

**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."

**\*NEW BUSINESS #5 MOBILE HOME PARK COMMITTEE HAS BEEN  
WITHDRAWN FROM THE AGENDA.**

**TUESDAY, JANUARY 16, 2018  
CITY COUNCIL CHAMBERS  
77 FAIR DRIVE, COSTA MESA, CALIFORNIA  
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 (arrived at 4:49 p.m.), Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

## FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:10 p.m. for Closed Session to consider the following items:

**1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Manager

**2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code  
Title: City Attorney

**3. 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.

**4. 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.

**5. 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.

**6. CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION  
INITIATION OF LITIGATION – ONE POTENTIAL CASE**

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

**7. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
SIGNIFICANT EXPOSURE TO LITIGATION**

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

**8. 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. Morningside Recovery, LLC, Orange County Superior Court of California, Case No. 30-2018-00964593-CU-OR-CJC.

The City Council reconvened at 6:14 p.m.

## FOR INFORMATIONAL PURPOSES ONLY

### CALL TO ORDER

The meeting was called to order by the Mayor at 6:14 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 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 Pro Tem Mansoor

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 1, 8 and 9.

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

2. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF DECEMBER 5, 2017 -**  
City Manager's Office/City Clerk Division

**ACTION:**

City Council approved the minutes of December 5, 2017.

3. **INFORMATION TECHNOLOGY STRATEGIC PLAN AND ROADMAP FOR THE CITY OF COSTA MESA –** Information Technology Department

**ACTION:**

City Council authorized the City Manager and the City Clerk to execute a one (1) year Professional Service Agreement for the Information Technology Strategic Plan and Roadmap with ThirdWave Corporation, 11400 West Olympic Boulevard, Suite 200, Los Angeles, CA 90064, in an amount not to exceed \$86,892.00, beginning on February 1, 2018 and ending on January 31, 2019.

## FOR INFORMATIONAL PURPOSES ONLY

4. **FISCAL YEAR 2016-2017 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND UNDER SECTION 34176.1 OF THE DISSOLUTION LAW AND SECTION 34328 OF THE CALIFORNIA HOUSING AUTHORITIES LAW** - Finance Department

**ACTION:**

City Council received and filed the Fiscal Year 2016-2017 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2016-2017 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority.

5. **RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 18-19 A-B FISCAL PERIOD OF JULY 1, 2018 TO JUNE 30, 2019** - Finance Department

**ACTION:**

Successor Agency adopted Successor Agency Resolution No. 18-03 approving Recognized Obligation Payment Schedule for the 18-19 A-B Annual Fiscal Period of July 1, 2018 to June 30, 2019 ("ROPS 18-19 A-B"), subject to submittal to and review by the Oversight Board and then DOF. Further, the Finance Director or authorized designee, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s), if any, with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

6. **STREET REHABILITATION PROJECT, CITY PROJECT NO. 17-14**  
Public Services Department/Engineering Division

**ACTION:**

1. City Council adopted the plans, specifications, and working details for the Street Rehabilitation Project, City Project No. 17-14; and
2. Awarded a construction contract to Eagle Paving Company, Inc. dba Toro Engineering 13915 Danielson St., Suite 201, Poway, CA 92064, in the amount of \$2,177,448.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**FOR INFORMATIONAL PURPOSES ONLY**

- 7. AUTHORIZE USE OF THE COUNTY OF ORANGE MASTER AGREEMENT MA-080-15011198 WITH UNITED STORM WATER, INC. FOR THE COSTA MESA CONNECTOR PIPE SCREEN INSTALLATION PROJECT**  
Public Services Department/Engineering Division

**ACTION:**

City Council authorized the use of the County of Orange Master Agreement MA-080-15011198 with United Storm Water, Inc. to purchase and installed Connector Pipe Screens for a total project cost of \$54,430.00.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

- 1. WARRANT RESOLUTION NO. 2590 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-24 "A" FOR \$502.24, 17-25 FOR \$2,602,199.22, 17-25 "A" FOR \$7,525.88, AND 17-26 FOR \$2,558,283.72; AND CITY OPERATING EXPENSES FOR \$5,174,869.53; 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. 2590.

- 8. KIMLEY-HORN AND ASSOCIATES PROFESSIONAL SERVICES CONTRACT AMENDMENT FOR SOBER LIVING FACILITY PROGRAM MANAGEMENT**  
Development Services Department/Community Improvement Division

**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

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

1. City Council approved Amendment Number Five to Professional Services Agreement with Kimley-Horn and Associates, Inc. to add \$150,000 and extend the term through December 31, 2018; and
2. Authorized the City Manager and City Clerk to execute the agreement; and
3. Authorized the City Manager and City Clerk to accept and execute future amendments to the agreement.

### **9. FIRST AMENDMENT TO COMMUNICATIONS SITE LEASE AGREEMENT WITH STC ONE LLC FOR CELL TOWER LOCATED AT SHIFFER PARK**

City Manager's Office

**MOVED/SECOND:** Council Member Stephens/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

### **ACTION:**

City Council approved the First Amendment and Memorandum to the Communications Site Lease Agreement with STC ONE LLC for the cell tower located at Shiffer Park, 3143 Bear Street, and authorized the City Manager to execute the documents.

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

#### **1. APPEAL OF THE DENIAL OF SPECIAL USE PERMITS TO OPERATE SOBER LIVING HOMES AT 653 JOANN STREET (SL-15-0019) AND 647 JOANN STREET (SL-15-0041) - Development Services Department**

Mr. Steven Polin, attorney representing Mr. Richard Perlin, applicant and property owner, stated the appeal was withdrawn by Mr. Perlin.

Pursuant to Government Code 54954.2 (b)(2), the City Council determined a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

## FOR INFORMATIONAL PURPOSES ONLY

**MOVED/SECOND:** Council Member Foley/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 recessed into Closed Session at 8:55 p.m. for the following item:

Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation. Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code for one potential case.

City Council reconvened at 9:10 p.m. City Attorney Tom Duarte reported out that there was no reportable action.

2. **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 19<sup>TH</sup> STREET** – Development Services Department/Planning Division

**MOVED/SECOND:** Mayor Pro Tem Mansoor/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:**

City Council reversed the Planning Commission's decision by adoption of Resolution No. 18-04 and denied the Minor Conditional Use Permit ZA-16-37 to allow two shipping containers at the rear of the property of the 777 West 19<sup>th</sup> Street building at 777 and 779 West 19<sup>th</sup> Street; and directed staff to bring forth a code change addressing the issues of storage containers on properties.

City Council recessed into a break at 10:21 p.m.

City Council reconvened at 10:28 p.m.

**OLD BUSINESS:**

1. **SECOND READING AND ADOPTION OF ORDINANCE 18-03 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** – Development Services Department/Planning Division

**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:**

City Council gave second reading and adopted Ordinance No. 18-03, read by title only, and further reading waived, adopting Code Amendment CO-17-01 for the following amendments to Title 13 (Zoning Code) related to Accessory Dwelling Units (ADU):

- Chapter I, Article 2, Section 13-6: Replace Second Unit definition with Accessory Dwelling Unit 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.

2. **SECOND READING AND ADOPTION OF ORDINANCE NO. 18-02 FOR AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO NON-COMMERCIAL BANNERS**

Development Services Department/Planning Division

**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



## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

City Council gave second reading and adopted Ordinance No. 18-02, (Code Amendment CO-16-04B), read by title only, and further reading waived, amending Title 13 of the Costa Mesa Municipal Code related to non-commercial banners.

### **NEW BUSINESS:**

**MOVED/SECOND:** Council Member Righeimer/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 continued New Business item numbers 1, 3, 4, 6, and 7 to a future City Council meeting and considered New Business Item No. 2 next.

## **2. APPOINTMENTS TO ANIMAL SERVICES COMMITTEE**

City Manager's Office/City Clerk's Office

**MOVED/SECOND:** Mayor Genis/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 appointed the following members to the Animal Services Committee:

Four regular members for two-year terms: Jay B. Litvak, DVM, Tracy Hughes, Christie McDaniel, and Dana Lavin.

Three regular members for one-year terms: Rebecca "Becca" Walls, Marilyn Brooks, and Harriet Brown.

Two alternates for two-year terms: Angela Minjares and Linda Kwoun.

## FOR INFORMATIONAL PURPOSES ONLY

1. **WORK PLAN FOR SMALL LOT & OVERLAY ZONES**  
Development Services Department/Planning Division

**ACTION:**

City Council continued the item to a future City Council meeting.

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

**ACTION:**

City Council continued the item to a future City Council meeting.

4. **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 a future City Council meeting.

**THIS ITEM WAS WITHDRAWN FROM THE AGENDA.**

- ~~5. **MOBILE HOME PARK COMMITTEE** – City Manager/Administration~~

~~RECOMMENDATION:~~

~~Council Member Foley requests formal City Council consideration to establish a committee to address mobile home parks issues and concerns in Costa Mesa.~~

6. **PILOT PROGRAM FOR PORTABLE RESTROOMS – Office of the City Council**

**ACTION:**

City Council continued the item to a future City Council meeting.

7. **AIRPORT NOISE FROM JOHN WAYNE AND LONG BEACH AIRPORTS**  
Development Services Department/Planning Division

**ACTION:**

City Council continued the item to a future City Council meeting.

**REPORT – CITY MANAGER** – City Manager Hatch provided an update on the Animal Shelter and spoke on an interim agreement for a temporary shelter.

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor adjourned the meeting at 11:59 p.m. in memory of Officer Jess Gilman.