

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

OCTOBER 16, 2018

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:05 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 4:08 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: 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.

2. 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.

3. 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.

4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3505 Cadillac Ave Building O, 103-203, 104-204

APN: 139-662-21

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Project Independence

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3505 Cadillac Ave, Building N, Suite 4

APN: 139-662-01

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Ping Jia

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1040 West 17th Street

APN: 424-351-07

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Ssms Investments LLC

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 270 E. Baker Street, Ste. 200

APN: 936-790-37

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Baker Redhill G P

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1967 Newport Boulevard

APN: 419-212-03

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Leader Venture Inc

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2656 Newport Boulevard

APN: 439-081-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Reigerslaan 40 Corp

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2750 Bristol Street

APN: 418-182-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Choong Soon Kang

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Vacant Site next to 2750 Bristol Street

APN: 418-182-05

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Theofanis Teazis

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: Vacant site at 2029 Charle Street

APN: 422-092-11

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Dorothy Bayliss

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1626 Ohms Way

APN: 424-121-27

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Kim D Harding

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1634 Ohms Way

APN: 424-121-26

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Allen C K

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3115 Redhill Avenue

APN: 427-023-05

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Blackmon Invest LLC

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 3597 Harbor Boulevard

APN: 415-041-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and CAL-WESTERN HARBOR, MACARTHUR DEV PARTNERS

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1775 & 1781 Monrovia Avenue

APN: 424-361-20 & 424-361-21

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Jean E Hidden

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 1540 Superior Avenue

APN: 425-351-06

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and Benedict Shelley R Living Trust

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 642 Baker Street

APN: 418-222-07

Pursuant to Section 54956.8, California Government Code

Negotiating Parties: Thomas R. Hatch, City Manager and JSN Investment LLC

Under Negotiation: Price and Terms

The City Council reconvened at 6:02 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:02 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE Council Member Foley

MOMENT OF SOLEMN EXPRESSION

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor (left at 10:35 p.m.) 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 – NONE

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.

PRESENTATIONS - NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA

Michelle Murphy, Costa Mesa, spoke on candidacy for School Board. (00:06:51)

Terry Koken, Costa Mesa, spoke on Council Member Katrina Foley. (00:10:20)

Greg Thunell, Costa Mesa, spoke on Council Member James Righeimer. (00:13:18)

Flo Martin, Costa Mesa, spoke on firefighters in the academy and the fire station open house. (00:16:25)

Speaker, spoke on the camping ordinance. (00:18:43)

Arlis Reynolds, Costa Mesa, spoke on the Scarecrow Festival on October 20 and October 21. (00:20:20)

Teresa Drain, Costa Mesa, spoke on appointments to the Planning Commission. (00:21:47)

Bill McCarty, Costa Mesa, spoke on the decomposed granite trail. (00:23:45)

Speaker, spoke against a sanctuary state. (00:26:24)

Rebecca Trahan, Costa Mesa, spoke on speed signs on Wilson; and spoke on campaign signs. (00:29:21)

Speaker, spoke on crime statistics. (00:31:02)

Speaker, thanked Council Member Katrina Foley. (00:34:18)

Speaker, spoke on the candidates. (00:34:18)

Speaker, spoke on campaign signs and campaigns. (00:36:53)

Cindy Black, Costa Mesa, spoke on the decomposed granite path; and spoke on campaigns. (00:39:48)

Speaker, spoke on Council Member Katrina Foley's campaign contributions. (00:41:43)

Anna Vrska, Costa Mesa, spoke on candidacy for Mesa Water District 5. (00:45:11)

Robin Leffler, Costa Mesa, spoke on the decomposed granite trail; appointment to the Planning Commission; and spoke in support of Mayor Sandra Genis. (00:46:53)

Speaker, spoke in support of Council Member Katrina Foley. (00:48:50)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Foley spoke on campaigns and voting. (00:51:41)

Mayor Genis spoke on volunteering for Priceless Pets on October 29; campaigns; and the decomposed granite path. (00:55:57)

Council Member Stephens spoke on his request for agendizing the decomposed granite path issue. (00:59:52)

Council Member Righeimer spoke on public employee unions; campaigns; and the cost of pensions. (01:04:00)

Mayor Pro Tem Mansoor spoke on providing resources to police and fire; unfunded pension liability; the decomposed granite path; and Jet Blue retrofitting the planes for noise reduction by 2021. (01:09:26)

CONSENT CALENDAR (00:51:34)

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for 3, 5, 9 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 and Agency Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER - Claims received by the City Clerk: Hermelinda Perez**

ACTION:

City Council received and filed.

- 4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 18, 2018**

ACTION:

City Council approved the minutes of September 18, 2018.

6. AGREEMENT WITH MCNABB CONSTRUCTION INC. FOR FAIRVIEW PARK WETLANDS HABITAT CATTAIL AND VEGETATION REMOVAL

ACTION:

1. City Council approved the Maintenance Services Agreement with McNabb Construction Inc. dba DK Environmental in the amount of \$238,497.00; and
2. Authorized the City Manager to execute the Agreement and future amendments to the Agreement.

7. ADOPTION OF THE FY 2018-2019 STATEMENT OF INVESTMENT POLICY

ACTION:

City Council adopted Resolution No. 18-70, approving the Statement of Investment Policy for Fiscal Year 2018-2019 and delegating the investment activities to the City Treasurer.

8. ACCEPTANCE OF THE COSTA MESA CONNECTOR PIPE SCREEN INSTALLATION PROJECT

ACTION:

City Council accepted the work performed by United Storm Water Inc. and authorized the City Clerk to file the notice of completion.

10. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER

ACTION:

City Council authorized additional funding in the amount \$75,000 to allow Best Best & Krieger (BB&K) to continue to provide specialized legal assistance as needed.

11. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH KITCHELL CEM INC. FOR CONSTRUCTION MANAGEMENT SERVICES

ACTION:

1. City Council approved proposed Amendment No. 1 to the Professional Services Agreement with Kitchell CEM Inc. increasing the compensation by \$285,248.00; and
2. Authorized the City Manager and City Clerk to execute the proposed Amendment and future amendments.

13. RENEW FIVE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES

ACTION:

1. City Council approved a five (5) year contract with Chandler Asset Management, Inc. for investment management services in an amount up to \$70,000 per year; and
2. Authorized the City Manager and City Clerk to execute the Investment Management Agreement with Chandler Asset Management, Inc.

14. AUTHORIZE USE OF SOURCEWELL'S NATIONAL COOPERATIVE AGREEMENT WITH NATIONAL AUTO FLEET GROUP FOR THE PURCHASE OF CITY FLEET VEHICLES AND EQUIPMENT

ACTION:

1. City Council authorized use of Sourcewell's (formerly National Joint Powers Alliance) national cooperative agreement no. 120716-NAF with National Auto Fleet Group for the purchase of new City fleet replacement vehicles – cars, vans, SUV's, trucks, and related equipment – as approved during the annual budget process; and
2. Authorized the City Manager to execute a Manual Purchase Order for one-year with two one-year renewal periods in an amount not-to-exceed \$1,023,220 and subsequent individual vehicle replacement purchases exceeding the \$50,000.00 City Manager expense authorization limit, as needed; and
3. Authorized the City Manager to utilize Sourcewell by way of annual one-year renewals for future vehicle purchases authorized in respective annual budgets through FY 2020-21 for an annual not-to-exceed amount of \$1,500,000.

ITEMS PULLED FROM THE CONSENT CALENDAR

- 3. WARRANT RESOLUTION NO. 2607 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-20 FOR \$2,440,743.03; AND CITY OPERATING EXPENSES FOR \$3,999,033.88; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:12:30)**

Speaker, spoke on Jones and Mayer invoices. (01:12:38)

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. 2607.

5. SENIOR CENTER RESTROOM ADA IMPROVEMENTS, CITY PROJECT NO. 17-18 (01:14:40)

Bart Mejia, City Engineer, provided an update on the project. (01:15:03)

No public comments on this item.

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:

1. City Council accepted the work performed by R Dependable Construction Inc. 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.

9. HARBOR BOULEVARD MEDIAN IMPROVEMENTS FROM 19TH STREET TO WILSON STREET, FEDERAL PROJECT NO. HSIPL-5312 (099) - CITY PROJECT NO. 18-10 (01:15:33)

Public Comments:

Speaker, spoke against funding the project; and spoke on spending money on homeless. (01:15:41)

Speaker, spoke against the project. (01:17:32)

Speaker, spoke against the project; and spoke on the lack of bus pockets. (01:20:12)

Public Comments closed.

Raja Sethuraman, Public Services Director, spoke on the overall cost of the project and funding from transportation sources. (01:22:30)

MOVED/SECOND: Council Member Righeimer/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 adopted plans, specifications, and working details for the Harbor Boulevard Median Improvements from 19th Street to Wilson Street, Federal Project No. HSIPL-5312 (099), City Project No. 18-10; and
 2. Rejected bid submitted by United Irrigation Inc. dba United GLI as non-responsive; and
 3. Awarded a construction contract to Yakar, 689 East San Bernardino Road, Covina, CA 91723, in the amount of \$993,731.00; and
 4. Authorized the City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager to execute future contract amendments within Council-authorized limits and allow up to an additional ten percent (10%) contingency totaling \$99,373.00 as needed for unforeseen costs; and
 5. Approved a budget adjustment recognizing the Highway Safety Improvement Program (HSIP) grant revenues of \$433,600.00, and increasing expenditure appropriations in the Capital Improvement Program by \$433,600.00; and
 6. Approved a budget adjustment appropriating \$659,504.00 into the City's Adopted FY 2018-2019 Capital Improvement Program budget for the Harbor Boulevard Median Improvements Project using \$375,258.00 in Measure M Funds and transferring \$284,246.00 from previous Citywide Street Improvement Gas Tax appropriations.
12. **CONTRACT WITH HINDERLITER, DE LAMAS & ASSOCIATES (HDL) FOR SALES TAX MANAGEMENT AND SALES TAX AUDIT SERVICES (01:24:34)**

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of auditing the Orange County Fairgrounds sales tax. (01:25:08)

Anna Vrska, Costa Mesa, spoke in support of auditing the Orange County Fairgrounds sales tax. (01:27:35)

Ralph Taboada, Costa Mesa, spoke on percentages of sales tax recovery. (01:30:12)

Public Comments closed.

Discussion ensued on working with HDL and the OC Fairgrounds to capture and recover sales taxes. (01:31:11)

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:

1. City Council approved the Professional Services Agreement with Hinderliter, De Lamas & Associates in an amount not to exceed \$10,200.00 annually; and
2. Authorized the City Manager and City Clerk to execute the Agreement and future amendments to the Agreement; and
3. Adopted Resolution No. 18-71 to authorize the examination of confidential sales, use and transactions tax records of the Department of Tax and Fee Administration.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:40:48)

1. **REVIEW OF PLANNING APPLICATION 18-30 FOR A MARIJUANA MANUFACTURING AND DISTRIBUTION FACILITY (PIVOT NATURALS, LLC) AT 3595 CADILLAC AVENUE, SUITE 101 (01:40:55)**

Ex parte communications: Council Member Stephens spoke to the applicant; and Mayor Pro Tem Mansoor, Council Members Foley and Righeimer spoke to a representative of the applicant. (01:41:11)

Mel Lee, Senior Planner, presented the staff report. (01:41:46)

Patrick Rolfes, applicant, spoke on the business; requested approving a 24-hour operation; clarified transporters license; and indicated will repair the asphalt. (01:56:31)

Public Hearing opened:

Speaker, spoke on zoning. (01:56:31)

Beth Refakes, Costa Mesa, spoke on consistency for hours of operation; and competitive disadvantage to the business. (02:00:30)

Tim Lewis, spoke in support of the 24-hours operation. (02:02:39)

Speaker, spoke against marijuana businesses. (02:04:25)

Mr. Rolfes spoke on security and city policies in place. (02:05:56)

Public Hearing closed.

MOVED/SECOND: Council Member Righeimer/Council Member Stephens
MOTION: To modify the Planning Commission's decision and approve Planning Application 18-30 to allow a Marijuana Manufacturing and Distribution Facility at 3595 Cadillac Avenue, Suite 101 with business hours from 7:00 a.m. to 7:00 p.m., 7 days a week, eventually expanding to 24 hours a day if demand warrants. (02:07:07)

Council Member Righeimer spoke on approving 24 hours; the ballot measure approving the zoning; lack of traffic; and customer friendly processes. (02:07:19)

Council Member Stephens spoke to supporting changing the hours; and spoke on customer friendly processes. (02:10:00)

Mayor Pro Tem Mansoor spoke in support of the motion. (02:11:03)

Mayor Genis spoke in support of the motion; and spoke on security. (02:11:13)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens
MOTION: To modify the Planning Commission's decision and approve Planning Application 18-30 to allow a Marijuana Manufacturing and Distribution Facility at 3595 Cadillac Avenue, Suite 101 with business hours from 7:00 a.m. to 7:00 p.m., 7 days a week, eventually expanding to 24 hours a day if demand warrants. 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 modified the Planning Commission's decision and approved Planning Application 18-30 to allow a Marijuana Manufacturing and Distribution Facility at 3595 Cadillac Avenue, Suite 101 with business hours from 7:00 a.m. to 7:00 p.m., 7 days a week, eventually expanding to 24 hours a day if demand warrants.

City Council recessed into a break at 8:14 p.m.

City Council reconvened at 8:34 p.m.

2. GENERAL PLAN AMENDMENT 18-03 TO AMEND THE CITY'S GENERAL PLAN LAND USE ELEMENT TO REMOVE THE RESIDENTIAL OVERLAY LAND USE AREAS AND CODE AMENDMENT 18-04 AMENDING THE ZONING CODE TO REMOVE ALL REFERENCES TO THE RESIDENTIAL INCENTIVE OVERLAYS INCLUDED IN TITLE 13, CHAPTER V, ARTICLE 12, OF THE COSTA MESA MUNICIPAL CODE (02:32:04)

Minoo Ashabi, Principal Planner, presented the staff report. (02:32:08)

Discussion ensued on the Regional Housing Needs Assessment (RHNA) requirements and process; the planning model approved by The Southern California Council of Governments (SCAG); inquiries for sites on Gisler and Harbor; Specific Plans; the Housing Element; and Measure Y.

Mayor Genis spoke on the RHNA kick-off meeting on October 29. (02:49:32)

Discussion ensued on the RHNA numbers; the Housing Element; certification by the state; state funds to the cities; affordable housing advocacy groups; and language in Measure Y. (02:51:48)

Yolanda Summerhill, Deputy City Attorney, spoke on Measure Y; and compliance with state law. (02:54:45)

Discussion ensued on the RHNA numbers and requirements; and urgency of adopting the items. (02:55:31)

Mayor Genis spoke on the Residential Incentive Overlay Nodes. (02:57:42)

Council Member Righeimer spoke on Measure Y and RHNA numbers. (02:59:44)

Ms. Ashabi spoke on the housing units not in the overlays; and the densities of the Symphony Apartments and Costa Mesa Motor Inn. (03:03:07)

Public Hearing opened:

Flo Martin, Costa Mesa, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:05:10)

Jay Humphrey, Costa Mesa spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:06:24)

Adam Wood, representing Building Industry Association, requested the preservation of the existing overlay zones. (03:09:28)

Jeff McConville, Costa Mesa, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code.

Kathy Esfahani, Costa Mesa Affordable Housing Coalition, spoke in support of option 2, maintaining the current overlays but allowing the 40 du/acre unit residential density option only in conjunction with housing projects that are necessary to meet the City's RHNA requirement and/or the State housing laws. (03:13:17)

Walker Wood, Costa Mesa, spoke in support of leaving the overlays in place. (03:15:30)

Speaker, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:17:35)

Steven Chan, Costa Mesa, spoke in support of the Planning Commission's recommendation number 2, maintaining the current overlays but allowing the 40 du/acre unit residential density option only in conjunction with housing projects that are necessary to meet the City's RHNA requirement and/or the State housing laws. (03:19:21)

Speaker, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:20:41)

Cynthia McDonald, Costa Mesa, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code; and spoke against spot zoning. (03:23:29)

Rick Huffman, Costa Mesa, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:35:00)

Speaker, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:38:14)

Beth Refakes, Costa Mesa, spoke in support of the Planning Commission's recommendation number 1, removing the Residential Incentive Overlays option from the General Plan and Zoning Code. (03:40:03)

Public Hearing closed.

Council Member Stephens spoke on his ranking of the overlays. (03:42:20)

Mayor Genis spoke on removing Residential Incentive Overlay nodes 5, 8, 9, 11, 12, 13, 14; changing the boundaries; and spoke on keeping overlays 1 and 2 and reducing the four story height. (03:46:26)

Council Member Foley spoke on the proper planning approach. (03:48:12)

MOVED: Council Member Foley

MOTION: Approve the Planning Commission's recommendation to remove the overlay zones on Harbor and Newport Boulevard. (03:48:35)

Council Member Stephens seconded for discussion only. (03:48:52)

Council Member Foley spoke on the overlays and on embarking on visioning. (03:48:56)

Council Member Righeimer spoke on the private property owners; Measure Y implications; and addressing each overlay separately. (03:52:00)

RESIDENTIAL INCENTIVE OVERLAY NODES 11, 12, 13 AND 14 (03:53:30)

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: To consider the overlay zones separately and remove Residential Incentive Overlay Nodes 11, 12, 13 and 14.

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 voted to remove Residential Incentive Overlay Nodes 11, 12, 13 and 14.

RESIDENTIAL INCENTIVE OVERLAY NODES 1 AND 2 (03:55:14)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: To keep the overlay, and lower the allowable density to 30 units per acre and limit building height to three stories for Residential Incentive Overlay Nodes 1 and 2.

Council Member Foley requested the maker of the motion to include that it would be conditioned on making it an affordable housing project. Council Member Righeimer (the maker of the motion) did not concur and spoke on the future City Council making that determination. (03:55:24)

Discussion ensued on the requirement of affordable housing in Irvine. (03:57:01)

Council Member Foley spoke to not supporting the motion. (03:58:42)

Council Member Righeimer spoke on the issue. (03:59:45)

Mayor Pro Tem Mansoor spoke to supporting the motion. (04:01:20)

Discussion ensued on the screening process by City Council and master plan approval by the Planning Commission of the overlays. (04:01:38)

Council Member Stephens clarified that the underlying commercial zoning remains the same. (04:02:43)

Council Member Foley spoke on high density housing. (04:03:05)

Mayor Genis spoke to supporting the motion. (04:04:23)

RESIDENTIAL INCENTIVE OVERLAY NODES 1 AND 2 (03:55:14)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: To keep the overlay, and lower the allowable density to 30 units per acre and limit building height to three stories for Residential Incentive Overlay Nodes 1 and 2.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council voted to keep the overlay, and lowered the allowable density to 30 units per acre and limited building height to three stories for Residential Incentive Overlay Nodes 1 and 2.

RESIDENTIAL INCENTIVE OVERLAY NODE 3 (04:05:55)

No action taken as this site was approved under a separate entitlement which is still valid and plan check is pending.

RESIDENTIAL INCENTIVE OVERLAY NODE 4 (04:08:35)

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To remove Residential Incentive Overlay Node 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

ACTION:

City Council voted to remove Residential Incentive Overlay Node 4.

RESIDENTIAL INCENTIVE OVERLAY NODE 5

MOVED: Council Member Righeimer (04:08:58)

MOTION: Remove the Best Western and keep from the North of the Best Western, and lower to 30 units per acre and three stories high limit.

Mayor Pro Tem Mansoor seconded for discussion only. (04:10:31)

SUBSTITUTE MOTION/SECOND: Council Member Stephens/Council Member Foley (04:10:38)

SUBSTITUTE MOTION: To remove Residential Incentive Overlay Node 5.

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 voted to remove Residential Incentive Overlay Node 5.

RESIDENTIAL INCENTIVE OVERLAY NODE 6 (04:11:40)

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To remove Residential Incentive Overlay Node 6.

Discussion ensued on the number of units that are entitled but not yet built. (04:13:16)

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To remove Residential Incentive Overlay Node 6.

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 voted to remove Residential Incentive Overlay Node 6.

RESIDENTIAL INCENTIVE OVERLAY NODE 7

MOVED/SECOND: Council Member Righeimer/None (04:13:16)

MOTION: Leave at the 40 units per acre and the property to the east reduce down to two stories on the east end.

Motion died due to lack of a second.

MOVED/SECOND: Mayor Genis/Council Member Righeimer

MOTION: To keep the overlay, lower the allowable density to 30 units per acre, limit building height to three stories, reduce the height down to two stories to the east and have an air quality study done for proximity to the freeway. (04:17:05)

Council Member Foley requested the maker of the motion to include that it would be conditioned on making it an affordable housing project. Mayor Genis (the maker of the motion) did not concur. (04:17:51)

MOVED/SECOND: Mayor Genis/Council Member Righeimer

MOTION: To keep the overlay, lower the allowable density to 30 units per acre, limit building height to three stories, reduce the height down to two stories to the east and have an air quality study done for proximity to the freeway.

The motion carried by the following roll call vote:

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

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council voted to keep the overlay, lower the allowable density to 30 units per acre, limit building height to three stories, reduce the height down to two stories to the east and have an air quality study done for proximity to the freeway.

RESIDENTIAL INCENTIVE OVERLAY NODE 8 (04:18:30)

MOVED/SECOND: Council Member Stephens/Council Member Foley

MOTION: To remove Residential Incentive Overlay Node 8.

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 voted to remove Residential Incentive Overlay Node 8.

RESIDENTIAL INCENTIVE OVERLAY NODES 9 AND 10 (04:19:19)

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: To remove Residential Incentive Overlay Nodes 9 and 10.

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 voted to remove Residential Incentive Overlay Nodes 9 and 10.

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: Provide direction to staff to move forward with the Planning Commission's recommendation to initiate a process for updating the City's Newport Boulevard Specific Plan and creation of a South Harbor Boulevard Specific Plan. (04:20:46)

Mayor Genis spoke to supporting the motion. (04:24:08)

Mayor Pro Tem Mansoor spoke to not supporting the motion. (04:24:50)

MOVED/SECOND: Council Member Foley/Council Member Stephens

MOTION: Provide direction to staff to move forward with the Planning Commission's recommendation to initiate a process for updating the City's Newport Boulevard Specific Plan and creation of a South Harbor Boulevard Specific Plan. 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 move forward with the Planning Commission's recommendation to initiate a process for updating the City's Newport Boulevard Specific Plan and creation of a South Harbor Boulevard Specific Plan.

City Council recessed into a break at 10:30 p.m.

City Council reconvened at 10:38 p.m.

OLD BUSINESS (04:35:58)

1. SECOND READING AND ADOPTION OF ORDINANCE 18-09: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING COSTA MESA MUNICIPAL CODE TITLE 19, SECTION 19-15 TO REFERENCE THE PROPOSED DESIGN GUIDELINES (04:36:02)

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. (04:36:33)

Johnwilly Aglupos, Assistant Planner, presented the staff report. (04:36:40)

Public Comments:

Diane McClellan, representing Verizon Wireless, spoke on the design guidelines discouraging 5g technology. (04:37:16)

MOVED/SECOND: Council Member Stephens/Council Member Foley
The motion carried by the following roll call vote:
Ayes: Council Member Foley, Council Member Stephens, and Mayor Genis.
Nays: None
Absent: Mayor Pro Tem Mansoor
Abstain: Council Member Righeimer
Motion carried: 3-0-1-1

ACTION:

City Council gave second reading and adopted Ordinance No. 18-09 read by title only, adopting Code Amendment CO-18-03 amending the following:

- Title 19, Article 4, Section 19-15 of the Municipal Code with respect to wireless telecommunications services in the public right-of-way.

2. **SECOND READING AND ADOPTION OF ORDINANCE NO. 18-11: REZONE 18-01 TO CHANGE THE ZONING OF 1.86-ACRE SITE PROPOSED FOR A 38-UNIT RESIDENTIAL DEVELOPMENT AT 1957 NEWPORT BOULEVARD, 390 FORD ROAD AND A PORTION OF FORD ROAD RIGHT-OF-WAY FROM GENERAL BUSINESS DISTRICT (C-2) TO PLANNED DEVELOPMENT RESIDENTIAL - HIGH DENSITY (PDR-HD) WITH A SITE-SPECIFIC DENSITY OF 20.4 DU/ACRE (04:37:16)**

Mino Ashabi, Principal Planner, presented the staff report. (04:41:53)

Public Comments:

Tim Lewis, spoke in support of the ordinance. (04:42:16)

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, and Mayor Genis.
Nays: None
Absent: Mayor Pro Tem Mansoor
Motion carried: 4-0-1

ACTION:

City Council gave second reading and adopted Ordinance No. 18-11, read by title only, adopting Zoning Map amendment for the following:

- Rezone 18-01 to change the zoning of a 1.86-acre site proposed for a 38-unit residential development at 1957 Newport Boulevard, 390 Ford Road and a portion of Ford Road right-of-way from General Business District (C-2) to Planned Development Residential - High Density (PDR-HD) with a site-specific density of 20.4 du/acre.

NEW BUSINESS (04:43:55)

1. REQUEST TO ADOPT A RESOLUTION TO OPPOSE NEW LEASES FOR OIL AND GAS ACTIVITIES OFF THE COAST OF CALIFORNIA AND OPPOSE EXECUTIVE ORDER 13795 (04:43:57)

Dan Baker, Assistant to the City Manager, presented the staff report. (04:44:16)

Council Member Foley spoke on bringing forth the item. (04:45:52)

Mayor Genis spoke on the policy in the General Plan. (04:47:07)

Public Comments:

Flo Martin, Costa Mesa, spoke in support of the resolution. (04:49:16)

Nancy Hastings, Oceana's Orange County Campaign Organizer, spoke in support of the resolution. (04:51:10)

Linda Kraemer, Costa Mesa, spoke in support of the resolution. (04:53:50)

Michelle Giron, Vice Chair of the Newport Beach Chapter of the Surfrider Foundation, spoke in support of the resolution. (04:55:32)

Lydia Follickman, Fountain Valley, spoke in support of the resolution. (04:57:10)

Speaker, spoke in support of the resolution. (04:57:47)

Cindy Black, Costa Mesa, spoke in support of the resolution. (04:59:23)

Mayor Genis spoke on including a recital related to the hotel tax revenue. (05:01:16)

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To oppose Executive Order 13795 by adoption of Resolution No. 18-73 with direction to staff to add a recital related to the hotel tax revenue. (05:01:34)

Council Member Righeimer spoke against the motion. (05:01:54)

MOVED/SECOND: Council Member Foley/Council Member Stephens
MOTION: To oppose Executive Order 13795 by adoption of Resolution No. 18-73 with direction to staff to add a recital related to the hotel tax revenue.

The motion carried by the following roll call vote:

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

Nays: Council Member Righeimer

Absent: Mayor Pro Tem Mansoor

Motion carried: 3-1-1

ACTION:

City Council voted to oppose Executive Order 13795 by adoption of Resolution No. 18-73 with direction to staff to add a recital related to the hotel tax revenue.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:03:20)

Council Member Foley reported on her attendance at the OC Fair liaison meeting; spoke on the Cultural Arts Committee grant program; and the Network for Homeless Solution Annual Report on the City website. (05:03:36)

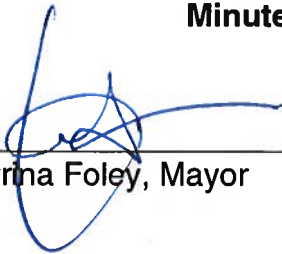
Mayor Genis spoke on the Network for Homeless Solution Annual Report. (05:05:45)

REPORT – CITY MANAGER (05:06:07) – NONE

REPORT – CITY ATTORNEY (05:06:10) - NONE


ADJOURNMENT (05:06:13) – Mayor Genis adjourned the meeting at 11:08 p.m.

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



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk