

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

OCTOBER 3, 2017

CALL TO ORDER

The Special Closed Session was called to order by the Mayor at 4:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

City Clerk Green stated that Council Member Stephens will participate remotely from Killington, Vermont.

Present: Council Member Mansoor, Council Member Righeimer, Council Member Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

Council Member Stephens made a statement as to compliance with the Brown Act and reported that no members of the public were in attendance.

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

The City Council recessed to Conference Room 5A at 4:12 p.m. for Special Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

2. 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.

3. 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.

4. 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, U.S. District Court, Central District of
California, Case No. SACV14-01852 JVS.

The City Council reconvened at 6:01 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by the Mayor at 6:01 p.m. in the Council Chambers at
Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:29) Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:47)

Pastor Mike Decker, Palm Harvest Church

ROLL CALL (00:03:17)

City Clerk Green stated that Council Member Stephens will participate remotely from
Killington, Vermont.

Present: Council Member Mansoor, Council Member Righeimer, Council Member
Stephens via teleconference, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant
City Manager Tamara Letourneau, Development Services Director Barry Curtis, Public
Services Director Raja Sethuraman, and City Clerk Brenda Green.

Council Member Stephens made a statement as to compliance with the Brown Act and
reported that no members of the public were in attendance. (00:04:08)

CITY ATTORNEY CLOSED SESSION REPORT (00:04:19) - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – Mayor
Foley met with Ms. Letourneau and the president of the Costa Mesa Firefighters
Association for clarification on phrases in the contract. (00:04:26)

ANNOUNCEMENTS (00:04:50)

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

PRESENTATIONS (00:07:40)

Christine Tsao, Accounting Supervisor, was recognized by the City Council for receiving the City Manager's Leadership Award for the month of September.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:11:40)

Flo Martin, Costa Mesa, inquired on the status of the Placentia Traffic Calming project. (00:12:13)

Jay Humphrey, Costa Mesa, spoke on the green living wall at the Buick Dealership on Merrimac and Harbor. (00:15:57)

Dara Hendricks, Costa Mesa, representing the Fairview Park Pacific Avenue Residents Alliance, spoke on the Fairview Park entrance and turnaround. (00:19:34)

Beth Refakes, Costa Mesa, expressed concerns on the following: airport noise, landscape maintenance, and 55 freeway construction; and spoke about the progress on the fire station. (00:22:56)

Teresa Drain, Costa Mesa, thanked the 1977 High School Class for gathering blankets for the veterans. (00:25:36)

Tom Walker, Costa Mesa, spoke in support of the Small Lot Ordinance. (00:27:17)

Speaker, requested a moratorium on the Small Lot Ordinance. (00:29:24)

Speaker, requested a moratorium on the Small Lot Ordinance; and spoke on sober living homes. (00:32:22)

Speaker, representing the Fairview Park Pacific Avenue Residents Alliance, spoke regarding maintenance issues on Pacific Avenue. (00:35:24)

Speaker, Costa Mesa, spoke about the increase in crime; dynamics in the City; and homelessness. (00:37:22)

Speaker, Costa Mesa, spoke on sober living home issues. (00:40:39)

Jordan Stickland, Costa Mesa, thanked the City Council for the extra police patrols on Pacific Avenue; and spoke regarding maintenance issues on Pacific Avenue. (00:43:53)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Stephens via teleconference - requested citizens contact him with concerns; reported on visiting the Humane Society; and spoke on the meeting with Council Member Mansoor regarding alternative public restrooms. (00:47:59)

Council Member Righeimer spoke on the Pacific Avenue issues; homeless issues; and the Huntington Beach Air Show. (00:50:32)

Council Member Mansoor reported on visiting the Humane Society; attendance at the Sanitary District and Water District liaison meeting; spoke on the Huntington Beach Air Show; Pacific Avenue issues and consideration by the Fairview Park Committee; requested a study session on taping public debates; spoke on the Coyote Cacher reporting website and coyote issues. (00:54:53)

Mayor Foley thanked the Chamber of Commerce for hosting the State of the City event; reported on the liaison to Travel Costa Mesa Board meeting and spoke on a Culinary Arts event in 2018; requested an airport noise meeting; spoke on the Small Lot Ordinance study session; and maintenance issues on Pacific Avenue. (01:00:02)

Mayor Pro Tem Genis reported on attendance at the Traffic Impact Fee Ad Hoc committee meeting; spoke on airplane noise; Buick dealership issues; homeless issues; Hepatitis issues; October Breast Cancer Awareness month; and the Pacific Avenue turnaround and maintenance issues. (01:04:31)

CONSENT CALENDAR: (01:10:04)

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 4 except for 2.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Cuauhtemoc Colin, Nancy Cox, Cheryl Giacomino, Shakrzad Kayvan, and Michael Schaffer.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 5, 2017-

ACTION:

City Council approved the minutes of September 5, 2017.

4. AWARD CONTRACT FOR INTERSECTION SAFETY LIGHTING PROJECT – CITY PROJECT NO. 17-15

ACTION:

1. City Council adopted the plans, specifications, and working details for the Intersection Safety Lighting Project, City Project No. 17-15; and
2. Approved Budget Adjustment No. 18-010; and
3. Awarded a construction contract to Express Energy Services, 10610 Humbolt Street, Los Alamitos, CA 90720, in the amount of \$308,095.49; and
4. Authorized the City Manager to execute the Public Works Agreement.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. WARRANT RESOLUTION NO. 2584 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-17 “A” FOR \$546.74; 17-18 FOR \$2,268,534.34; 17-18 “A” FOR \$-1,239.69; AND 17-19 FOR \$2,301,688.25; AND CITY OPERATING EXPENSES FOR \$2,879,433.35; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:11:03)

Public Comments:

Speaker, spoke on Jones & Mayer billing and sober living issues. (01:11:07)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2584.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:13:08)

1. CODE AMENDMENT CO-16-04A – AMENDMENT TO ARTICLE 1 (RESIDENTIAL DISTRICTS) OF CHAPTER 5 (DEVELOPMENT STANDARDS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES

Willa Bouwens-Killeen, Zoning Administrator, presented the staff report.
(01:13:35)

Discussion ensued on the height of the accessory structures and setbacks.
(01:16:18)

Public Hearing Opened:

Speaker, spoke against 8-foot sheds. (01:25:36)

Public Hearing Closed.

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis
MOTION: To receive and file.

SUBSTITUTE MOTION/SECOND: Mayor Foley/Council Member Stephens
SUBSTITUTE MOTION: To approve the recommended action of adopting Zoning Code Amendment CO-16-04A.

Mayor Foley spoke on the issue. (01:28:31)

Mayor Pro Tem Genis spoke to supporting the original motion. (01:30:31)

Council Member Righeimer spoke to supporting the original motion. (01:34:49)

Mayor Foley withdrew the substitute motion. (01:35:49)

ORIGINAL MOTION/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

ORIGINAL MOTION: To receive and file.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council received and filed.

ITEM #2 WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.

2. **CODE AMENDMENT CO-16-04B – AMENDMENT TO ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING NON-COMMERCIAL BANNERS**

3. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA) (01:38:00)**

Peter Brown, Chief Negotiator from Liebert Cassidy Whitmore, presented the staff report. (01:38:17)

Discussion ensued on pension costs; health insurance; the normal cost and the unfunded liability. (01:44:55)

Public Hearing Opened:

Flo Martin, Costa Mesa, spoke in support of the contract. (01:52:55)

Ralph Taboada, Costa Mesa, expressed financial concerns on the contract. (01:53:57)

Rich Russell, Costa Mesa, expressed financial concerns on the contract; and spoke on campaign contributions. (01:57:04)

Wendy Leece, Costa Mesa, spoke in support of the contract; spoke on the finances; and a 115 trust. (01:59:57)

Speaker, spoke on campaign contributions; and in support of the contract. (02:02:53)

Public Hearing Closed.

Council Member Righeimer spoke on the issue. (02:04:47)

Council Member Mansoor spoke on the issue. (02:08:20)

Mayor Pro Tem Genis spoke on the issue. (02:12:42)

Council Member Stephens spoke on the issue. (02:16:45)

Mayor Foley spoke on the issue. (02:20:38)

MOVED/SECOND: Mayor Foley/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council held the first public hearing regarding the proposed 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Firefighters Association and scheduled the second public hearing for October 17, 2017 as required by COIN.

Old Business Item #1 was considered next.

OLD BUSINESS:

1. SECOND READING OF ORDINANCE NO. 17-14 OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS (02:45:50)

Lt. Greg Scott, provided the staff report. (02:46:55)

No public comments on this item.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave second reading and adopted Ordinance No. 17-14, read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled "Prohibitions; state permit required" regulating the use of fireworks.

The City Council recessed into a break at 8:50 p.m.

The City Council reconvened at 8:58 p.m.

The City Council resumed the meeting in order with Public Hearing Item #4.

PUBLIC HEARINGS:

4. CONDITIONAL USE PERMITS PA-16-41 AND PA-16-44 TO OPERATE A SOBER LIVING FACILITY SERVING 28 WOMEN, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT, AT 269 AND 271 16TH PLACE (02:57:03)

Sheri Vander Dussen, Interim Assistant Director Community Improvement, presented the staff report. (02:57:48)

Discussion ensued on the size of group homes; and a single housekeeping unit. (03:09:59)

Steven G. Polin, Attorney representing Melissa Goodman, the owner of Casa Capri, spoke on the letter submitted to the City Council regarding the requested accommodation for a single housekeeping unit. (03:21:14)

Ms. Goodman spoke on the facility. (03:41:17)

Public Hearing Opened:

Speaker, Newport Heights, spoke in opposition to the Conditional Use Permits (CUPs). (03:50:56)

Veronica Parker, Clinical Director for Casa Capri, spoke in support of the CUPs. (03:54:09)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (03:56:13)

Stephanie Burchard, Costa Mesa, works at Casa Capri, spoke in support of the CUPs. (03:58:47)

Speaker, Newport Heights, spoke in opposition to the CUPs. (03:59:52)

Jamie Armstrong, Costa Mesa, works at Casa Capri, spoke in support of the CUPs. (04:02:39)

Joe Paluma, Costa Mesa, spoke in opposition to high density. (04:04:52)

Speaker, former resident of Casa Capri, spoke in support of the CUPs. (04:06:11)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (04:07:51)

Shayla Lynn, former resident of Casa Capri, spoke in support of the CUPs. (04:10:54)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (04:13:08)

Speaker, Costa Mesa, former resident of Casa Capri, spoke in support of the CUPs. (04:17:04)

Jay Humphrey, Costa Mesa, spoke in opposition to the CUPs. (04:20:13)

Speaker, former resident of Casa Capri, spoke in support of the CUPs. (04:23:13)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (04:25:54)

Speaker, works at Casa Capri, spoke in support of the CUPs. (04:27:27)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (04:28:35)

Laura Hagan, Costa Mesa, works at Casa Capri, spoke in support of the CUPs. (04:31:24)

Speaker, Costa Mesa, spoke in opposition to the CUPs. (04:32:43)

Ms. Goodmon responded to the issues addressed by the public. (04:35:12)

Discussion ensued on resident curfews; onsite meetings; parking for vans; and balancing concentration. (04:36:05)

Discussion ensued on the findings for denial of the Planning Commission Resolution No. PC-16-60. (04:50:25)

Public Hearing Closed.

Mayor Pro Tem Genis spoke on the issue. (05:04:06)

Mayor Foley spoke on the motion. (05:06:34)

Council Member Mansoor spoke on the motion. (05:11:49)

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: To adopt Resolution No. 17-62, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-41 to allow a sober living facility serving up to 14 women at 269 16th Place.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 17-62, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-41 to allow a sober living facility serving up to 14 women at 269 16th Place.

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: To adopt Resolution No. 17-63, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-44 to allow a sober living facility serving up to 14 women at 271 16th Place.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

2. City Council adopted Resolution No. 17-63, upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-44 to allow a sober living facility serving up to 14 women at 271 16th Place.

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (05:15:08)

Mayor Foley thanked her brother for his 21 years of service in the Army.

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE


ADJOURNMENT - The Mayor adjourned the meeting at 11:17 p.m. in memory of the 59 victims of the Las Vegas shooting.

Minutes adopted on this 7th day of November, 2017.



Sandra L. Genis, Mayor Pro Tem

ATTEST:



Brenda Green, City Clerk