

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

FEBRUARY 6, 2018

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 4:07 p.m.), Council Member Righeimer (arrived at 4:07 p.m.), Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

The City Council recessed to Conference Room 5A at 4:05 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 - PENDING LITIGATION INITIATION OF LITIGATION – ONE POTENTIAL CASE

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

4. 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.

5. 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.

6. 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.

7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court for the Central District of California – Southern Division, Case No. 8:18-cv-00155.

The City Council reconvened at 6:03 p.m.

CALL TO ORDER (00:00:19)

The meeting was called to order by the Mayor at 6:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:41) - Mayor Pro Tem Mansoor

MOMENT OF SOLEMN EXPRESSION (00:00:58)

Pastor Rod Randall, Harbor Trinity Church, Costa Mesa

ROLL CALL (00:01:56)

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

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Tamara Letourneau, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:12) – Assistant City Attorney Preziosi reported on Closed Session item #4, City of Costa Mesa v. Morningside Recovery, LLC, in which the City Council, on a vote of 4-0-1 with Mayor Genis abstaining, authorized the settlement of the case and the case is now settled.

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

ANNOUNCEMENTS (00:02:54) - "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:05:20)

Flo Martin, Costa Mesa, spoke on safety issues concerning bicyclists. (00:06:20)

Jay Humphrey, Costa Mesa, spoke on the placement of items on the agenda. (00:10:30)

Lynnette Brown and Lisa Price, spoke on Priceless Pets Rescue. (00:13:08)

Speaker, spoke on housing numbers listed in the newspaper. (00:14:15)

Reggie Mundekis, spoke on building issues and Turbine Farms at the Orange County Fairgrounds (00:14:54)

Kim Hendricks, Costa Mesa, spoke against the Fish Fry being held at Fairview Park; spoke on the Fairview Park Steering Committee; and Public Records Requests. (00:17:06)

Beth Refakes, Costa Mesa, thanked Council Members Foley and Stephens for the Listening Tour; spoke on resolving problems in the City; and the condition of landscaping at the end of the 55 freeway. (00:19:31)

Speaker, spoke on water conservation; the Orange Coast River Park film screening on homeless issues; and the Orange County Fair Board. (00:21:07)

Brett Eckles, Costa Mesa, thanked the City Council for their service; spoke on groups feeding the homeless population in the parks and requested a permitting process. (00:24:01)

Speaker, spoke on transparency and good governance. (00:27:03)

Tom Pollitt, Costa Mesa, thanked the City Council for their service; spoke on the homeless issues; and pension issues. (00:32:02)

Andrea Marr, Costa Mesa, spoke on sober living homes and the collection of data. (00:34:32)

Ralph Taboada, Costa Mesa, thanked City Manager Hatch, City staff, Mayor Genis and Council Member Stephens for the Animal Shelter contract; spoke on the placement of items on the agenda; and against limiting speaker comments. (00:36:21)

Speaker, spoke on a City of the Arts event; politics and attendance at a coffee event. (00:38:53)

Speaker, spoke on attendance at a coffee event; CM4RG town hall meeting; and requested to bring the picnic tables back at Wilson Park. (00:42:07)

Speaker, spoke on Snoopy House; vernal pools; dog park issues; and Sober Living issues. (00:45:11)

Charles Chism, Costa Mesa, spoke on Sober Living issues; and sober living facilities at 351 & 357 Victoria Street; 2136 Thurin Street; 369 Rancamp Place; 316 Hamilton; and 395 Victoria. (00:48:15)

Speaker, spoke against the Fish Fry being held at Fairview Park. (00:51:30)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:53:20)

Mayor Pro Tem Mansoor spoke on Sober Living issues; Network for Homeless solutions, feeding the homeless, a permitting process and agendizing an item addressing these issues. 00:53:23)

Council Member Foley thanked everyone who attended the Listening Tour; spoke on Competitive Drag Racing complaints; lighting on City Streets; targeted lighting streetscape; increased patrols at Pomona school; trash clean-up on the 55 freeway; and school grants. (00:56:12)

Mayor Genis thanked staff for efforts on the animal shelter and partnership with Priceless Pets Rescue; spoke on the trash clean-up on the 55 freeway; requested clarification on the Snoopy House consultant; spoke on lighting issues; a Noise Ordinance; and eulogized Ernie Feeney. (01:00:46)

Council Member Stephens reported on attendance to Haven for Hope on January 18-19 on which they addressed homeless issues and a regional approach for solutions; a visit to the Orchard in Santa Ana; invited everyone to the Network for Homeless Solutions and Fresh Beginnings ministry golf tournament on March 9; and spoke on the memorial for Adam J. Araja and requested to adjourn in his memory. (01:04:54)

Council Member Righeimer spoke on the length of meetings; homeless and Sober Living issues. (01:04:54)

CONSENT CALENDAR (01:12:36)

MOVED/SECOND: Council Member Foley/Council Member Righeimer

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

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: Jennifer Lilley and Michael Anthony McDonough.

ACTION:

City Council received and filed.

3. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JANUARY 2, 2018 AND JANUARY 16, 2018** - City Manager's Office/City Clerk Division

ACTION:

City Council approved the minutes of January 2, 2018 and January 16, 2018.

5. **COSTA MESA SENIOR CENTER ADA RESTROOM IMPROVEMENTS (CDBG) CITY PROJECT NO. 17-18** - Public Services Department/Engineering Division

Council Member Foley spoke on the item. (01:14:00)

ACTION:

1. City Council adopted the plans, specifications, and working details for the Costa Mesa Senior Center ADA Restroom Improvements Project, City Project No. 17-18, funded by the Community Development Block Grant (CDBG) program; and
2. Rejected the bid submitted by KG Axis, Inc., 21 Gramercy Unit 221, Irvine, California 92612; and
3. Rejected the bid submitted by Glowex Builders, 324 South Beverly Drive, Beverly Hills, California 90212; and
4. Awarded a construction contract to R Dependable Const. Inc., 1019 W. 3rd Street, Suite B, San Bernardino, California 92410, in the amount of \$189,000.00; and

5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

6. NOTICE OF INTENT FOR THE VACATION OF LANDSCAPE EASEMENT AT 1585 MACARTHUR BOULEVARD, 3530 HYLAND AVENUE AND 1580-1590 SCENIC AVENUE - Public Services Department/Engineering Division

ACTION:

1. City Council scheduled a public hearing on March 6, 2018, for the vacation of a portion of a Landscape Easement at 1585 MacArthur Boulevard, 3530 Hyland Avenue and 1580-1590 Scenic Avenue; and
2. Adopted Resolution No. 18-06, intent to vacate Landscape Easement.

7. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00086 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17781 LOCATED AT 2026 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA
Public Services Department/Engineering Division

ACTION:

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 802522S) in the amounts of \$50,040.00 each for street improvements, and (Certificate No. 802523S) for setting corner survey monuments in the amount of \$1,500.00 to Richmond American Homes of Maryland, Inc., (Developer), 5171 California Avenue, Suite 120, Irvine, California 92617.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. WARRANT RESOLUTION NO. 2591 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-26 "A" FOR \$8,212.60 AND 18-01 FOR \$2,575,467.01; AND CITY OPERATING EXPENSES FOR \$3,109,663.83; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – (01:14:45) Finance Department

Public Comments:

Speaker, spoke on Live Scan fees. (01:14:48)
Public Comments Closed.

Discussion ensued on Live Scan process and fees. (01:16:00)

Mayor Pro Tem Mansoor spoke on submitting questions to Council Members regarding the warrants. (01:16:00)

MOVED/SECOND: Council Member Foley/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 approved Warrant Resolution No. 2591.

4. REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON TRINITY DRIVE BETWEEN PAULARINO AVENUE AND YELLOWSTONE DRIVE (01:18:25) - Public Services Department/Transportation Services Division

Jennifer Rosales, Transportation Services Manager, presented the staff report. (01:18:58)

Public Comments:

Lynne Wieganelt and Stephanie Sam Jose, Costa Mesa, requested a handicapped space in front of home; and spoke in support of the item. (01:21:00)

Speaker, Costa Mesa, spoke regarding impacts on Yellowstone Drive; and inquired on the process of determining non-residents parking on Trinity Drive. (01:23:24)

Janet Krochman, Costa Mesa, spoke in support of the item. (01:27:15)

Speaker, Costa Mesa, spoke in support of the item. (01:29:31)

Speaker, spoke on Sober Living Homes causing parking problems. (01:31:42)

Public Comments Closed.

Council Member Foley spoke on the request for a handicapped space; and permit parking requests going to the Planning Commission. (01:32:20)

Council Member Righeimer spoke in opposition to a dedicated handicapped parking space. (01:35:10)

MOVED/SECOND: Council Member Stephens/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:

1. City Council adopted Resolution No. 18-05, approving the implementation of a **“Resident Only”** parking restriction on Trinity Drive between Paularino Avenue and Yellowstone Drive; and
2. Authorized the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed.

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

1. **PLANNING APPLICATION PA-15-22 FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A EVENT CENTER/BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR ACTIVITY SPACE AND DEVIATION FROM PARKING REQUIREMENTS FOR OFF-SITE SHARED PARKING WITH 2991 RANDOLPH AVENUE AND 765 ST. CLAIR STREET FOR A PROPOSED PROJECT AT 2955 RANDOLPH AVENUE SUITE B (01:36:36)**

Development Services Department/Planning Division

Dan Inloes, Senior Planner, presented the staff report. (01:37:45)

Linda Sadeghi, applicant, provided a power point presentation and spoke on the project. (01:47:38)

Discussion ensued on the agreement with the tenants. (01:47:38)

Public Hearing Opened:

Jay Humphrey, Costa Mesa, spoke on parking concerns. (01:57:35)

Mary Ann Frericks, owner of Barley Forge, spoke on parking and safety concerns. (02:00:45)

Greg Nylen, co-owner of Barley Forge, spoke on the agreement with Tree House; parking concerns; requested that the CUP include conditions that all attendees must park at the lots identified on the application; and expressed concern regarding the valet parkers. (02:04:18)

Speaker, spoke in support of the project. (02:07:24)

Teresa Drain, Costa Mesa, inquired on the minutes of the Planning Commission regarding the project; and review of the CUP. (02:10:15)

Speaker, spoke on Planning Commissioner Navarro Woods voting against the project; and spoke against the project. (02:11:37)

Speaker, spoke against the project. (02:13:42)

Ms. Sadeghi addressed the issues regarding DAX gallery; alcohol beverages; and a smoker's corner. (02:17:04)

Discussion ensued on alcohol beverages; and parking for food trucks. (02:18:54)

Public Hearing Closed.

Council Member Righeimer spoke to supporting the motion. (02:20:35)

Council Member Foley spoke to supporting the motion. (02:22:15)

Mayor Pro Tem Mansoor spoke to supporting the motion. (02:23:32)

Mayor Genis spoke to supporting the motion. (02:23:58)

Council Member Stephens spoke to supporting the motion. (02:24:35)

Discussion ensued on the status of the parking study; and the condition of approval pertaining to onsite valet parking. (02:24:58)

Discussion ensued on modifying the condition of approval pertaining to the training of service staff. (02:29:10)

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 the Planning Commission's decision by adoption of Resolution No. 18-08, to approve a Conditional Use Permit with the following revisions: 1) The business shall ensure that all catering companies operating onsite shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic Beverage Control. A copy of the training certificates shall be kept on premises and presented to any authorized City official upon request. 2) All user agreements shall stipulate that guests of the event will be informed that they are required to utilize only free onsite valet parking or use an approved shuttle. The permit is for the renovation of a 2,300-square-foot tenant space within a single-story industrial building at 2955 Randolph Avenue for an event venue (Alleylujah) and included the following:

1. Conditional use permit for:
 - a) operation of an event center/ banquet facility
 - b) valet parking at 2955 and 2991 Randolph Avenue and 765 St. Clair

2. Minor conditional use permit for:
 - a) an outdoor relief area for the event center
 - b) shared parking at 765 St. Clair Street and 2991 Randolph Avenue.

City Council recessed into a break at 8:33 p.m. (02:30:15)

City Council reconvened at 8:43 p.m. (02:40:28)

OLD BUSINESS: NONE

NEW BUSINESS (02:40:33)

1. WORK PLAN FOR SMALL LOT & OVERLAY ZONES (02:40:45)

Peggy Schnebble, consultant, presented the staff report. (02:40:50)

Discussion ensued on consolidating phases and speeding up the process; removing residential nodes along Harbor Blvd. and Newport Blvd.; neighborhood visioning; minimum lot size for the Small Lot Ordinance; Measure Y impacts; General Plan amendments; and the effect on projects currently in the process. (02:53:50)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of eliminating the overlay zones and modifying the Small Lot Ordinance. (03:15:54)

Speaker, supports review of the Small Lot Ordinance and overlay zones. (03:18:51)

Beth Refakes, Costa Mesa, supports review of the overlay zones. (03:21:58)

Speaker, spoke against the Small Lot Ordinance; and requested clarification on spot zoning and implementation of Measure Y. (03:23:45)

Robin Leffler, Costa Mesa, supports a moratorium on the Small Lot Ordinance; review of the overlays; and low density. (03:25:28)

Teresa Drain, Costa Mesa, supports a moratorium on the Small Lot Ordinance; and spoke on Measure Y. (03:28:01)

Tom Walker, Costa Mesa, spoke in support of the Small Lot Ordinance. (03:30:13)

Speaker, spoke against the Small Lot Ordinance. (03:32:28)

Speaker, spoke against the Small Lot Ordinance. (03:33:01)

Speaker, spoke against the Small Lot Ordinance and overlays. (03:35:22)

Speaker, representing People for Housing in Orange County, spoke in support of the Small Lot Ordinance. (03:38:25)

Margaret Sharp, Cost Mesa, spoke on affordable housing. (03:44:25)

Public Comments Closed.

Discussion ensued on the comparison between Common Interest Development vs. Small Lot Ordinance square footage. (03:45:34)

MOVED/SECOND: Mayor Pro Tem Mansoor/Mayor Genis

MOTION: Approve the work plan for Residential Small Lot Subdivisions and Urban Plan/Overlay Districts as recommended by the Planning Commission, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards and then proceed with the Urban Plan/Overlay District Work Plan. (03:48:22)

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MOVED/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: (1) To vote on each issue separately; and (2) to direct staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Newport Boulevard. (03:49:37)

Council Member Righeimer spoke on the issue and requested notification to all the property owners in the City. (03:51:23)

Council Member Foley spoke to clarify the substitute motion. (03:54:42)

Mayor Genis spoke to supporting the substitute motion. (03:56:14)

MOVED/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: (1) To vote on each issue separately; and (2) to direct staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Newport Boulevard. (03:57:51)

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 agreed (1) To vote on each issue separately; and (2) to direct staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Newport Boulevard.

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MOVED/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: To direct staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Harbor Boulevard with the exception of the Motor Inn project. (03:58:10)

Discussion ensued on initiating the process; public noticing; presenting the item to the Planning Commission and City Council; public involvement; and a Measure Y analysis. (03:58:39)

MOVED/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: To direct staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Harbor Boulevard with the exception of the Motor Inn project. (04:05:20)

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 directed staff to return to the Council with a process to eliminate the 40 units per acre Residential Overlay Zone on Harbor Boulevard with the exception of the Motor Inn project.

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MOVED/SECOND: Council Member Stephens/Council Member Righeimer
SUBSTITUTE MOTION: (1) Approve the work plan for Residential Small Lot Subdivisions as recommended by the Planning Commission, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards; and (2) include the notification of all property owners by mail. (04:06:00)

Council Member Righeimer spoke on including the notification of all property owners by mail. (04:06:37)

Mayor Genis spoke on open space and setbacks concerns. (04:06:50)

Council Member Foley requested data on the number of owner occupied small lot ordinance residences.

Council Member Stephens requested information on the goals and intentions on the small lot ordinance and whether the objectives were accomplished.

MOVED/SECOND: Council Member Stephens/Council Member Righeimer
SUBSTITUTE MOTION: (1) Approve the work plan for Residential Small Lot Subdivisions as recommended by the Planning Commission, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards; and (2) include the notification of all property owners by mail. (04:11:10)

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 approved: (1) The work plan for Residential Small Lot Subdivisions as recommended by the Planning Commission, which directs staff to proceed immediately with a code amendment to modify the Small Lot Residential standards to be consistent with the Common Interest Developments standards; and (2) to include the notification of all property owners by mail.

Discussion ensued on Measure Y analysis and new developments. (04:11:20)

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Discussion ensued on the Westside Overlays.

MOVED/SECOND: Council Member Foley/Council Member Stephens
SUBSTITUTE MOTION: Pertaining to the Westside overlays only, direct staff to bring forward a report and recommendations for changes to those overlays that would create a quality design, more open space and setbacks. (04:14:32)

MOVED/SECOND: Mayor Genis/Mayor Pro Tem Mansoor
SUBSTITUTE MOTION: Direct staff to move forward with the Phase 2 Urban Plan/Overlays Districts Work Plan excluding the Harbor Boulevard and Newport Boulevard 40 Unit Residential Overlays and to identify the amenities needed to serve the residents. (04:18:48)

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 directed staff to move forward with the Phase 2 Urban Plan/Overlays Districts Work Plan excluding the Harbor Boulevard and Newport Boulevard 40 Unit Residential Overlays and to identify the amenities needed to serve the residents.

Council Member Foley directed staff to have a meeting with the property owners of the motels on Newport Boulevard and to bring forward a work plan for upgrading the motels. (04:21:12)

City Council recessed into a break at 10:26 p.m. (04:22:44)

City Council reconvened at 10:35 p.m. (04:32:20)

2. RESOLUTION SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES) – (04:32:32) Office of the City Council

Daniel Baker, Assistant to the City Manager, presented the staff report. (04:32:43)

Discussion ensued on the calls for service for six Sober Living Home addresses; purpose of the resolution; and making changes at the state level. (04:33:45)

Public Comments:

Speaker, spoke in support of the resolution. (04:48:41)

Speaker, spoke in support of the resolution. (04:51:24)

Robin Leffler, Costa Mesa, spoke in support of the resolution. (04:52:15)

Speaker, spoke in support of the resolution. (04:53:02)

Karl Ahlf, Costa Mesa, spoke in support of the resolution. (04:55:02)

Public Comments Closed.

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: Approve the recommended action and adopt Resolution No. 18-07.
(04:56:18)

Mayor Pro Tem Mansoor spoke on adding a whereas that states "California State Government refuses to allow local oversight and is enabling our current situation to get worse". (04:56:27)

Council Member Foley spoke on adding a whereas regarding the re-examination of State laws. (04:56:41)

Mayor Pro Tem Mansoor spoke on the substitute motion. (04:58:22)

Council Member Righeimer spoke to supporting the substitute motion. (04:58:41)

Mayor Genis spoke on the state issues. (05:00:31)

Council Member Stephens spoke in support of moving forward with the resolution and directing staff to come back addressing the state. (05:02:30)

Mayor Pro Tem Mansoor requested City Manager Hatch to bring forward a resolution addressing the state. (05:03:54)

MOVED/SECOND: Mayor Pro Tem Mansoor/Council Member Righeimer
SUBSTITUTE MOTION: To approve the resolution with the added whereas that states "California State Government refuses to allow local oversight and is enabling our current situation to get worse".

The motion failed by the following roll call vote:

Ayes: Council Member Righeimer and Mayor Pro Tem Mansoor.

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

Absent: None

Motion failed: 2-3

MOVED/SECOND: Council Member Foley/Council Member Stephens

ORIGINAL MOTION: Adopt Resolution No. 18-07, supporting local authority to certify and regulate residential recovery facilities (Sober Living Homes) and include the following language to the Resolution: "WHEREAS, the City of Costa Mesa is working with a coalition of other Orange County and Los Angeles County electeds to make changes at the state level." NOW, THEREFORE, BE IT RESOLVED that the City of Costa Mesa supports federal and state legislation." Furthermore, direct staff to bring forward a Resolution addressing the State of California.

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 adopted Resolution No. 18-07, supporting local authority to certify and regulate residential recovery facilities (Sober Living Homes) and include the following language to the Resolution "WHEREAS, the City of Costa Mesa is working with a coalition of other Orange County and Los Angeles County electeds to make changes at the state level." NOW, THEREFORE, BE IT RESOLVED that the City of Costa Mesa supports federal and state legislation." Furthermore, City Council directed staff to bring forward a Resolution addressing the State of California.

3. PROVIDE DIRECTION TO STAFF REGARDING THE PREPARATION OF A DETAILED STAFF REPORT REGARDING THE POSITION OF THE CITY ATTORNEY (05:06:17) – Office of the City Council

City Attorney Duarte stepped down from the dais and left the Council Chambers due to potential financial conflicts on the City Attorney's contract with the City.
(05:06:30)

Tammy Letourneau, Assistant City Manager, presented the staff report.
(05:06:30)

Discussion ensued on what the detailed staff report entails; the comparative costs; and quarterly report of all legal fees. (05:09:13)

Public Comments:

Ralph Taboada, Costa Mesa, spoke on highlighting the cost of the city attorney.
(05:15:02)

Beth Refakes, Costa Mesa, spoke on having an in-house city attorney.
(05:16:50)

Speaker, spoke on other costs associated with an in-house city attorney; and timing of the item. (05:19:23)

Speaker, spoke in support of making a change and terminating the contract with Jones and Mayer. (05:22:26)

Robin Leffler, Costa Mesa, questioned the motivation of bringing the item forward. (05:24:50)

Flo Martin, Costa Mesa, spoke in support of terminating the contract with Jones and Mayer. (05:25:33)

Public Comments Closed.

Council Member Stephens spoke on effective and economical representation. (05:28:18)

MOVED/SECOND: Council Member Stephens/Council Member Foley
MOTION: Direct staff to prepare a detailed staff report regarding the City Attorney position. (05:32:10)

Council Member Stephens spoke on the motion. (05:32:24)

Mayor Pro Tem Mansoor spoke on the timing. (05:34:18)

Council Member Righeimer spoke to receive and file. (05:35:40)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
SUBSTITUTE MOTION: To receive and file.

Council Member Foley spoke on the issue. (05:37:50)

Mayor Genis spoke on the issue. (05:46:40)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
SUBSTITUTE MOTION: To receive and file. (05:53:00)

The motion failed by the following roll call vote:

Ayes: Council Member Righeimer and Mayor Pro Tem Mansoor.

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

Absent: None

Motion failed: 2-3

Mayor Genis spoke on utilizing the additional information for the City Attorney's performance review. (05:53:27)

Discussion ensued on the previous City attorney being replaced. (05:55:00)

MOVED/SECOND: Council Member Stephens/Council Member Foley
ORIGINAL MOTION: Provide direction to staff to prepare a detailed report regarding the position of the City Attorney outlining in detail each one of the options the Council has available as well as providing additional financial information.

The motion carried by the following roll call vote:

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

Nays: Mayor Pro Tem Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

City Council directed staff to prepare a detailed report regarding the position of the City Attorney outlining in detail each one of the options the Council has available as well as providing additional financial information.

Council Member Foley moved to continue with the meeting and to consider the balance of the items. The motion died due to lack of a second. (05:58:55)

MOVED/SECOND: Council Member Stephens/Mayor Genis

SUBSTITUTE MOTION: Adjourn the meeting at 12:04 a.m. in memory of Ernie Feeney and Adam J. Araj.

THE FOLLOWING NEW BUSINESS ITEMS WILL BE AGENDIZED FOR THE SUBSEQUENT CITY COUNCIL MEETING:

4. **PILOT PROGRAM FOR PORTABLE RESTROOMS** – Office of the City Council
5. **AIRPORT ISSUES CONCERNING JOHN WAYNE AND LONG BEACH AIRPORTS** - Development Services Department/Planning Division
6. **CANDIDATE FORUMS** – City Manager’s Office

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS - NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

Minutes adopted on this 6th day of March, 2018.

A handwritten signature in blue ink, appearing to read "S. L. Genis", is written above a horizontal line.

Sandra L. Genis, Mayor

ATTEST:

A handwritten signature in blue ink, reading "Brenda Green", is written above a horizontal line.

Brenda Green, City Clerk