STANDARDS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES**

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

MOTION: To receive and file.

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.

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

2. **CODE AMENDMENT CO-16-04B – AMENDMENT TO ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING NON-COMMERCIAL BANNERS**
3. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA)**

MOVED/SECOND: Mayor Foley/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:

City Council held the first public hearing regarding the proposed 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Firefighters Association and scheduled the second public hearing for October 17, 2017 as required by COIN.

FOR INFORMATIONAL PURPOSES ONLY

Old Business Item #1 was considered next.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 17-14 OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS**

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:

City Council gave second reading and adopted Ordinance No. 17-14, read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

The City Council recessed into a break at 8:50 p.m.

The City Council reconvened at 8:58 p.m.

The City Council resumed the meeting in order with Public Hearing Item #4.

PUBLIC HEARINGS:

4. **CONDITIONAL USE PERMITS PA-16-41 AND PA-16-44 TO OPERATE A SOBER LIVING FACILITY SERVING 28 WOMEN, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT, AT 269 AND 271 16TH PLACE**

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: To adopt Resolution No. 17-62, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-41 to allow a sober living facility serving up to 14 women at 269 16th Place.

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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council adopted Resolution No. 17-62, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-41 to allow a sober living facility serving up to 14 women at 269 16th Place.

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: To adopt Resolution No. 17-63, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-44 to allow a sober living facility serving up to 14 women at 271 16th Place.

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:

2. City Council adopted Resolution No. 17-63, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-44 to allow a sober living facility serving up to 14 women at 271 16th Place.

NEW BUSINESS: NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 11:17 p.m. in memory of the 59 victims of the Las Vegas shooting.