

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

JULY 17, 2018

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:07 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

PUBLIC COMMENTS ON CLOSED SESSION

Rajesh Dhamecha, Agent for buyer, spoke on Closed Session No. 6 stating that his client would like to purchase the property and requested a decision by July 18th.

Speaker, spoke on Closed Session No. 6 and being a potential buyer of New Harbor Inn property.

The City Council recessed to Conference Room 5A at 4:20 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Association (CMPA)

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, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: New Harbor Inn, 2205 Harbor Boulevard, Costa Mesa, CA 92627
APN: 422-193-24
Pursuant to Section 54956.8, California Government Code
Negotiating Parties: Thomas R. Hatch, City Manager and 2205 Harbor LLC, Ming Chen and Hsiang Chen
Under Negotiation: Price and Terms

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

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

**8. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION – ONE POTENTIAL CASE**

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

With regards to Closed Session Item No. 8, Assistant City Attorney Tarquin Preziosi stated: The facts and circumstances related to the condition of approval number 1 of the tentative tract map and master plan for the Red Mountain Retail Group planning application PA-13-29, located at 511 Hamilton St., as set forth in the July 12, 2018 letter from the applicant's representative to the City.

The City Council reconvened at 6:15 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by Mayor Genis at 6:15 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:43) – Council Member Foley

MOMENT OF SOLEMN EXPRESSION (00:01:00)

Pastor Ben Applebee, Watermark Church, Costa Mesa

ROLL CALL (00:02:30)

Present: Council Member Foley, Council Member Righeimer (left at 11:58 p.m.), Council Member Stephens, Mayor Pro Tem Mansoor, and Mayor Genis.

Absent: None

Officials Present: Assistant City Attorney Tarquin Preziosi, 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 (00:04:57) – Assistant City Attorney Tarquin Preziosi reported on Closed Session Item Nos. 3 and 4, the Dadey and Kennedy Commission lawsuits, in which the City of Costa Mesa has reached a settlement agreement to settle the lengthy disputes over the development of the Costa Mesa Motor Inn site at 2277 Harbor Boulevard and challenges to the city's motel ordinance. The Los Angeles Superior Court entered a judgment last week consistent with the settlement that allows development on the Motor Inn site of a new apartment project with up to 200 units, including nine units reserved for very low-income tenants for the next 55 years. The settlement agreement effectively ends three lawsuits, two filed in 2014 challenging a city ordinance that regulates long-term stays at motels, and one objecting to the City Council's 2015 land use approvals for the owner-applicant to develop a 224-unit project on the Motor Inn site. Mr. Preziosi also provided a follow-up from the June 19, 2018 Closed Session meeting, in which the City Council, on a vote of 5-0, authorized the initiation of litigation against Casa Capri located at 269 and 271 16th Place and Ohio House located at 247 and 253 Joan Street. The litigation has now been filed in court.

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

ANNOUNCEMENTS (00:02:58) – "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS

Ned McCune, Costa Mesa, spoke on coyote issues. (00:07:32)

Charmaine Mosa, Costa Mesa, spoke on coyote issues. (00:09:10)

Ramar McQueen, Costa Mesa, spoke in support of keeping and expanding the community gardens. (00:11:33)

Maria Montiel, Costa Mesa, spoke in support of keeping and expanding the community gardens. (00:13:47)

Discussion ensued on the public notice for PA-13-29, Red Mountain project. (00:15:10)

Carina Lavin, Costa Mesa, spoke in support of keeping and expanding the community gardens. (00:18:35)

Roberta Buchanan, Newport Beach, spoke on coyote issues and requested adoption of a policy. (00:20:11)

Frank Chlarson, Costa Mesa, spoke on coyote issues and requested adoption of a policy. (00:23:40)

Shelby Swayze, Costa Mesa, spoke on coyote issues and requested adoption of a policy. (00:26:42)

Tim Lewis, spoke in support of keeping and expanding the community gardens; and spoke on the Red Mountain project. (00:28:26)

Teresa Drain, Costa Mesa, spoke in remembrance of Hank and Barbara Panian. (00:31:30)

Ralph Taboada, Costa Mesa, invited the City Council to the Finance and Pension Advisory Committee meeting on October 10 in which Senator John Moorlach would be speaking regarding pensions and unrestricted debt balance. (00:33:49)

Len Redmond, Costa Mesa, spoke in support of the community garden. (00:34:49)

Beth Refakes, Costa Mesa, spoke on illegal fireworks; parking structure at The Plant; the overlay zones; and Small Lot Ordinance. (00:36:52)

Speaker, spoke on concerts in the park; Arlis Reynolds; Sovereign Health Care; Harley Rouda; and Mayor Genis. (00:39:39)

Speaker, spoke on transparency and good governance. (00:41:52)

Cindy Black, Costa Mesa, spoke on draft documents; invited everyone to the pampas grass removal project on July 21 from 9-12 p.m.; and an earthen ditch running from Canyon. (00:43:56)

Speaker, spoke on districts and registered voters. (00:48:07)

Speaker, spoke on the Small Lot Ordinance; voting; street sweepers; and coyotes. (00:51:09)

Robin Leffler, Costa Mesa, spoke in remembrance of Hank Panian; and in support of the community gardens. (00:54:16)

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS
(00:56:18)**

Council Member Foley spoke in remembrance of Hank Panian; spoke on a go fund me account for Meghan Clevenger; the Mayor's cup; requested Mr. Duarte and Mr. Curtis meet with Mr. Lewis regarding the Red Mountain project; requested information on the School District closing Davis School entrance to Gate 5 at the OC Fair; requested a Community Garden report; Mobile Home Park update; spoke on the Small Lot Ordinance and overlays; and districts. (00:56:32)

Mayor Genis spoke in remembrance of Hank Panian; requested a community garden report; spoke on a treatment of mosquitos at Fairview Park; requested a copy of the document Ms. Black requested regarding an alternate drainage at Fairview Park; and spoke on the Chargers training camp. (01:01:56)

Council Member Stephens spoke on the Orange County Fair; spoke on lawsuit settlements; requested a community garden report; spoke on coyote issues; fireworks; the Small Lot Ordinance; and districting. (01:04:35)

Council Member Righeimer spoke on lawsuit settlements; coyote issues; and spoke in remembrance of Hank Panian.

CONSENT CALENDAR (01:15:03)

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 15 except for 3, 6 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

- 1. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council/Agency Board/Authority Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER - Claims received by the City Clerk: Erik Apple, Regina Barrett, Igal Israel and Guadalupe and Ana Villa.**

ACTION:

City Council received and filed.

4. RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT

ACTION:

1. City Council approved a three-year renewal of the Enterprise Agreement (“EA”) with Microsoft through SoftwareOne in the amount not-to-exceed \$225,159.75 (payable in three equal annual payments of \$75,053.25); and
2. Authorized the City Manager to sign the agreement and any documents necessary to continue the City’s participation in the program during the three-year term.

5. COOPERATIVE AGREEMENT TO FUND TOTAL MAXIMUM DAILY LOAD PROGRAMS AND RELATED ACTIVITIES IN THE NEWPORT BAY WATERSHED

ACTION:

1. City Council approved the Agreement to fund Nutrient, Fecal Coliform, and Toxics Total Maximum Daily Load (TMDL) studies in the Newport Bay Watershed, Cooperative Agreement No. MA-080-18011416; and
2. Authorized the Mayor and the City Clerk to execute Cooperative Agreement No. MA-080-18011416; and
3. Authorized the City Manager to execute any future amendments to this agreement.

7. AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM BETWEEN THE CITY OF COSTA MESA AND NEWPORT- MESA UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2018-2019

ACTION:

1. City Council approved the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2018-2019; and
2. Authorized the City Manager to execute the agreement.

8. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JUNE 19, 2018

ACTION:

City Council approved the minutes of June 19, 2018.

10. PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES MAINTENANCE AGREEMENT

ACTION:

City Council authorized the City Manager to sign the Purchase Requisition in the amount of \$113,270.01 to fund the last contract year of the Software Maintenance Agreement between the City of Costa Mesa and Superior, LLC, from August 1, 2018 to July 31, 2019.

11. PARTICIPATION IN THE MOBILE SOURCE AIR POLLUTION REDUCTION REVIEW COMMITTEE (MSRC) LOCAL GOVERNMENT PARTNERSHIP PROGRAM

ACTION:

1. City Council received and filed the Mobile Source Air Pollution Reduction Committee (MSRC) Local Government Partnership Program presentation; and
2. Adopted Resolution No. 18-51, read by title only, authorizing submittal of an application to the MSRC Local Government Partnership Program for MSRC funding for electric vehicle charging infrastructure (EVSE) installation at City Hall and the purchase of up to three (3) electric vehicles, authorizing the implementation of projects, and allocating matching funds in connection therewith; and
3. Authorized staff to calculate and charge fees for use of the City's electric vehicle charging stations to help the City recover energy and operational costs associated with the EVSE.

12. MERRIMAC WAY STREET, SIDEWALK, AND BICYCLE FACILITY PROJECT

ACTION:

1. City Council approved the Professional Services Agreement with GHD Group Services (USA) Inc. ("GHD") for the design of the Merrimac Way Street, Sidewalk, and Bicycle Facility Project in the amount of \$194,953; and
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement.

13. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT TO THE TRANSPORTATION SERVICES DIVISION

ACTION:

1. City Council approved the Professional Services Agreement with Interwest Consulting Group, 15140 Transistor Lane, Huntington Beach, CA 92649, in the amount of \$120,000; and
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the Agreement.

14. COSTA MESA CITY HALL AUDIO VISUAL (A/V) IMPROVEMENT AND BROADCAST PRODUCTION UPGRADE PROJECT – CITY PROJECT NO. 18-05

ACTION:

1. City Council adopted the plans, specifications, and working details for the City Hall Audio Visual (A/V) Improvement and Broadcast Production Upgrade Project – City Project No. 18-05; and
2. Rejected the bid of Western Audio Visual as non-responsive; and
3. Awarded a construction contract to Key Code Media, Inc., 270 S. Flower, Burbank, CA 91502 in the amount of \$1,754,509.86; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

15. PROFESSIONAL ENGINEERING SERVICES FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

ACTION:

1. City Council awarded the Professional Services Agreement to NV5, 9890 Irvine Center Drive, Irvine, California 92618, for a not-to-exceed amount of \$246,948, for professional engineering services for various Capital Improvement Projects; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR

3. **WARRANT RESOLUTION NO. 2602 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-12 "A" FOR \$0.00 AND 18-13 FOR \$2,447,097.60; AND CITY OPERATING EXPENSES FOR \$2,232,875.01; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:15:45)**

Public Comments:

Speaker, spoke on legal costs. (01:15:48)

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

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved Warrant Resolution No. 2602.

6. **CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM CITY LIMIT TO 18TH STREET – CITY PROJECT NO. 18-03 (01:18:39)**

Public Comments:

Ralph Taboada, Costa Mesa, spoke in support of item. (01:18:48)

MOVED/SECOND: Council Member Foley/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 adopted the plans, specifications, and working details for the Community Development Block Grant (CDBG) Project: Pomona Avenue Pavement Rehabilitation from south City Limits to 18th Street, City Project No. 18-03; and
2. Awarded a construction contract to Copp Contracting, Inc., 6751 Stanton Ave. Buena Park, CA 90621, in the amount of \$878,896.60; and

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

9. ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE (01:19:43)

Council Member Stephens spoke against the Resolution and requested reconsideration of the item. (01:19:50)

Ex Parte Communications: Council Member Foley and Council Member Stephens spoke with the applicant. (01:24:00)

Public Comments:

Chris Bennett, representing Lab Holding, LLC, requested reconsideration of the item. (01:25:00)

Peter Howell, Land Use Counsel for Lab Holding, LLC, requested reconsideration of the item. (01:26:44)

Speaker, spoke on the project being underparked. (01:28:09)

Speaker, spoke on legal opinions; parking issues; and spoke against the project. (01:29:59)

Tim Lewis, spoke in support of the project; and the staff experience. (01:32:53)

Speaker, spoke on the basis for fees; and the staff experience. (01:35:50)

Robin Leffler, Costa Mesa, spoke on the project being underparked; setbacks; and air circulation. (01:38:56)

Public Comments closed.

Council Member Righeimer spoke on the issue. (01:41:12)

MOVED/SECOND: Mayor Pro Tem Mansoor/Council Member Righeimer (01:46:48)

MOTION: To adopt the revised Resolution No. 18-50 with findings, reversing the Planning Commission's approval of, and thereby denying, Planning Application 17-28.

MOVED/SECOND: Council Member Stephens/Council Member Foley (01:46:55)

SUBSTITUTE MOTION: To reconsider the item.

Council Member Stephens spoke on the issue. (01:47:00)

Council Member Foley spoke on the issue. (01:48:45)

Mayor Genis spoke on the issue. (01:59:12)

Council Member Stephens spoke on the deposit issues. (02:06:08)

Mayor Pro Tem Mansoor spoke in support of 20 units per acre. (02:07:35)

MOVED/SECOND: Council Member Stephens/Council Member Foley (02:08:42)

SUBSTITUTE MOTION: To reconsider the item.

The motion failed by the following roll call vote:

Ayes: Council Member Foley and Council Member Stephens.

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

Absent: None

Motion failed: 2-3

MOVED/SECOND: Mayor Pro Tem Mansoor/Council Member Righeimer (02:09:03)

ORIGINAL MOTION: To adopt the revised Resolution No. 18-50 with findings, reversing the Planning Commission's approval of, and thereby denying, Planning Application 17-28.

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 adopted the revised Resolution No. 18-50 with findings, reversing the Planning Commission's approval of, and thereby denied, Planning Application 17-28.

City Council recessed into a break at 8:24 p.m. (02:09:12)

City Council reconvened at 8:38 p.m. (02:22:54)

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: To consider New Business Item No. 3 Ambulance Transportation Service Contract prior to Public Hearing.

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 agreed to consider New Business Item No. 3 Ambulance Transportation Service Contract prior to Public Hearing.

NEW BUSINESS

3. AMBULANCE TRANSPORTATION SERVICE CONTRACT, RFP 18-08 (02:23:50)

Dan Stefano, Fire Chief, and Jason Pyle, Division Chief, presented the staff report. (02:23:51)

No public comments on this item.

Council Member Foley spoke in support of the contract. (02:31:20)

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 received and filed independent auditor's report regarding the Ambulance Operator Service contract between Care Ambulance Service, Inc. and the City of Costa Mesa.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (02:33:00)

1. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-26 AND PA-16-32 TO ALLOW A SOBER LIVING FACILITY SERVING 22 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS; OPERATED BY RAW RECOVERY, LLC, AT 3016 AND 3018 JEFFREY DRIVE (02:33:20)

No Ex Parte Communications to report.

Sheri Vander Dussen, Consultant, presented the staff report. (02:33:47)

Discussion ensued on the calls for service. (02:42:55)

Public Hearing opened:

Garrett Prybylo from Zfaty Burns legal counsel representing Raw Recovery, LLC, spoke on the request for Reasonable Accommodation. (02:45:09)

Discussion ensued on the calls for service and the number of approved Sober Living Homes in Costa Mesa. (02:57:36)

John Richmond, Costa Mesa, spoke against the Conditional Use Permits (CUPs). (03:04:58)

Discussion ensued with Mr. Richmond regarding various issues with the facility. (03:08:22)

Matthew Freeman, Costa Mesa, spoke against the CUPs. (03:16:16)

Speaker, Costa Mesa, spoke against the CUPs. (03:17:51)

Tim Lewis, thanked Council Member Foley for her questions regarding the CUPs. (03:20:14)

Speaker, spoke against the CUPs. (03:21:09)

Robin Leffler, Costa Mesa, spoke against the CUPs. (03:25:11)

Glen Hamamoto, Costa Mesa, spoke against the CUPs. 03:26:54)

Discussion ensued with Mr. Hamamoto regarding various issues with the facility. (03:29:45)

Speaker, spoke against the CUPs. (03:35:18)

Speaker, spoke against the CUPs. (03:39:22)

Speaker, spoke against the CUPs. (03:41:30)

Council Member Stephens spoke on being interested in the specifics of the application. (03:46:07)

Mr. Prybylo addressed the comments by the public speakers. (03:47:00)

Public Hearing closed.

City Council recessed into a break at 10:05 p.m. (03:49:25)

City Council reconvened at 10:14 p.m. (03:59:25)

Mr. Prybylo commented on the document submitted by Ms. Joanna Jost. (04:00:20)

Discussion ensued on Reasonable Accommodation. (04:01:17)

Mayor Pro Tem Mansoor spoke on Ms. Jost's document. (04:02:45)

MOVED/SECOND: Council Member Righeimer/Council Member Foley
(04:03:17)

MOTION: City Council adopt Resolution No. 18-52, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-26.

Council Member Righeimer spoke on the motion. (04:03:55)

Council Member Foley spoke in support of the motion; and incorporating resident testimonies. (04:05:05)

Mayor Genis spoke in support of the motion. (04:09:58)

Barry Curtis, Economic and Development Services Director, clarified the number of approved and denied projects. (04:10:35)

MOVED/SECOND: Council Member Righeimer/Council Member Foley
(04:12:04)

MOTION: City Council adopt Resolution No. 18-52, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-26.

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 conducted a single public hearing for the two applications, PA-16-26 and PA-16-32, since the sites are contiguous and operated as a single facility; and
2. Adopted Resolution No. 18-52, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-26.

Council Member Righeimer spoke on denying Conditional Use Permit PA-16-26 and incorporating his comments from PA-16-26 to this application. Council Member Foley (the second) concurred. (04:12:10)

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:

3. City Council adopted Resolution No. 18-53, upholding the decisions of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and the Planning Commission to deny Conditional Use Permit PA-16-32.

2. **REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT PA-16-33 TO ALLOW A SOBER LIVING FACILITY SERVING EIGHT RESIDENTS (APPLICANT REQUEST WAS FOR 10 RESIDENTS); INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION FOR RELIEF FROM CERTAIN LAND USE REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 268 KNOX STREET (04:13:00)**

No Ex Parte Communications to report.

Jennifer Le, Assistant Director of Development Services, presented the staff report. (04:13:55)

Discussion ensued on Safe Harbor; and state licensed facilities. (04:21:10)

Public Hearing opened:

Garrett Prybylo from Zfaty Burns legal counsel representing Raw Recovery, LLC, spoke on incorporating prior comments regarding institutionalization and the reasonable accommodation standards to this application. (04:31:01)

Barrie Fisher, Costa Mesa, spoke on Velvet Mangan, owner of the state licensed facilities adjacent to her house. (04:32:27)

Ralph Hernandez, Costa Mesa, spoke against the Conditional Use Permit (CUP). (04:35:43)

Discussion ensued on the garage; building permit for 8 bedrooms; and the public alley. (04:38:50)

Robin Leffler, Costa Mesa, spoke against the CUP. (04:43:44)

Speaker, Costa Mesa, spoke against the CUP. (04:44:48)

Martha Hernandez, Costa Mesa, spoke against the CUP. (04:45:47)
Speaker, spoke against the CUP. (04:50:11)

Mr. Prybylo addressed the comments by the public speakers. (04:52:14)

Discussion ensued on the floor plan; the number of residents; the garage not being used; parking; residents of the facility; and the operator. (04:55:50)

Council Member Foley spoke on incorporating the reference into the record the Orange County Register series of articles over the last two years related to abusive practices and targeting of out of state residents to reside in Costa Mesa and other locations in Orange County. (05:05:46)

Discussion ensued on the residents; relapse policy; eviction; contacting the property manager; fire inspection; condition of the garage; and curbing policy. (05:06:14)

Public Hearing closed.

MOVED/SECOND: Mayor Pro Tem Mansoor/Council Member Foley (05:20:50)
MOTION: City Council adopt Resolution No. 18-54, upholding the decision of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and overturned the decision of the Planning Commission and denied Conditional Use Permit PA-16-33 based on the 650' proximity to other rehab homes, calls for service listed in the staff report and testimonies received at the July 17, 2018 public hearing.

Discussion on the separation requirements; the code; implementation of the ordinance; state license process; interpretation of the code; and Solid Landings settlement agreement. (05:21:09)

Council Member Righeimer spoke in support of the motion. (05:36:56)

Discussion ensued on the 650' separation requirement. (05:38:27)

Mayor Pro Tem Mansoor spoke on keeping his original motion the same. (05:39:36)

Council Member Foley (the second) concurred and stated the findings are present that supported the motion. (05:39:58)

Mayor Genis spoke in support of the motion. (05:40:11)

Council Member Foley spoke on representation. (05:41:31)

Council Member Stephens spoke in support of the motion. (05:41:48)

MOVED/SECOND: Mayor Pro Tem Mansoor/Council Member Foley (05:20:50)

MOTION: City Council adopt Resolution No. 18-54, upholding the decision of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and overturned the decision of the Planning Commission and denied Conditional Use Permit PA-16-33 based on the 650' proximity to other rehab homes, calls for service listed in the staff report and testimonies received at the July 17, 2018 public hearing.

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. 18-54, upholding the decision of the Director of Economic and Development Services to deny the request for Reasonable Accommodation and overturned the decision of the Planning Commission and denied Conditional Use Permit PA-16-33 based on the 650' proximity to other rehab homes, calls for service listed in the staff report and testimonies received at the July 17, 2018 public hearing.

OLD BUSINESS: NONE

NEW BUSINESS:

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

MOTION: Continue the meeting past midnight to consider New Business Item No. 2 and continue New Business Item No. 1 to a future City Council meeting.

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council continued the meeting past midnight to consider New Business Item No. 2.

1. AMENDMENT TO CITY ATTORNEY RETAINER AGREEMENT WITH JONES & MAYER

ACTION:

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

2. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2018 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (05:44:52)

Dan Baker, Assistant to the City Manager, presented the staff report. (05:44:53)

No public comments on this item.

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

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: Council Member Righeimer

Motion carried: 4-0-1

ACTION:

City Council designated Mayor Genis as Costa Mesa's voting delegate for the 2018 League of California Cities Annual Conference.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:45:23)

Council Member Stephens wished Commissioner Arlis Reynolds a Happy Birthday. (05:45:24)

Council Member Foley requested to refer the coyote issues to the Animal Services committee. (05:45:36)


Mayor Genis requested staff to look into Hoag Hospital referrals related to Sober Living Homes. (05:45:59)

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – Mayor Genis adjourned the meeting at 12:02 a.m. in memory of Hank Panian and Meghan Clevenger.

Minutes adopted on this 4th day of September, 2018.


Sandra L. Genis, Mayor

ATTEST:


Brenda Green, City Clerk