

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

APRIL 17, 2018

CALL TO ORDER

The Closed Session was called to order by Mayor Pro Tem Mansoor at 4:02 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley (arrived at 4:30 p.m.), Council Member Righeimer, Council Member Stephens, and Mayor Pro Tem Mansoor.

Absent: Mayor Genis

PUBLIC COMMENTS ON CLOSED SESSION - NONE

The City Council recessed to Conference Room 5A at 4:05 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: 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.

6. 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.

The City Council reconvened at 6:03 p.m.

CALL TO ORDER (00:00:08)

The meeting was called to order by the Mayor at 6:03 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:24) - Mayor Pro Tem Mansoor

MOMENT OF SOLEMN EXPRESSION – in memory of former First Lady Barbara Bush. (00:00:41)

ROLL CALL (00:01:14)

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro 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.

Mayor Genis announced that Public Hearing Item #2, Appeal of PA-16-30 and PA-16-31, was withdrawn from the agenda. (00:01:25)

CITY ATTORNEY CLOSED SESSION REPORT (00:01:50) – NONE

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

ANNOUNCEMENTS (00:02:03) - “Costa Mesa Minute” was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:04:13)

Steven Chan, Costa Mesa, spoke on the applicants, The Plant, and compliance with State ABC license regulations. (00:04:37)

Rebecca Trahan, Costa Mesa, spoke against SB 54, Sanctuary State Law. (00:07:33)

Gibran Stout, Founder of OC Vaulting, spoke in support of saving the Equestrian Center at the OC Fairgrounds. (00:10:37)

Ned Whittenmore, Costa Mesa, showed photographs and spoke in support of Costa Mesa allowing Urban Beekeeping. (00:12:49)

Joshua Young, spoke on homeless individuals working in Albuquerque and suggested the idea for Council's consideration. (00:15:52)

Reggie Mundekis, spoke against the OC Fairgrounds revised Master Site Plan. (00:17:40)

Barrie Fisher, Costa Mesa, spoke on Sober Living Homes, average cost, and revenues. (00:20:10)

Robin Leffler, Costa Mesa, spoke against the OC Fairgrounds revised Master Site Plan. (00:23:20)

Wendy Leece, Costa Mesa, spoke on Sober Living businesses required to have business licenses. (00:25:43)

Michael Feinstein, Santa Monica, spoke in support of a 500 seat unicameral state legislature. (00:27:04)

Speaker, spoke on Keith Randle, Summit Living, and police calls; and Scott Baugh.

Tom Pollitt, Costa Mesa, spoke against SB 54. (00:32:00)

Bill Bertovich, Costa Mesa, spoke against Keith Randle and Summit Living. (00:35:20)

Beth Refakes, Costa Mesa, expressed concern on delay of the Small Lot Ordinance and overlays; state legislation on zoning; and spoke against the OC Fairgrounds revised Master Site Plan. (00:38:37)

Speaker, spoke on not agendizing SB 54; spoke against the OC Fairgrounds revised Master Site Plan; and spoke on Orange Avenue being paved. (00:41:18)

Brian West, Costa Mesa, spoke against the OC Fairgrounds revised Master Site Plan. (00:43:32)

Robert Graham, Costa Mesa, spoke on candidates being killed in Mexico; and spoke against SB 54. (00:44:49)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:47:32)

Mayor Pro Tem Mansoor spoke on the fire in Talbert Park and Costa Mesa addressing the homeless issues; SB 54 agendized for May 1st; requested staff to follow up on the contract with Townsend Public Affairs, Inc. and also the OC Fairgrounds revised Master Site Plan. (00:47:35)

Council Member Foley spoke on the fire in Talbert Park, police night patrols, and night vision helicopters; Equestrian Center at the OC Fairgrounds and parking structure; and Boy Scouts and Girls Inc. and volunteer opportunities. (00:52:13)

Mayor Genis spoke on agendizing the Small Lot Ordinance and overlays; sending correspondence to the City Clerk; property taxes percentages; Talbert Park issues; OC Fairgrounds revised Master Site Plan and the Notice of Preparation for the environmental document; and invited everyone to the Love Costa Mesa Event on April 28. (00:56:23)

Council Member Stephens thanked the fire department for suppressing the fire at Talbert Park; spoke on Talbert Park issues and a fire risk with homeless encampments; the OC Fairgrounds revised Master Site Plan and requested a briefing on it; and staff attending partisan meetings. (01:00:32)

Council Member Righeimer spoke on addressing SB 53 and the police department; the Orange County Fairgrounds revised Master Site Plan and the Equestrian Center; requested the calls for service at 2041 Tustin Avenue; spoke on Sober Living Home issues; and 321 and 327 Cabrillo Street receiving state licenses. (01:03:44)

CONSENT CALENDAR (01:08:05)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for 2, 6, 7, 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

1. READING FOLDER

Claims received by the City Clerk: Mark M. Gnesin

ACTION:

City Council received and filed.

3. MINUTES OF THE SPECIAL CITY COUNCIL CLOSED SESSION OF FEBRUARY 27, 2018

ACTION:

City Council approved the minutes of February 27, 2018.

4. APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT

ACTION:

1. City Council approved Resolution No. 18-22, for the submittal of a grant application to the Orange County Transportation Authority (OCTA) for the City's Tier 1 Water Quality BMP Installation Project; and

2. Authorized the Public Services Director to act as the City's representative.

5. PARKING LOT REHABILITATION PROJECT AT VARIOUS LOCATIONS, BIKE TRAIL WEST OF HARBOR BOULEVARD AND BALEARIC COMMUNITY CENTER IMPROVEMENTS, CITY PROJECT NO. 17-02

ACTION:

1. City Council accepted the work performed by All American Asphalt for the subject project and authorized the City Clerk to file the Notice of Completion; and

2. Authorized the 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.

8. RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2018-19 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

ACTION:

City Council adopted Resolution No. 18-23, adopting a list of projects for Fiscal Year (FY) 2018-19 proposed to be funded with Road Maintenance and Rehabilitation Account (RMRA) revenues.

9. BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES

ACTION:

1. City Council approved and authorized the Mayor and the City Clerk to amend professional service agreements for contract building plan check and contract building counter permit technicians with the companies of Scott Fazekas & Associates Inc., Bureau Veritas, Melad & Associates, Interwest Group, VCA Code, HR Green, Permit Management Solutions and JAS Pacific. Also approve and authorize the Mayor and the City Clerk to execute one-year professional service agreements for contract building inspection services with the companies of JAS Pacific, Interwest Group, Bureau Veritas, VCA Code and Safebuilt. The additional requested amount for contract building plan check, contract counter permit technicians and contract building inspections services is \$103,584 in addition to the current contract amount of \$107,938, as budgeted for FY 2017-2018. The same consultants for building plan check and contract building contract counter permit technicians are providing contract fire plan checking for a total aggregate amount up to \$142,000 as budgeted for FY 2017-2018 with no change to this amount; and
 2. Authorized the City Manager and the City Clerk to renew the agreement for four (4) additional one-year periods upon mutual written agreement of both parties.
- 11. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2018 REGIONAL CONFERENCE AND GENERAL ASSEMBLY**

ACTION:

City Council designated Mayor Genis as the delegate for the upcoming 2018 Annual SCAG Regional Conference & General Assembly.

ITEMS PULLED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2596 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 18-06 "A" FOR \$-6,410.77 AND 18-07 FOR 2,546,307.71; AND CITY OPERATING EXPENSES FOR \$2,409,571.95; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:08:52)**

Public Comment:

Speaker, spoke on the Jones and Mayer billing; and Sober Living legal fees. (01:08:53)

Council Member Foley and Council Member Righeimer spoke on the City addressing the Sober Living issue. (01:10:49)

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:

City Council approved Warrant Resolution No. 2596.

6. PICNIC SHELTER IMPROVEMENTS AT PAULARINO PARK AND PINKLEY PARK - CITY PROJECT NO. 17-07 (01:12:30)

Public Comment:

Speaker, spoke on the costs of the Arbor and monitoring the budget. (01:12:37)

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 accepted the work performed by R.E. Shultz Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the 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.

7. ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW (01:16:18)

Dan Inloes, Senior Planner, provided a summary of the report. (01:16:44)

Public Comments:

Robin Leffler, Costa Mesa, spoke on the item and a presentation. (01:17:30)

Speaker, spoke on the Small Lot Ordinance and overlay zones; and Title 8 housing. (01:18:30)

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:

City Council approved the 2017 Annual Report of the 2015-2035 adopted Costa Mesa General Plan.

10. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER (01:22:10)

Council Member Stephens recused himself, stepped down from the dais and left the Council Chambers due to his firm's professional relationship with AmeriCare MedServices, Inc. (01:22:15)

Dan Baker, Assistant to the City Manager, provided a summary of the report. (01:22:44)

Public Comments:

Speaker, spoke against hiring law firms. (01:22:44)

Ralph Taboada, Costa Mesa, suggested a separate account to capture charges for Sober Living. (01:22:44)

Discussion ensued on tracking costs related to Sober Living. (01:25:15)

MOVED/SECOND: Council Member Righeimer/Mayor Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Stephens

Motion carried: 4-0-0-1

ACTION:

1. City Council authorized additional funding in the amount \$75,000 to allow Best Best & Krieger (BB&K) to provide legal assistance with group home issues and a multi-agency lawsuit involving AmeriCare MedServices, Inc.; and
2. Satisfied the City's financial obligation to BB&K in connection with the sober living home litigation and additional work related to the AmeriCare MedServices, Inc. litigation in the amount of \$33,502.34.

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

Council Member Stephens returned to the Council Chambers. (01:28:00)

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:28:00)

- 1. REVIEW OF MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE (01:28:05)**

Barry Curtis, Economic and Development Services Director, spoke on continuing the item. (01:28:16)

MOVED/SECOND: Council Member Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council continued the hearing to the May 1, 2018 City Council meeting to allow staff additional time to review the issues raised at the April 3, 2018 hearing for this project.

PUBLIC HEARING ITEM #2 WAS REMOVED FROM THE AGENDA.

- ~~2. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-30 AND PA-16-31 TO OPERATE A SOBER LIVING FACILITY SERVING 37 GENDER-SPECIFIC ADULTS; INCLUDING AN APPEAL OF THE DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY RAW RECOVERY, LLC, AT 321 AND 327 CABRILLO STREET~~

- 3. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-37 AND PA-16-38 TO OPERATE A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 26 RESIDENTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 125 AND 131 EAST WILSON STREET (01:28:52)**

Sheri Vander Dussen, Consultant, presented the staff report. (01:29:23)

Discussion ensued on the Articles of Incorporation (01:40:45)

Discussion ensued on attorney's fees pertaining to Ms. Parker. (01:43:34)

Garrett Prybylo from Zfaty Burns legal counsel representing Northbound Treatment Services, spoke on legal standards; and Valencia vs. Springfield case. (01:46:11)

Discussion ensued on the property owners. (01:55:30)

Paul Alexander, President of Northbound Treatment Services, spoke on the monthly cost of leasing the property; and rental cost per unit. (01:58:50)

Discussion ensued on accommodating disabled class; treatment services; and police calls for service. (02:03:10)

Chief Sharpnack spoke on the police calls for service. (02:07:45)

Council Member Stephens spoke on the Valencia vs. Springfield case. (02:10:07)

Discussion ensued on the live scans; the average length of residency; and other centers owned by Northbound Treatment Services. (02:14:03)

Discussion ensued on the owners. (02:23:50)

Public Hearing opened:

Steven Chan, Costa Mesa, spoke on occupancy, employee impacts, and revenues. (02:27:45)

Brett Eckles, spoke against the Conditional Use Permits (CUPs). (02:30:41)

Cottie Petrie-Norris, California State Assembly District 74 candidate, spoke on the need for state legislation. (02:33:05)

Robin Leffler, Costa Mesa, spoke against the CUPs. (02:34:31)

Barrie Fisher, Costa Mesa, spoke on the Department of Healthcare Services monthly status reports. (02:35:35)

Andrea Marr, Costa Mesa, spoke against the CUPs. (02:38:43)

Bill Bertovich, Costa Mesa, spoke against the CUPs. (02:39:51)

Speaker, spoke against the CUPs. (02:42:43)

Speaker, spoke against the CUPs. (02:45:36)

Public Hearing closed.

Ms. Vander Dussen spoke on including current information in the findings. (02:48:05)

Mayor Genis spoke on the findings. (02:49:05)

Council Member Foley spoke on the Valencia case. (02:49:45)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council conducted a single public hearing for Conditional Use Permits PA-16-37 and PA-16-38 since the sites are contiguous and operated as a single facility; and
2. Adopted Resolution No. 18-24, upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permit PA-16-37 with the following revisions to the findings:
 - (a) Updating the number of applications received by the City from 65 to 54 sober living homes and 11 to 7 licensed treatment facilities that are subject to compliance with Ordinance Nos. 24-13 and 15-11.
 - (b) Updating the number of existing state-licensed drug and alcohol facilities in Costa Mesa that are exempt from City regulation, or have already obtained the required Conditional Use Permit, from 60 to 83; and
3. Adopted Resolution No. 18-25, upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permit PA-16-38 with the following revisions to the findings:
 - a) Updating the number of applications received by the City from 65 to 54 sober living homes and 11 to 7 licensed treatment facilities that are subject to compliance with Ordinance Nos. 24-13 and 15-11.
 - (b) Updating the number of existing state-licensed drug and alcohol facilities in Costa Mesa that are exempt from City regulation, or have already obtained the required Conditional Use Permit, from 60 to 83.

City Council recessed into a break at 8:55 p.m.

City Council reconvened at 9:06 p.m.

4. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CONDITIONAL USE PERMITS PA-16-39 AND PA-16-40 TO ALLOW A STATE-LICENSED DRUG AND ALCOHOL TREATMENT FACILITY SERVING 24 ADULTS; INCLUDING AN APPEAL OF DENIAL OF A REQUEST FOR REASONABLE ACCOMMODATION TO DEVIATE FROM VARIOUS REQUIREMENTS OF THE ZONING CODE; OPERATED BY NORTHBOUND TREATMENT SERVICES AT 235 AND 241 E. 18TH STREET (03:03:45)**

Sheri Vander Dussen, Consultant, presented the staff report. (03:04:19)

Public Hearing opened:

Speaker, spoke against the Conditional Use Permits (CUPs) PA-16-39 and PA-16-40.

Robin Leffler, Costa Mesa, spoke against the CUPs. (03:20:03)

Charlene Fisher, spoke against the CUPs. (03:20:16)

Speaker, spoke against the CUPs. (03:22:33)

Steven Chan, Costa Mesa, spoke against the CUPs. (03:24:37)

Bill Bertovich, Costa Mesa, spoke against the CUPs. (03:26:05)
(03:26:00)

Public Hearing closed.

Discussion ensued on the calls for police service. (03:27:50)

Council Member Foley spoke on including testimonies in the resolution.
(03:28:40)

Mayor Genis spoke on the applicant not meeting the burden of proof. (03:30:21)

MOVED/SECOND: Council Member Foley/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 conducted a single public hearing for Conditional Use Permits PA-16-39 and PA-16-40 since the sites are contiguous and operated as a single facility; and

2. Adopted Resolution No. 18-26, upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permit PA-16-39 with the following revisions to the findings:
 - a) Updating the number of applications received by the City from 65 to 54 sober living homes and 11 to 7 licensed treatment facilities that are subject to compliance with Ordinance Nos. 24-13 and 15-11.
 - (b) Updating the number of existing state-licensed drug and alcohol facilities in Costa Mesa that are exempt from City regulation, or have already obtained the required Conditional Use Permit, from 60 to 83.
 - (c) Include testimonies in the record to support the noise impacts; vehicle traffic impacts; parking limitations; neighbors' expenses regarding security measures; and alcohol and marijuana usage on-site; and

3. Adopted Resolution No. 18-27, upholding the decisions of the Director of Economic and Development Services to deny a request for reasonable accommodation and the Planning Commission to deny Conditional Use Permit PA-16-40 with the following revisions to the findings:
 - a) Updating the number of applications received by the City from 65 to 54 sober living homes and 11 to 7 licensed treatment facilities that are subject to compliance with Ordinance Nos. 24-13 and 15-11.
 - (b) Updating the number of existing state-licensed drug and alcohol facilities in Costa Mesa that are exempt from City regulation, or have already obtained the required Conditional Use Permit, from 60 to 83.
 - (c) Include testimonies in the record to support the noise impacts; vehicle traffic impacts; parking limitations; neighbors' expenses regarding security measures; and alcohol and marijuana usage on-site.

OLD BUSINESS (03:31:20)

1. FY 2017-18 MID-YEAR BUDGET REPORT AND 5 YEAR FINANCIAL PROJECTIONS (03:32:06)

Tamara Letourneau, Assistant City Manager, spoke on the Mid-year Budget report. (03:32:50)

Tom Hatch, City Manager, spoke on the 5 year financial projections. (03:39:33)

Council Member Foley spoke on the 5-year projections. (03:48:40)

Mayor Pro Tem Mansoor spoke on the pension obligation. (03:53:00)

Mayor Genis spoke on the projections. (03:53:53)

Council Member Stephens spoke on the Self-Insurance Fund. (03:56:25)

Discussion ensued on the Self-Insurance Fund and the 5-year forecast. (03:57:42)

Council Member Righeimer spoke on the budget and the 5-year forecast. (04:06:11)

Ralph Taboada, Finance and Pension Advisory committee, provided a presentation. (04:16:46)

Discussion ensued on revenue projections. (04:22:00)

Mr. Hatch spoke on the salary issue and sales tax revenues. (04:29:40)

Public Comments:

Robin Leffler, Costa Mesa, spoke about saving money for pension obligations. (04:49:11)

Beth Refakes, Costa Mesa, spoke in support of a 115 Trust; increasing the reserves; adding allocation to the Self-Insurance Fund; Code Enforcement priorities; and reducing the revenue projection. (04:52:03)

Public Comments closed.

Discussion ensued on the reserves and CPI. (04:54:40)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To approve the recommended actions.

Council Member Righeimer spoke on the motion. (04:58:30)

Council Member Stephens suggested allocating \$1 million as a placeholder and Council Member Righeimer agreed to include in the motion. (05:01:50)

Mayor Pro Tem Mansoor spoke in support of the motion. (05:03:45)

Council Member Foley spoke in support of the motion. (05:04:14)

Mayor Genis spoke in support of the motion. (05:06:13)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Mansoor
MOTION: To approve the recommended actions.

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. Mid-Year Budget Report:
 - a. City Council received and filed the report; and
 - b. Allocated \$1 million as a placeholder to potentially establish a 115 Trust; and
 - c. Allocated \$1,571,499 towards the Self-Insurance Fund; and
 - d. Approved the two new code enforcement officer positions and eliminate the vacant Programmer Analyst II in the IT Department and Plan Check Engineer in Development Services; and
 - e. Approved recommended FY 2017-18 budget adjustments.

2. Five-Year Financial Plan:
 - a. City Council reviewed and filed the five-year financial plan; and
 - b. Provided direction to staff regarding the issues raised in connection with the five-year financial plan and future priorities.

City Council recessed into a break at 11:11 p.m.

City Council reconvened at 11:18 p.m.

NEW BUSINESS (05:15:05)

1. **CONSIDER ADOPTION OF A RESOLUTION SEEKING CALIFORNIA STATE LEGISLATIVE SUPPORT TO REGULATE RESIDENTIAL RECOVERY FACILITIES (SOBER LIVING HOMES) (05:15:12)**

Dan Baker, Assistant to the City Manager, presented the staff report. (05:15:25)

Mayor Pro Tem Mansoor spoke on the item. (05:16:25)

Discussion ensued on vertical integration of services. (05:18:20)

Public Comments:

Bill Bertovich, Costa Mesa, spoke in support of the resolution. (05:19:26)

Steven Chan, Costa Mesa, spoke in support of the resolution. (05:19:51)

Robin Leffler, Costa Mesa, spoke in support of the resolution. (05:22:55)

Public Comments closed.

Mayor Genis spoke on adding prohibition of patient brokering or referrals for any consideration. (05:23:30)

Council Member Foley spoke on adding support for AB 572; and spoke on sending correspondence to Senator Ed Hernandez related to AB 1268 and opposing AB 2214. (05:24:00)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 18-28 and approved to send to the League of California and ACC-OC to share with other cities, which requests support from the State of California to provide the necessary regulatory tools to ensure local jurisdictions have adequate means to bring balance between neighborhoods and the placement of residential recovery facilities (Sober Living Homes) with the following additions:

(a) Whereas it prohibits patient brokering or referrals for any consideration.

(b) Encourages support for AB-572.

2. CONSIDERATION OF FUNDING ALLOCATION FOR A COMMUNITY FOURTH OF JULY EVENT TO PROMOTE PUBLIC SAFETY AND PROMOTION OF AN INCREASE FOR ILLEGAL FIREWORK DISCHARGE FINE

Dan Baker, Assistant to the City Manager, presented the staff report. (05:26:57)

Council Member Stephens spoke on the item. (05:28:16)

Council Member Righeimer spoke to not supporting item. (05:32:18)

Public Comments:

Steven Chan, Costa Mesa, spoke against the item. (05:32:18)

Beth Refakes, Costa Mesa, spoke against the item. (05:35:26)

Public Comments closed.

Council Member Foley spoke to not supporting the item. (05:37:50)

MOVED/SECOND: Mayor Foley/Council Member Stephens

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council received and filed.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS - NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 11:40 p.m. in memory of Barbara Panian.

Minutes adopted on this 5th day of June, 2018.



Sandra L. Genis, Mayor

ATTEST:



Brenda Green, City Clerk