

**ACTION REPORT
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, JANUARY 2, 2018
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
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

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

Absent: None

The City Council recessed to Conference Room 5A at 4:05 p.m. for Closed Session to consider the following items:

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.

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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: 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.

CALL TO ORDER

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - NONE

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 2, 4 and 7.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **READING FOLDER** - Claims received by the City Clerk: William Tyler Davis and GEICO as Subrogee for Noelle Swanger.

ACTION:

City Council received and filed.

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- 3. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF NOVEMBER 7, 2017 AND NOVEMBER 21, 2017 - City Manager's Office/City Clerk Division**

ACTION:

City Council approved the minutes of November 7, 2017 and November 21, 2017.

- 5. APPROVE A SOLE SOURCE JUSTIFICATION REQUEST FOR AIR EXCHANGE INC. FOR THE PURCHASE AND INSTALLATION OF PLYMOVENT EXHAUST SYSTEMS AT FIRE STATIONS 2, 3, 4, 5 AND 6**
Fire & Rescue Department/Public Services Department

ACTION:

1. City Council approved a Sole Source Justification with Air Exchange, Inc., 1494-B East Francis Street, Ontario, CA 91761 for the purchase and installation of Plymovent Vehicle Exhaust System at Fire Stations 2,3,4,5 and 6; and
2. Approved and authorized the City Manager and the City Clerk to execute a Professional Services Agreement with Air Exchange, Inc. for the purchase and installation of the Plymovent Vehicle Exhaust System for an amount not to exceed \$249,000, effective January 2, 2018 through complete installation and final acceptance by the City.

- 6. CITYWIDE SCHOOL ZONE TRAFFIC CALMING PROJECT, FEDERAL PROJECT NO. SRTSL-5312 (090), CITY PROJECT NO. 15-04**
Public Services Department/Engineering Division

ACTION:

1. City Council approved Contract Change Order No. 2 in the amount of \$12,972.00; and
2. Accepted the work performed by Asplundh Construction Group and authorized the City Clerk to file the Notice of Completion; and
3. Authorized the release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond six (6) months after the filing date; and release of the retention monies after the Notice of Completion is filed.

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

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ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2589 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-24 FOR \$2,330,457.47; AND CITY OPERATING EXPENSES FOR \$1,955,926.38; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

Finance Department

MOVED/SECOND: Council Member Foley/Council Member Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2589.

4. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING CONDITIONAL USE PERMIT PA-17-36 TO ALLOW AN ANIMAL SHELTER FOR DOGS AND CATS TO BE OPERATED BY THE ORANGE COUNTY HUMANE SOCIETY (OCHS) AT 642 BAKER STREET – Development Services Department/Planning Division**

MOVED/SECOND: Council Member Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Resolution No. 18-01 reversing the Planning Commission's approval of Planning Application PA-17-36.

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7. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS** - Public Services Department/Engineering Division

MOVED/SECOND: Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Amendment No. 2 to the Professional Services Agreement with CivilSource, Inc., 9890 Irvine Center Drive, Irvine, California 92618, increasing the maximum compensation by \$355,000.00, to secure additional services, on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved Capital Improvement Program (CIP) projects; and
2. Approved Amendment No. 3 to the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, California 92649, increasing the maximum compensation by \$500,000.00, to secure additional services, on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved CIP projects and extended the term of the Agreement through June 30, 2018; and
3. Authorized the City Manager to execute the Amendments.

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

1. **CODE AMENDMENT CO-16-04B – AMENDMENT TO ARTICLES 2 AND 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING NON-COMMERCIAL BANNERS**

Development Services Department/Planning Division

MOVED/SECOND: Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

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ACTION:

City Council gave first reading to Ordinance No. 18-02, read by title only, and further reading waived, adopting Zoning Code Amendment CO-16-04B to amend Articles 2 (General Provisions) and 3 (Sign Regulations) of Chapter VIII (Signs) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code.

2. AN ORDINANCE TO ADOPT CODE AMENDMENT CO-17-01 AMENDING TITLE 13, ARTICLE 2 CHAPTER I, IV, V, VI OF THE COSTA MESA MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS

Planning Division/Development Services Department

MOVED/SECOND: Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Stephens

Absent: None

Motion carried: 3-2

ACTION:

1. City Council found that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that “the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code” relating to “granny” housing and “second unit ordinances” are exempt from the requirements of CEQA; and
2. Introduced for first reading Ordinance No. 18-03, with two changes, read by title only, and further reading waived, adopting Code Amendment CO-17-01 for the following amendments to Title 13 (Zoning Code):
 - Chapter I, Article 2, Section 13-6: Replace Second Unit definition with Accessory Dwelling Units (ADU) definition;
 - Chapter IV, Section 13-30: Create a consistent reference to ADU as a land use category for R-1 and R2-MD zones;
 - Chapter V, Article 1, Section 13-35: Revise certain development standards of Second Units (parking, owner occupancy, maximum size, etc.); and
 - Chapter VI, Section 13.85: Amend residential parking requirements to include a minimum of one parking space per bedroom or a maximum of one parking for detached ADU with certain exceptions to allow for carpool, transit use, etc.

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Below are the following two changes to the ordinance:

- Revise the minimum lot size for R-1 properties that would be allowed an ADU from 7,500 square feet (recommended by Planning Commission) to 7,900 square feet; and,
- Include additional language further defining tandem parking by amending the second to last sentence of the first paragraph of subsection (g) of Municipal Code section 13-35 to provide as follows:

"Parking for the accessory dwelling unit may be provided as tandem parking on an existing driveway leading to a garage or carport but must be in addition to any parking required for the single family residence and must not block more than one other parking space, including any parking space in a garage."

The other sentences within (g) would remain unchanged.

City Council recessed into a break at 9:04 p.m.

City Council reconvened at 9:12 p.m.

3. REVIEW OF PLANNING COMMISSION MODIFICATION OF ZONING APPLICATION ZA-16-37 TO PERMIT TWO SHIPPING CONTAINERS FOR STORAGE AT THE REAR OF THE PROPERTY AT 777 AND 779 WEST 19TH STREET – Development Services Department/Planning Division

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council opened and continued the public hearing to the January 16, 2018 City Council meeting.

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- 4. PLANNING APPLICATION PA-17-04 FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR SALE OF ALCOHOLIC BEVERAGES AFTER 11:00 PM NOT WITHIN 200 FEET OF RESIDENTIAL USES AND DEVIATION FROM PARKING REQUIREMENTS WITH OFF-SITE SHARED PARKING WITH 705, 722, 729, AND 1626 OHMS WAY FOR A PROPOSED PROJECT AT 1618 OHMS WAY** – Development Services Department/Planning Division

MOVED/SECOND: Council Member Righeimer/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council upheld with revisions the Planning Commission's decision by adoption of Resolution No. 18-02, to approve a Conditional Use Permit for the renovation of an existing one-story, 6,461-square-foot industrial building at 1618 Ohms Way to an event venue (The Harper). The revisions are as follows: a) Under Exhibit A, findings to elaborate on the business meeting the 83 parking spaces required for use. B) Under Exhibit B, Conditions of Approval which include modifying condition number 8, replacing the words "issuance of building permit" with "prior to final inspection" and as well as removing previous condition of approval 27 (prior to issuance of building permit).

OLD BUSINESS:

- 1. SECOND AMENDMENT TO THE AGREEMENT WITH CLEANSTREET FOR STREET SWEEPING SERVICES**
Public Services Department/Maintenance Services Division

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved the Second Amendment to the Maintenance Agreement with CleanStreet, 1937 W. 169th Street, Gardena, CA 90247, to increase the annual amount of the contract by 2.6 percent (\$18,190.00) for residential,

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collector, and arterial street sweeping City-wide, based on the Consumer Price Index; and

2. Authorized the City Manager to execute the Amendment.

2. **SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING ARTICLE 1 (SOLID WASTE COLLECTION) OF CHAPTER IV (GARBAGE, RUBBISH AND WEEDS) OF TITLE 8 (HEALTH AND SANITATION) OF THE COSTA MESA MUNICIPAL CODE TO MEET NEW STATE MONITORING AND REPORTING REGULATIONS**—Public Services Department/Administration Division

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave second reading to and adopted Ordinance No. 18-01, read by title only, and further reading waived, amending Article 1 (Solid Waste Collection) of Chapter IV (Garbage, Rubbish, and Weeds) of Title 8 (Health and Sanitation) of the Costa Mesa Municipal Code.

New Business Item 2 was considered next.

NEW BUSINESS:

2. **NAMING THE COMMUNITY CENTER AFTER NORMA HERTZOG**

Office of the City Council

MOVED/SECOND: Council Member Foley/Mayor Genis

MOTION: To continue the meeting past midnight.

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer and Mayor Pro Tem Mansoor.

Absent: None

Motion carried: 3-2

ACTION:

City Council continued the meeting past midnight.

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MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
ORIGINAL MOTION: To receive and file and for staff to come back with a process and policy for naming City facilities.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Stephens.

Absent: None

Motion carried: 3-2

ACTION:

City Council received and filed and directed staff to come back with a process and policy for naming City facilities.

City Council resumed the meeting in order with New Business Item 1.

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: To continue New Business Items 1 and 3 to the January 16, 2018 City Council meeting.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

1. **PROVIDE DIRECTION TO STAFF REGARDING THE PREPARATION OF A DETAILED STAFF REPORT REGARDING THE POSITION OF THE CITY ATTORNEY** – Office of the City Council

ACTION:

City Council continued the item to the January 16, 2018 City Council meeting.

3. **CONSIDER ADOPTION OF A RESOLUTION SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES)** – City Manager/Administration

ACTION:

City Council continued the item to the January 16, 2018 City Council meeting.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 12:11 a.m.