

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

SEPTEMBER 4, 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 - NONE

The City Council recessed to Conference Room 5A at 4:09 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: 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 – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

**5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
INITIATION OF LITIGATION – TWO POTENTIAL CASES**

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

The City Council reconvened at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE - Council Member Stephens

ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem 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 – City Attorney Duarte reported on Closed Session Item No. 5, in which the City Council, on a vote of 5-0, directed the City Attorney's office to file an action, and the defendants will be identified once the action is filed.

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

ANNOUNCEMENTS – "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS:

Flo Martin, Costa Mesa, spoke on a walkable city; and requested no right turn only lanes in all directions on major intersections. (00:05:20)

Kelly Rowe, Costa Mesa, spoke on running for the Orange County Water District 7. (00:08:10)

Bruce Krochman, spoke on the Speak Your Peace Project. (00:09:48)

Kim Hendricks, Costa Mesa, spoke against the turnaround on Pacific Avenue. (00:12:51)

Tamar Goldmann, Costa Mesa, thanked staff for a curb ramp; and spoke on removing overlays. (00:16:33)

Rebecca Trahan, Costa Mesa, spoke on campaign signs. (00:19:01)

Martie O'Meara, Costa Mesa, spoke on the Newport Community for Students candidate forum on October 1st. (00:19:47)

Robin Leffler, Costa Mesa, spoke on campaign signs. (00:21:15)

Barrie Fisher, Costa Mesa, spoke on sober living homes and Casa Capri on Governor Street. (00:22:27)

Speaker, spoke on sober living issues; spoke in favor of Cottie Petrie-Norris for State Assembly. (00:26:35)

Beth Refakes, Costa Mesa, spoke on traffic and speeding problems; stop sign on Fullerton; and requested the status of Fire Station #1. (00:29:05)

Bill McCarty, Costa Mesa, spoke on the California Coastal Cleanup Day on September 15th. (00:32:30)

Speaker, spoke on addressing the Small Lot Ordinance; overlays; Needle Exchange program; and homeless issues. (00:33:19)

Speaker, spoke on Public Records Request regarding a writ; and City Attorney opinion. (00:36:28)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:39:30)

Council Member Stephens congratulated the fire department on the implementation of ambulance transport model; spoke on the Needle Exchange hearing on September 28th; Homelessness Taskforce meeting on September 12th; Habitat for Humanity meeting on September 28th; and Assembly Bill 448 that creates the OC Housing Trust. (00:39:43)

Council Member Righeimer spoke on a trip to China; long range planning; drop in sales tax; increases in property tax assessments; and labor contracts. (00:43:00)

Mayor Pro Tem Mansoor spoke on political signs. (00:47:05)

Council Member Foley spoke on the memorial service for Jerry Hornbuckle; back to school day; sign on Adams Avenue about closure; trash issues on 55 freeway to Fair Drive and Harbor Boulevard; inspection of gutters; Rochester Street parking; Festival of Children; and shopping locally. (00:49:13)

Mayor Genis spoke on the memorial services for Jerry Hornbuckle and Hank Panian; reported on her attendance at the Orange County Needle Exchange Program Open House; spoke on the moratorium; requests of staff; traffic safety; and campaign sign rules.

CONSENT CALENDAR (00:57:56)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3, 6, 8, 11 and 12.

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: Nicholas Patrick and Andrew Rutledge

ACTION:

City Council received and filed.

- 4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JULY 17, 2018 AND AUGUST 7, 2018 AND SPECIAL CLOSED SESSION OF AUGUST 3, 2018**

ACTION:

City Council approved the minutes of July 17, 2018, August 3, 2018 and August 7, 2018.

- 5. ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENTS FOR YOUTH RUNNING CLUB AND SMART CAMP PROGRAMS**

ACTION:

1. City Council accepted two (2) monetary donations for youth programs; and
2. Authorized a budget adjustment recognizing \$3,333.52 in donations and appropriating \$3,333.52 to the Parks and Community Services Department budget for the specified purposes.

7. REPLACEMENT OF PEDESTRIAN BRIDGES AT TEWINKLE PARK PROJECT - CITY PROJECT NO. 17-12

ACTION:

1. City Council accepted the work performed by R.E. Shultz Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond one (1) year after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

9. CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM 18TH STREET TO 19TH STREET, CITY PROJECT NO. 18-02

ACTION:

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

10. APPROVAL OF THE LICENSE AGREEMENT WITH THE ORANGE COUNTY MODEL ENGINEERS FOR THE USE OF A PORTION OF FAIRVIEW PARK

ACTION:

1. City Council approved the license agreement with the Orange County Model Engineers, Inc. (OCME) for the use of a portion of the eastside of Fairview Park to operate and maintain a model railroad facility for a period of twenty years, ending on September 9, 2038, with the option to extend the term for two (2) additional five-year periods; and
2. Authorized the City Manager to execute the license agreement and any future amendments to the agreement.

ITEMS PULLED FROM THE CONSENT CALENDAR:

- 3. WARRANT RESOLUTION NO. 2604 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-14 "A" FOR \$154.83; 18-15 FOR \$2,685,935.08; 18-15 "A" FOR \$5,522.80; AND 18-16 FOR \$2,651,956.85; AND CITY OPERATING EXPENSES FOR \$5,727,916.63; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:58:37)**

Public Comments:

Speaker, spoke on attorney services; and sober living homes. (00:58:40)

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 approved Warrant Resolution No. 2604.

- 6. AMENDMENT NUMBER TWO TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL, LLC (00:58:40)**

Public Comments:

Speaker, spoke against outside contracting. (00:57:40)

Discussion ensued on filling vacant positions; and the services provided. (01:02:22)

Speaker spoke against outsourcing. (01:05:37)

Discussion ensued on utilizing consultants for peak periods. (01:08:42)

Council Member Foley requested options related to a part-time employee. (01:12:41)

MOVED/SECOND: Council Member Stephens/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:

1. City Council approved Amendment Number Two to the existing Professional Services Agreement (PSA) with Sagecrest Planning and Environmental, LLC authorizing an additional amount of \$30,000 for consultant staff services; and
2. Authorized the City Manager to execute the amendment and future amendments to this Agreement.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) (01:13:06)

Public Comments:

Flo Martin, Costa Mesa, spoke in support of enforcement for bicyclists and pedestrians. (01:13:30)

Robin Leffler, Costa Mesa, spoke in support of the resolution; and spoke on the grant. (01:15:46)

Steven Chan, Costa Mesa, spoke in support of the resolution; and spoke on earmarking for Pomona Street. (01:18:00)

MOVED/SECOND: Council Member Righeimer/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:

1. City Council adopted Resolution No. 18-56, which authorizes the application for, and acceptance of, a grant award from the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the Police Chief to execute the Grant Agreement; and
2. Approved a budget adjustment in the total amount of \$225,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2018 OTS STEP Grant.

11. SPECTRUM ENTERPRISE SERVICE AGREEMENT (01:20:00)

Public Comments:

Speaker, spoke on connection with the police department. (01:20:09)

City Manager Hatch spoke on providing a connection to the police department. (01:21:15)

Council Member Righeimer spoke on microwave antennas. (01:21:44)

Discussion ensued on options available. (01:22:22)

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 approved the five-year Spectrum Enterprise Service Agreement between the City of Costa Mesa and Charter Communications, Inc. (Spectrum), for the establishment of network connections between City Hall and all of the remote sites of the City commencing on October 23, 2018 through October 22, 2023; and
2. Approved the Customer Service Order in the current annual amount of \$189,792 (paid in monthly installments of \$15,816). The annual amount is subject to adjustment if the City decides to increase its bandwidth depending on its future needs; and
3. Authorized the City Manager and the City Clerk to execute the agreement; and
4. Authorized the City Manager and the City Clerk to accept and execute future amendments to the agreement; and
5. Authorized a budget adjustment appropriating \$94,896 in the Information Technology Department budget to be funded from fiscal year 2017-18 surpluses.

12. AUTHORIZE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT (FFE) AND SITE FURNISHINGS TOTALING \$799,590.04 FOR PHASE 1 OF LIONS PARK PROJECTS (01:24:13)

Public Comments:

Speaker, spoke on purchasing furniture with no fabric and that can be easily cleaned. (01:24:25)

Speaker, spoke on the item and durable furniture. (01:25:42)

MOVED/SECOND: Mayor Pro Tem Mansoor/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 authorized the City Manager to execute contracts and purchase orders relating to the purchase and installation of furniture, fixtures and equipment and site furnishings in the amount of \$799,590.04 for Phase 1 of the Lions Park Projects.

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

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

1. EXTENSION OF AN URGENCY ORDINANCE NO. 18-07 AS AN INTERIM MEASURE TO PROHIBIT THE ESTABLISHMENT OF NEEDLE EXCHANGE PROGRAMS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA (01:28:37)

Barry Curtis, Economic and Development Services Director, presented the staff report; and provided the correct effective date of the proposed ordinance, which is through August 5, 2019. (01:29:05)

Public Hearing opened:

Speaker, spoke in support of the ordinance. (01:32:02)

David Salcedo, Costa Mesa, spoke against a Needle Exchange Program location on Whittier and West 17th Street. (01:34:26)

Speaker, spoke on crime and the issue. (01:35:37)

Bill McCarty, Costa Mesa, spoke on the issue and campaigns. (01:37:40)

Steven Chan, Costa Mesa, spoke in support of the moratorium and the 90-day review period; and letter in opposition. (01:38:43)

Public Hearing closed.

Mayor Pro Tem Mansoor spoke on his opposition to the Needle Exchange Program and portable toilets. (01:41:14)

Council Member Foley spoke on the process of sending correspondence on behalf of City Council; and opposition to the program. (01:43:13)

Council Member Righeimer spoke on stopping the program; prohibiting crime; and problems at motels. (01:45:45)

Mayor Genis spoke on researching the program and writing the letter of opposition to the state. (01:48:13)

Council Member Stephens spoke on the City Council's opposition to the program. (01:51:30)

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 issued the Report of the City Council: Extension of Urgency Ordinance No. 18-07, which describes the measures taken to alleviate the conditions which led to the adoption of the moratorium.

MOVED/SECOND: Council Member Foley/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 introduced and adopted Urgency Ordinance No. 18-08 to extend Urgency Ordinance No. 18-07 prohibiting the establishment and/or operation of hypodermic needle and syringe exchanges within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858, for a period of 10 months and 15 days.

2. A RESOLUTION ADOPTING SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES AND APPROVING AN ORDINANCE (CODE AMENDMENT CO-18-03) AMENDING COSTA MESA MUNICIPAL CODE SECTION 19-15 TO REFERENCE THE PROPOSED DESIGN GUIDELINES (01:53:12)

Council Member Righeimer recused himself, stepped down from the dais and left the Council Chambers as he owns cell towers and is a landlord to some of the cell companies. (01:53:55)

Discussion ensued on the letter received from Paul Albritton, representing Verizon. (01:54:16)

Johnwilly Aglupos, Assistant Planner, presented the staff report. (01:57:16)

Discussion ensued on design guidelines in surrounding cities; Use permits vs. Encroachment permits; definition of integrated; noticing; and maintenance requirements. (02:08:27)

Discussion ensued on notice to carriers; staff's meeting with all four carriers; permits; and SCE design guidelines. (02:15:50)

Public Hearing opened:

Speaker, spoke against Verizon equipment. (02:22:13)

Robin Leffler, Costa Mesa, spoke on the intent statement. (02:24:42)

Diane McClellan, representing Verizon Wireless, requested the continuance of the item in order to schedule a stakeholders' meeting. (02:25:22)

Bill McCarty, Costa Mesa, spoke on benefitting the community first. (02:28:29)

Stella Bezabeh, representing Verizon Wireless, requested the continuance of the item in order to schedule a stakeholders' meeting. (02:29:15)

Franklin Orozco, representing AT & T, requested the continuance of the item in order to schedule a stakeholders' meeting. (02:29:55)

Dan Vozenilek, representing AT & T, requested the continuance of the item in order to schedule a stakeholders' meeting; and spoke on inconsistencies in the current code. (02:32:05)

Mr. Israel, Costa Mesa, spoke on problems with the guidelines and a stakeholders' meeting. (02:33:47)

Public Hearing closed.

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To continue the item to the first meeting in October. (02:37:00)

Discussion ensued on the light and utility poles and sub leasing. (02:37:25)

Discussion ensued on the first and second readings of the ordinance and making changes. (02:38:43)

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Mansoor/None
SUBSTITUTE MOTION: To approve the recommended action. (02:41:15)
Motion died due to lack of a second.

Discussion ensued on comments from the carrier. (02:41:30)

Council Member Foley spoke on the continuance of the item. (02:43:06)

Discussion ensued on active applications; meeting the deadlines; and the small cell facilities called up for review. (02:43:30)

Council Member Foley spoke on including in the motion, staying all application approvals and continuing any pending items to the meeting following the adoption of the design guidelines. Council Member Stephens (the second) concurred. (02:44:39)

Discussion ensued on extending the time agreement; no active applications from Verizon; and including a map. (02:44:55)

Council Member Stephens spoke on engagement with stakeholders and noticing. (02:49:22)

Mayor Genis spoke to supporting the motion. (02:51:27)

Mayor Pro Tem Mansoor spoke to not supporting the motion. (02:52:15)

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To continue the item to the October 2, 2018 City Council meeting and staying all small cell application approvals and continuing any pending small cell Council items to the meeting following the adoption of the design guidelines.
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Stephens, and Mayor Genis.
Nays: Mayor Pro Tem Mansoor
Absent: None
Abstain: Council Member Righeimer
Motion carried: 3-1-0-1

ACTION:
City Council continued the item to the October 2, 2018 City Council meeting and agreed staying all small cell application approvals and continuing any pending small cell Council items to the meeting following the adoption of the design guidelines.

City Council recessed into a break at 8:50 p.m. (02:52:50)

City Council reconvened at 9:08 p.m. (03:06:33)

3. ORDINANCE 18-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 2.5, CHAPTER V, OF TITLE 13 (ZONING CODE), RELATING TO SMALL LOT SUBDIVISIONS

Minoo Ashabi, Principal Planner, presented the staff report. (03:07:01)

Discussion ensued on the number of projects and units developed; owner occupancy survey; homeowners' exemption on assessors roll; and guest parking. (03:14:54)

Council Member Stephens spoke on the history of the Small Lot Ordinance and its intent. (03:19:25)

Discussion ensued on affordability. (03:22:47)

Public Hearing opened:

Richard Valen, Costa Mesa, spoke against the ordinance. (03:23:53)

Cynthia McDonald, Costa Mesa, spoke on modifying the Small Lot Ordinance to include affordable housing. (03:26:55)

Adam Wood, representing Building Industry Association (BIA), spoke in support of the Small Lot Ordinance. (03:29:28)

Speaker, spoke against the Small Lot Ordinance. (03:31:57)

Speaker, spoke against the Small Lot Ordinance. (03:34:24)
Robin Leffler, Costa Mesa, spoke on a moratorium and requested going back to R2 (Multi-Family Residential District). (03:37:00)

Discussion ensued on parking and reverting to R2. (03:40:07)

Steven Chan, Costa Mesa, spoke on density in District 4. (03:43:02)

Tom Walker, Costa Mesa, spoke on the item. (03:49:51)

Speaker, Costa Mesa, spoke on keeping the Small Lot Ordinance the same. (03:54:01)

Speaker, spoke on keeping the Small Lot Ordinance the same. (03:56:58)

Speaker, spoke on implementing the Small Lot Ordinance. (03:59:28)

Beth Refakes, Costa Mesa, spoke against the Small Lot Ordinance. (04:02:40)

Public Hearing closed.

Mayor Genis spoke on the issue. (04:06:47)

Mr. Curtis spoke on incentives; open space; and parking. (04:07:40)

Council Member Foley spoke on the issue. (04:08:43)

Council Member Righeimer spoke on the issue. (04:15:10)

Council Member Stephens spoke on the issue. (04:24:03)

MOVED/SECOND: Council Member Stephens/None

MOTION: To repeal the ordinance. (04:31:00)

Motion died due to lack of a second.

Discussion ensued on the Common Interest Development standards. (04:31:36)

MOVED/SECOND: Mayor Genis/Mayor Pro Tem Mansoor

MOTION: To approve the recommendations by the Planning Commission except to remove C (Revise the parking standards to require two garage spaces and one open parking for two bedroom units) and remove G (Add a new minimum lot size standard of 7,260 square feet for the development lot to the Small Lot Development Standards) and add a provision that up to five percent of the required open space can be used for guest parking with the one-for-one credit. (04:33:17)

Discussion ensued on the parking standards. (04:34:00)

Mayor Pro Tem Mansoor spoke in support of revising the motion to include (C). Mayor Genis concurred. (04:38:45)

Discussion ensued on the new minimum lot size standard. (04:39:41)

MOVED/SECOND: Mayor Genis/Mayor Pro Tem Mansoor

The motion carried by the following roll call vote:

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

Nays: Council Member Stephens

Absent: None

Motion carried: 4-1

ACTION:

1. City Council found that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
2. As recommended by the Planning Commission, City Council gave first reading to Ordinance No. 18-10, approval of Code Amendment CO-18-02 for the following amendments to Title 13, Chapter V, Article 2.5 of the Costa Mesa Municipal Code, related to Small Lot Subdivisions, eliminating the the Planning Commission's proposed new minimum lot size standard of 7,260 square feet for the development lot to the Small Lot Development Standards and adding final conditions as follows:
 - a) Revise the 30 percent minimum open space requirement to 35 percent; and
 - b) Revise the minimum rear yard setback from 10 feet to 15 feet for both first and second floors; and
 - c) Revise the parking standards to require two garage spaces and one open parking for two bedroom units; and
 - d) Revise the Small Lot Ordinance Standards to require a minimum 16-foot-wide driveway for flag lots, a minimum eight feet wide pedestrian access from a public street for an alley lot and prohibit units fully fronting on a public alley; and
 - e) Revise the minimum distance between buildings to six feet; and
 - f) Revise the Zoning Code to prohibit applying SLO standards in conjunction with the Urban Plan standards; and
 - g) Allow five percent of the required open space to be used for independently accessible guest parking.

OLD BUSINESS (04:43:06)

- 1. SECOND READING AND ADOPTION OF ORDINANCE NO. 18-06 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT) RELATING TO NOTICING FOR PUBLIC HEARINGS (04:43:10)**

Jennifer Le, Assistant Director of Development Services, presented the staff report. (04:43:51)

Discussion ensued on notice radius. (04:44:13)

No public comments on this item.

MOVED/SECOND: Council Member Foley/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 gave second reading and adopted Ordinance No. 18-06, adopting Code Amendment CO-17-04 to expand the Public Notice provided for zoning matters per Section 13-29(d) of the Costa Mesa Municipal Code to include both owners and occupants of properties within 500 feet of a project site.

NEW BUSINESS (04:45:08)

- 1. AMENDMENT TO CITY ATTORNEY RETAINER AGREEMENT WITH JONES & MAYER (04:45:15)**

City Attorney Duarte recused himself, stepped down from the dais and left the Council Chambers due to potential financial conflicts on the City Attorney's contract with the City. (04:45:25)

Alma Reyes, Management Analyst, presented the staff report. (04:45:37)

Council Member Stephens spoke on the budget for attorney services. (04:45:37)

Discussion ensued on the projected budget; self-insurance fund; operating fund; projected budget; non-litigation fees; increased costs; and the \$225 proposed hourly rate. (04:52:10)

Public Comments:

Ralph Taboada, Costa Mesa, spoke on adequately budgeting the item. (05:10:17)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To receive and file the independent auditor's report. (05:11:35)

Council Member Stephens spoke against the motion. (05:11:45)

Council Member Righeimer spoke on the issue. (05:12:16)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To receive and file the independent auditor's report.

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 received and filed independent auditor's report regarding the proposed Amendment Number One to Amended Retainer Agreement for City Attorney Services between Jones & Mayer and the City of Costa Mesa.

2. SERVICES AGREEMENT FOR PUBLIC SAFETY HELICOPTER SUPPORT BETWEEN THE CITY OF HUNTINGTON BEACH AND THE CITY OF COSTA MESA (05:16:59)

Bryan Glass, Police Captain, presented the staff report. (05:17:10)

Discussion ensued on County services; response times and services from Huntington Beach; drones; and Helicopter Pilot Rob Dimel. (05:20:55)

Council Member Righeimer spoke on the City of Huntington Beach services. (05:25:43)

Public Comments:

Robin Leffler, Costa Mesa, spoke in support of ABLE. (05:27:59)

Captain Glass explained the arrangement with the City of Huntington Beach; and monitoring the response times. (05:30:24)

MOVED/SECOND: Council Member Foley/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 received and filed independent auditor's report regarding the proposed public safety helicopter support services contract between the City of Huntington Beach and the City of Costa Mesa.

3. URBAN MASTER PLAN SCREENING REQUEST (UMP-18-01) FOR A MIXED-USE DEVELOPMENT IN THE 19 WEST URBAN PLAN OVERLAY AT 752 AND 756 W. 19TH STREET (05:39:24)

Mino Ashabi, Principal Planner, presented the staff report. (05:39:42)

Discussion ensued on the trips per day; covered parking; mechanical parking; parking concerns; garage doors; and open spaces. (05:46:21)

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

MOTION: To continue the meeting past midnight.

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 the meeting past midnight.

Public Comments:

Steven Chan, Costa Mesa, spoke on parking; garage doors; and spoke in support of the project. (06:03:00)

Robin Leffler, Costa Mesa, spoke on several concerns with the project. (06:05:38)

Beth Refakes, Costa Mesa, spoke on several concerns with the project. (06:08:15)

Public Comments closed.

Council Member Foley spoke in support of the project; spoke on the mechanical lift; bike rack credit; parking issues; and massing from the street. (06:10:43)

Mayor Pro Tem Mansoor spoke in support of the project. (06:15:30)

Mayor Genis spoke on keeping the doors; structure on the third floor; and parking concerns. (06:15:33)

Council Member Righeimer spoke on parking concerns. (06:17:35)

Council Member Stephens spoke in support of the project. (06:18:16)

NO VOTE NEEDED:

City Council provided feedback on a proposed Urban Master Plan Request (UMP-18-01) for a mixed use development within the 19 West Urban Plan Overlay at 752 and 756 W. 19th Street.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (06:18:38)

Mayor Pro Tem Mansoor requested clarification regarding campaign signs on private properties. (06:18:42)

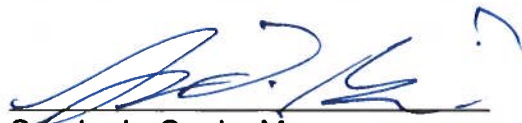
Discussion ensued on the non-commercial portable signs. (06:19:07)

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY – NONE

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

Minutes adopted on this 18th day of September, 2018.



Sandra L. Genis, Mayor

ATTEST:


Brenda Green, City Clerk