

**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, FEBRUARY 6, 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 4:07 p.m.), Council Member Righeimer (arrived at 4:07 p.m.), 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 4:05 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.

FOR INFORMATIONAL PURPOSES ONLY

CALL TO ORDER

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.

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 – 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

CONSENT CALENDAR:

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.

FOR INFORMATIONAL PURPOSES ONLY

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

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 - Finance Department**

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 - Public Services Department/Transportation Services Division**

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.

FOR INFORMATIONAL PURPOSES ONLY

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 - 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 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.

City Council reconvened at 8:43 p.m.

OLD BUSINESS: NONE

NEW BUSINESS:

1. WORK PLAN FOR SMALL LOT & OVERLAY ZONES

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.

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.

###

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.

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 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.

###

FOR INFORMATIONAL PURPOSES ONLY

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.

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.

###

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.

City Council recessed into a break at 10:26 p.m.

City Council reconvened at 10:35 p.m.

FOR INFORMATIONAL PURPOSES ONLY

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

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 – Office of the City Council**

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

FOR INFORMATIONAL PURPOSES ONLY

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.

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

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE