

**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 20, 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 4:00 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 4:10 p.m.) Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor (arrived at 4:10 p.m.) and Mayor Genis.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Conference Room 5A at 4:02 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.

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: 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, Central District of California – Southern Division, Case No. 8:18-cv-00155.

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

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

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

Pursuant to Subdivision (d)(2) of Section 54956.9, California Government Code

The City Council reconvened at 6:08 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 6:08 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

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 3 except for 2 and 3.

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: David Brantley, Kevin Canada, Doug Gorrie and Irene E. Weis.

ACTION:

City Council received and filed.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

- 2. WARRANT RESOLUTION NO. 2592 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-01 "A" FOR \$822.00, 18-02 FOR \$2,353,556.88 AND 18-03 FOR \$2,468,629.72; AND CITY OPERATING EXPENSES FOR \$2,779,536.39; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID - Finance Department**

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 approved Warrant Resolution No. 2592.

FOR INFORMATIONAL PURPOSES ONLY

- 3. AWARD THE PURCHASE OF THREE NEW 2018 FORD K8A POLICE INTERCEPTORS UTILITY PATROL VEHICLES WITH CODE 3 UPFITTING**
Public Services Department/Maintenance Services Division

MOVED/SECOND: Council Member Stephens/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 and authorized the City Manager to execute purchase orders for the purchase of three (3) new 2018 Ford K8A Police Interceptor Utility body with code 3 upfitting with the National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 for a total amount of \$152,474.76 through the National Joint Powers Alliance (NJPA) contract #120716.

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

- 1. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMIT PA-16-18 TO ALLOW A SOBER LIVING FACILITY SERVING 34 ADULTS IN SIX UNITS OPERATED BY SOCAL RECOVERY AT 175 EAST 21ST STREET, INCLUDING AN APPEAL OF A DENIAL OF A REQUEST FOR A REASONABLE ACCOMMODATION FROM A LAND USE REQUIREMENT**
Development Services Department/Planning Division

MOVED/SECOND: Mayor Pro Tem Mansoor/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 adopted Resolution No. 18-09, upholding the Director's denial of the request for reasonable accommodation and upholding the Planning Commission's denial of Conditional Use Permit PA-16-18.

City Council recessed into a break at 8:41 p.m.

City Council reconvened at 8:54 p.m.

FOR INFORMATIONAL PURPOSES ONLY

2. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF SPECIAL USE PERMIT SL-15-0010 FILED BY SOCAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX MEN AT 783 HUDSON AVENUE

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 adopted Resolution No. 18-10, upholding the decision of the Planning Commission to deny the Special Use Permit.

3. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF SPECIAL USE PERMIT SL-15-0011 FILED BY SOCAL RECOVERY TO OPERATE A SOBER LIVING HOME SERVING SIX MEN AT 208 CECIL PLACE

Development Services Department/Planning Division

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 adopted Resolution No. 18-11, upholding the decision of the Planning Commission to deny the Special Use Permit.

City Council recessed into a break at 10:36 p.m.

City Council reconvened at 10:44 p.m.

OLD BUSINESS: NONE

NEW BUSINESS:

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

MOVED/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: Direct staff to research further and work with the Costa Mesa Sanitary District, Chambers of Commerce, and businesses on 19th Street to identify a location for the pilot program for portable restrooms and return to the Council for consideration.

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 research further and work with the Costa Mesa Sanitary District, Chambers of Commerce, and businesses on 19th Street to identify a location for the pilot program for portable restrooms and return to the Council for consideration.

2. AIRPORT ISSUES CONCERNING JOHN WAYNE AND LONG BEACH AIRPORTS - Development Services Department/Planning Division

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

MOTION: Continue past midnight to finish New Business Item #2 and adjourn the meeting.

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 past midnight to finish New Business Item #2 and agreed to adjourn the meeting.

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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

City Council directed staff to do the following:

1. Continue to monitor the airport noise issues and explore/implement public feedback portals on the City's Website; and
2. Send the letter to Jetblue; and
3. Create a Task Force, which consists of two (2) Council Members and one (1) Costa Mesa resident appointed by the Mayor, to attend the Aviation Committee meetings and report back to City Council; and
4. For the Task Force to seek a contract with a consultant to represent the City for noise issues and contracts and seek a proposal for a preliminary aircraft noise study.

NEW BUSINESS ITEM #3 WAS CONTINUED TO THE MARCH 6, 2018 CITY COUNCIL MEETING.

3. **CANDIDATE FORUMS** – City Manager's Office

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor adjourned the meeting at 12:18 a.m.