

UNOFFICIAL UNTIL APPROVED

**MINUTES OF THE SPECIAL JOINT STUDY SESSION MEETING
OF THE COSTA MESA CITY COUNCIL
AND PLANNING COMMISSION**

SEPTEMBER 10, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 4:30 p.m. in Conference Room 1A at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis, and Council Member Monahan

Planning Commissioners Present: Chair Fitzpatrick, Vice Chair Dickson, Commissioner Matthews, Commissioner McCarthy, Commissioner Sesler

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant CEO Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, Senior Planner Minoo Ashabi, and City Clerk Brenda Green

PUBLIC COMMENT (00:00:28)

Robin Leffler, Costa Mesa, spoke on the small lot ordinance, and setbacks. (00:00:45)

Martin H. Millard, Costa Mesa, spoke on parking concessions, and overlay zones. (00:02:34)

Brian Coggins, Costa Mesa, spoke regarding apartments, setbacks, and sale opportunities. (00:03:59)

Beth Refakes, Costa Mesa, spoke on R-1 neighborhoods and density issues. (00:05:29)

Peter Zender stated that the small lot subdivision ordinance does not mean higher density, spoke on the HUD study, and single family homes vs. condominiums. (00:06:46)

Christian Walsh stated he supports a small lot ordinance as it will make it easier for buyers to find financing and it assists with affordable housing. (00:08:47)

Mayor Righeimer spoke regarding multi-family lots, and that a small lot ordinance does not allow for a higher density. (00:09:39)

PLANNING COMMISSION GOALS AND OBJECTIVES (00:12:02)

DRAFT SMALL LOT ORDINANCE: Discussion of a Zoning Ordinance for Small Lot, Single-family Detached Residential Developments (maximum 15 units) in a Multi-family Residential Zones (00:12:03)

Minoo Ashabi, Senior Planner, spoke on single family detached homes, provided an overview on the small lot ordinance, zoning changes, variances, and that staff recommends the small lot ordinance only apply to residential developments consisting of a maximum of 15 single family homes. (00:12:06)

Discussion ensued regarding the number of units on a lot, variances, setbacks, common lots, spacing between buildings, condominium association vs. a maintenance association, and the Davis-Sterling Act. (00:17:11)

Commissioner McCarthy spoke on his support for a small lot ordinance because there is a need to build ownership properties that are detached by combining small lots; that homeowners are preferring no common areas; maintenance associations work well, that a small lot ordinance does not increase density; and groups such as HUD are in support as a small lot ordinance increases home ownership, provides for easier financing, and provides affordable housing. (00:33:30)

Discussion ensued regarding parking requirements, visitor parking, and the usage of garages. (00:47:53)

Council Member Leece spoke on affordable housing; guest parking; and an open space lot. (01:02:32)

Council Member Genis spoke regarding minimum lot size. (01:05:25)

Council Member Monahan spoke on second story setbacks; and consolidation of small lots for a project. (01:06:39)

Discussion ensued on parking issues, and impacts. (01:11:29)

Commissioner McCarthy requested a study session regarding parking issues. (01:14:12)

Council Member Leece stated Catalina Shores is a good model for parking. (01:15:35)

Gary Armstrong, Economic and Development Services Director, stated staff would be drafting an ordinance for consideration by the Planning Commission, and that the staff report would include pictures. (01:19:29)

The Mayor adjourned the meeting in remembrance of the September 11th victims at 5:50 p.m.

MAYOR

ATTEST:

CITY CLERK

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING, AND SPECIAL
JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY**

September 17, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None

CLOSED SESSION

The City Council recessed into closed session at 5:05 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 6:30 p.m.

CALL TO ORDER (00:00:25)

PLEDGE OF ALLEGIANCE (00:00:31) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:00:58)

Pauline Nishida, LA Convener, CRU Ministry

ROLL CALL (00:02:39)

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan.

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:53)

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – All Council Members stated no.

Richard Kryslar, Chief Negotiator for Labor Negotiations, reported that under the COIN Ordinance the City is required to report proposals made and the facts pertaining to those proposals. On August 6, 2013 the City provided its initial meet and confer proposal to the Costa Mesa Cities Employees Association. The proposal will be on the City website for the public's inspection. In 2012/2013 fiscal spending was 20.1 million dollars to fund compensation and benefits to members of the CMCEA, and the cost of these same benefits will increase to approximately 23.5 million dollars in the 2013/2014 fiscal year, a 3.5 million dollar increase. The City proposal would reduce the increase to approximately 1.4 million dollars. (00:03:28)

ANNOUNCEMENTS (00:06:51)

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

PRESENTATIONS (00:09:25)

Mayor's Award: Vanguard University, Dr. Beals, President, accepted on behalf of the University. (00:09:41)

Mayor Righeimer presented certificates to The Costa Mesa Aquatics Club 12u boys' team for winning Gold at the 2013 USA Water Polo's National Junior Olympics. (00:16:49)

PUBLIC COMMENTS (00:23:43)

James Bridges, Costa Mesa, spoke regarding the Mayors lawsuit against the CMPOA, labor negotiations; Council compensation, and the Charter Committee. (00:24:09)

Sue Lester, Costa Mesa, spoke on the false DUI report involving the Mayor; the Mayor and Mayor Pro Tem's lawsuit against the CMPOA; and Police Department staffing levels. (00:27:21)

Robert Graham, Costa Mesa, spoke on the unfunded pension liability of 240 million dollars; and labor negotiations. (00:30:26)

Beth Refakes, Costa Mesa, expressed concern about an increase of graffiti; increase in homeless people, and safety at the parks; the OCTA 405 Freeway toll lane being revised; and spoke on mutual respect between Council and residents. (00:31:43)

Terry Koken, Costa Mesa, requested the Mayor and Mayor Pro Tem to drop the lawsuit against the CMPOA. (00:34:18)

Norm Fricker, Costa Mesa, spoke on the Fairview Park bluffs. (00:37:07)

Greg Thunnell, Costa Mesa, spoke on cooperation, and public trust. (00:39:06)

Reggie Mundekis, Orange, requested release of the 60th Anniversary documents. (00:42:27)

Perry Valentine, Costa Mesa, spoke on the Police Department staffing levels; and is opposed to the Mayor and Mayor Pro Tem's lawsuit against the CMPOA. (00:44:45)

Robin Leffler, Costa Mesa, thanked the City and employees for being a first responder and taking care of the City; spoke on Police Department staffing levels; community oriented policing; and making public safety a priority. (00:47:52)

Tamar Goldmann, Costa Mesa, thanked all employees for their service, and especially the Police Department; and spoke on Police Department staffing levels. (00:50:58)

Greg Ridge, Costa Mesa, spoke on Police staffing at Costa Mesa schools. (00:53:57)

Rich Reiser, Costa Mesa, thanked the Police Officers; and thanked two school boys for inviting him to their elementary school. (00:55:34)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:57:01)

Mayor Pro Tem Mensinger spoke on the walking club; graffiti; thanked staff for installing volleyball nets; and requested a study of sidewalks. (00:57:25)

Council Member Genis requested a moratorium on hookah lounges; spoke on the model engineer's contract; user groups at parks following proper procedures; Fairview Park mitigation measures; and fines and penalties. (01:01:32)

Council Member Leece spoke on Council compensation; spoke on the Mayor and Mayor Pro Tem's lawsuit against the CMPOA, requested a legal opinion on negotiation conflicts; spoke on the release of the 60th Anniversary documents; thanked the Police for their hard work, and spoke on the reinstatement of the School Resource Officer; Costa Mesa Senior Center fund raiser on October 18th; bikeways workshop; realignment meeting in regards to release of criminals; requested an update from CEO Hatch in regards to Chip Espinosa, and the listening process; and will pull the following Consent Calendar Items: #6 the housing element, #7 West 19th Street, and #9 Model Engineers; and requested CEO Hatch provide an update on #15, Civic Center Barrio Housing. (01:04:19)

Council Member Monahan requested Chief Gazsi look into a possible parole group home opening up on 19th Street; spoke regarding the coyote and raccoon problems; and attending the OCTA Meeting regarding the 405 Freeway issue. (01:11:35)

Mayor Rigeimer spoke regarding motel/hotel inspections, crime, high service calls, and long-term stays; requested the Planning Commission to review the CUP's in regards to lowering the threshold for long-term stays. (01:16:44)

Council Member Monahan requested the Planning Commission to take into consideration construction companies long-term stays at the hotel/motels. (01:21:13)

Mayor Righeimer requested the policy of the 4 hour rule be brought back for consideration; spoke on the Airport Area reconstruction project; money spent on employee benefits; completion of CIP projects; Police Department budget; Police and Fire contracts; the Fire Department reorganization; closure of a Fire Station; pension costs; a weekly meeting with the Police Chief and Human Resources staff to discuss the hiring of Police Officers; and spoke on the false DUI/911 call made against him, the extortion and dirty tactics by the law firm Lackie, Dammeier, McGill and Ethir, the lawsuit against Lackie, Dammeier, McGill and Ethir and the CMPOA, and protecting his family and friends. (01:21:53)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:34:12)

CEO Hatch spoke regarding the graffiti hotline; homeless issues; 60th Anniversary issues; Item 15 – Civic Center Barrio Housing, the School Resource Officer Program; a sustainable budget; the Park Ambassador Program; an employee internal control committee; service challenges, new employees; and a General Fund Surplus. (01:34:14)

CONSENT CALENDAR (01:46:26)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 16 except for Items 3, 4, 6, 7, 9, and 14

MOVED/SECOND: Council Member Monahan/Council Member Leece

City Clerk Brenda Green read Title #10. REPEAL OF MUNICIPAL CODE SECTION 10-354 (01:47:31)

The motion carried unanimously:

1. READING FOLDER

- a. Claims received by the City Clerk: Rick J. Johnston
- b. Requests for Alcohol Beverage Control Licenses:
 1. For Casa West 19th Street, LLC, dba Avalon Bar, at 820 W 19th Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “48” (On-sale General, Public Premises).
 2. For Enrique Seretti, dba Amorelia Mexican Café, at 2200 Harbor Boulevard, Suite 110C, a person-to-person and premise-to-premise transfer of a State Alcoholic Beverage Control (ABC) License Type “47” (On-sale General, eating place).
 3. CKC International, Inc., dba Maru Sushi at 1500 Adams Avenue, Suite 100B, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “41” (On-sale beer and wine, eating place).
 4. Bristol Gas & Market, Inc., dba ARCO, at 300 Bristol Street, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-sale beer and wine).
 5. Coastal Cocktails, Inc., dba Costal Cocktails, Inc., at 151 Kalmus Drive, Suite H6, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Types 9, 12, 17, 18 (Beer and Wine Importer, Distilled Spirits Importer, Beer and Wine Wholesaler, Distilled Spirits Wholesaler).

6. 7-Eleven, Inc. & Bassi & Sons, Inc., dba 7-Eleven , Inc., at 204 E 17th Street, a Stock Update of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-sale beer and wine).
7. 7-Eleven, Inc. & Bassi & Sons, Inc., dba 7-Eleven, Inc., at 1673 Irvine Avenue, a Stock Update of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-sale beer and wine).
8. Briggs Helene Marie-Therese, dba The Wrapper, at 3333 Bristol Street, Suite 1024, a premise-to-premise transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-sale beer and wine).

ACTION: Received and filed the Reading Folder.

2. **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 waived reading of Ordinances and Resolutions.

5. **ESTABLISHMENT OF HOUSING AUTHORITY BUDGET FOR FY 13-14**

ACTION: City Council and Housing Authority authorized the establishment of the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY 13-14 and if/when monies in excess of the estimated \$90,000 come in that such monies are accounted for in the new Housing Authority Budget for use by HCD for administering monitoring, compliance and enforcement (by staff, consultants, and counsel).

8. **PROPOSAL FOR THE REINSTATEMENT OF AQUATICS PROGRAMMING YEAR-ROUND AT THE DOWNTOWN AQUATIC CENTER**

ACTION:

1. City Council approved the reinstatement of year-round (July 1 through June 30) aquatics programming by reinstating programming at the pool from October 1, 2013 through March 31, 2014; and
2. Approved the budgeted part-time Recreation Specialist position to a full-time position to oversee aquatics programming; and
3. Approved changes to the current fee structure to include new program fees.

10. **REPEAL OF MUNICIPAL CODE SECTION 10-354**

ACTION: City Council introduced for first reading an ordinance entitled: “An Ordinance of the City Council of the City of Costa Mesa Repealing Section 10-354 of Chapter XIX of Title 10 of the Costa Mesa Municipal Code, relating to solicitation of employment, business or contributions to and from moving vehicles”.

11. SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR SIXTH-MONTH FISCAL PERIOD OF JANUARY 1, 2014 TO JUNE 30, 2014

ACTION: Successor Agency to the Redevelopment Agency adopted Successor Agency Resolution No. 13-__ Approving the Successor Agency's Administrative Budget for the 13-14B Six-Month Fiscal Period of January 1, 2014 to June 30, 2014 Pursuant to Health and Safety Code Section 34177(j) of the Dissolution Laws.

12. REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 13-14B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2014 TO JUNE 30, 2014 ("ROPS 13-14B")

ACTION: Successor Agency to the Redevelopment Agency adopted Successor Agency Resolution No. 13-__ Approving the Recognized Obligation Payment Schedule for the 13-14B six-month fiscal period of January 1, 2014 to June 30, 2014 ("ROPS 13-14B"), subject to submittal to and review by the Oversight Board and then by the State Department of Finance ("DOF"). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

13. SUCCESSOR AGENCY LONG RANGE PROPERTY MANAGEMENT PLAN (LRPMP)

ACTION: Successor Agency to the Redevelopment Agency adopted Successor Agency Resolution No. 13-__ Approving the Successor Agency's Long Range Property Management Plan Subject to Submittal to and Review by the Oversight Board and then by the Department of Finance pursuant to California Health and Safety Code Section 34191.5(b).

15. AUTHORIZE APPROPRIATION FROM THE CITY'S GENERAL FUND, RESERVE ACCOUNT, FOR THE CURE AND PAYOFF OF CIVIC CENTER BARRIO HOUSING CORPORATION DEFAULTS AND ACQUISITION OF EIGHT-UNIT AFFORDABLE HOUSING PROJECT AT 717, 721 JAMES STREET, COSTA MESA; CMHA TO AUTHORIZE ACCEPTING CONVEYANCE OF THE SUBJECT PROPERTIES WITH CMHA TO BE NOMINATED FOR VESTING

ACTION: Adopted Joint City Council/CMHA Resolution No. 13- __ for the City's Appropriation of \$350,000 from the General Fund, Reserve Account, and Authorizing Actions and Acceptance of Conveyance by CMHA Relating to the 8-Unit Affordable Housing Project at 717, 721 James Street Owned by Civic Center Barrio Housing Corporation.

16. MODIFICATION OF SINGLE FAMILY REHABILITATION LOAN AND GRANT PROGRAM POLICIES AND PROCEDURES

ACTION:

1. City Council and Housing Authority authorized the City's Chief Administrative Officer and the Executive Director of the Costa Mesa Housing Authority ("CMHA") to amend the guidelines of the Costa Mesa Loan and Grant Rehabilitation Programs and the implementing policies, procedures, and guidelines to allow for an increase in the available amount of money for grants which will allow for lead based paint assessment through abatement; and
2. Approved an increase in the available amount of Single Family grants as follows:
 - \$10,000 for mobile homes (current amount \$5,000); and
 - \$14,000 for single-family homes (current amount \$10,000).

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:47:53)

3. **WARRANT RESOLUTION 2489: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-18 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-18 for \$2,053,712.89, and City operating expenses for \$504,723.33. (01:47:55)**

Greg Thunnell, Costa Mesa, spoke on attorney fees and requested detailed information on services provided. (01:48:07)

Tamar Goldmann, Costa Mesa, spoke on the high legal fees. (01:50:57)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

Council Member Leece spoke regarding a citizen's right to speak; and public access to information on attorney's invoices. (01:53:10)

City Attorney Duarte stated the information on attorney invoices, that is available to the public, is posted on the City website.

Council Member Genis spoke on Attorney-Client privilege; and a payment to Kabbara Engineering to redraw plans for a parking lot at Fairview Park. (01:55:00)

Motion passed unanimously:

ACTION: Approved

4. **WARRANT RESOLUTION 2490: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$347,088.98. (01:58:28)**

Tamar Goldmann, Costa Mesa, spoke on a payment to We The Creative. (01:58:37)

CEO Hatch explained that the graphic design services were outsourced to replace a graphic design employee who retired. (01:59:51)

Greg Thunnell, Costa Mesa, requested detailed information on services provided. (02:01:26)

Reggie Mundekis, Costa Mesa, requested the contract for We The Creative. (02:02:48)

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan
Motion carried unanimously:

ACTION: Approved

6. **PROPOSED 2013-2021 HOUSING ELEMENT UPDATE TO THE 2000 GENERAL PLAN (02:03:08)**

Council Member Leece stated citizens have requested more information on the Housing Element and affordable housing. (02:03:37)

Veronica Tam, Principal, Veronica Tam & Associates, spoke on the Housing Element Requirements; the Regional Housing Needs Allocation; the General Plan update; and housing programs. (02:04:54)

Council Member Genis expressed concern on replacing lower income housing with higher income housing; and spoke on motel conversions into affordable housing. (02:20:27)

Mayor Pro Tem Mensinger spoke regarding potential motel sites for affordable housing and that they may not be configured for families. (02:23:34)

Jay Humphrey, Costa Mesa, spoke on mobile home park preservation and zoning codes; apartment conversions, parking standards; open space, and density. (02:24:17)

Linda Tang, Kennedy Commission and Costa Mesa Affordable Housing Coalition, spoke on affordable homes for low income families; the Affordable Housing Land Trust; rezoning of Fairview Developmental Center; Program 10; and adapting motels into residential sites. (02:27:28)

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan

Mayor Pro Tem Mensinger spoke on density transfer. (02:30:20)

Council Member Genis inquired if the maker of the motion would consider a change concerning Program 10 (page 70), for affordable multi-family housing.

Celeste Brady, Special Counsel, recommended not changing the wording as flexibility is needed. (02:35:02)

Council Member Genis stated when the General Plan moves forward that Veteran's should be part of the Special Needs Group; and spoke on inclusionary requirements. (02:36:12)

Motion carried unanimously:

ACTION: City Council authorized City staff to submit the draft Housing Element (HE) to the State of California Housing and Community Development Department (HCD) for the required 60-day review period.

7. WEST 19th STREET CORRIDOR PEDESTRIAN IMPROVEMENT PROJECT, FEDERAL PROJECT NO. HSIPL-5312 (086), CITY PROJECT NO. 13-10 (02:38:14)

Council Member Leece spoke regarding improvements on 19th Street; and requested clarification on how it will phase in with later developments. (02:38:23)

Ernesto Munoz, Public Services Director, spoke on the two separate projects of the 19th Street corridor beautification, that this project is a result of concerns on pedestrian safety; and that staff captured grant funding for this project. (02:39:27)

Council Member Genis inquired on the timing of crosswalk lights near the Senior Center. (02:42:59)

Mr. Munoz stated the timing had been increased twice and that he has not received further complaints. (02:43:38)

Rich Reiser, Costa Mesa, spoke regarding pedestrian time in the crosswalk at Pomona and 19th Street; intersection flooding; and a green stripe for bicycles. (02:44:36)

Cindy Black, Costa Mesa, spoke on pedestrian and car traffic. (02:47:23)

Discussion ensued regarding bicycles on the sidewalk, and bicycle lanes in the street. (02:49:08)

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan

Council Member Genis stated she will be abstaining as documents provided to Council were not provided to the public. (02:53:34)

Mayor Righeimer made a substitute motion to have Item # 7 be continued to the October 1, 2013 City Council Meeting, so that the additional information can be provided to the public. (02:54:59)

SUBSTITUTE MOTION: Mayor Righeimer/Mayor Pro Tem Mensinger

Motion carried unanimously:

ACTION: Item continued to the October 1, 2013 City Council meeting.

9. **RENEWAL OF THE LICENSE AGREEMENT WITH THE ORANGE COUNTY MODEL ENGINEERS INC. (OCME) FOR THE USE OF A PORTION OF FAIRVIEW PARK (02:55:43)**

Terry Koken, Costa Mesa, spoke in support of a long term contract. (02:56:14)

Robin Leffler, Costa Mesa, supports the model trains at Fairview Park, and spoke in support of a long term contract. (02:58:25)

Margaret Mooney, Costa Mesa, supports a long term contract. (03:00:00)

Speaker, Costa Mesa, spoke in support of a long term contract. (03:00:42)

Hank Castignetti, Huntington Beach, Orange County Model Engineers representative, spoke on the preservation of the OCME partnership with Fairview Park; and gave a power point presentation. (03:01:05)

Kim Hendricks, Costa Mesa, spoke in support of a long term contract, and the vision for Fairview Park. (03:05:22)

Jim Jordan, Costa Mesa, spoke in support of a long term contract. (03:06:34)

Dixon Sheldon, Diamond Bar, Vice President of Orange County Model Engineers, spoke in support of a long term contract. (03:07:35)

Mr. Munoz stated it was the recommendation of the Parks and Recreation Commission to extend the contract for one year. (03:08:20)

Mayor Righeimer stated the trains are not leaving Fairview Park; and spoke on the Fairview Park Master Plan. (03:08:57)

Council Member Leece spoke regarding the train history; and suggested a 5 year extension. (03:12:04)

Mayor Pro Tem Mensinger spoke regarding the Parks and Recreation Commission's recommendation on the issue, stated support for the trains; and stated that this issue should be reviewed by the Fairview Park Committee. (03:13:27)

MOTION/SECOND: Mayor Pro Tem Mensinger/Mayor Righeimer

Council Member Genis spoke regarding the trains already being in the Fairview Park Master Plan; and made a substitute motion to extend the contract for 5 years. (03:14:46)

SUBSTITUTE MOTION: Council Member Genis/Council Member Leece

The substitute motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, and Council Member Monahan

Noes: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried 3-2:

ACTION: City Council renewed the user agreement with the Orange County Model Engineers, Inc. (OCME) for five years.

14. PURCHASE OF FIREVIEW SOFTWARE (03:18:05)

Terry Koken, Costa Mesa, stated he was the one who requested to have the item pulled and has now changed his mind. (03:18:17)

MOTION/SECOND: Council Member Monahan/Council Member Genis
Motion carried unanimously:

ACTION:

1. City Council approved the purchase of FireView Software (Desktop and Dashboard), from the Omega Group Inc., 5160 Carroll Canyon Road, Suite 100, San Diego, CA 92121; and
2. Approved Budget Adjustment to purchase FireView software in the amount of \$49,505; and
3. Authorized City Chief Executive Officer to sign a Professional Services Agreement with The Omega Group in the amount of \$49,505.

Mayor Righeimer called for a recess. (03:18:50)

Session resumed. (03:32:23)

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

1. PUBLIC NUISANCE ABATEMENT ORDINANCE (03:32:23)

Rick Francis, Assistant Chief Executive Officer, summarized the staff report, stated that the ordinance is to address chronic and long-term problems for both property maintenance and behavior issues, and referred to attachment 3 which stated the new additions to the current Title 20 Property Maintenance Ordinance. (03:32:24)

Elena Gerli, Legal Counsel, explained nuisance conduct; the procedural steps, due process, appeal procedure, and cost recovery. (03:37:16)

Discussion ensued between Mayor Righeimer and staff regarding code enforcement, and the fine structure. (03:45:15)

Ms. Gerli clarified that Section 20-2B Board of Appeals would be deleted; and discussion ensued regarding noise definitions, usage of garages as meeting rooms, and violation notices. (03:47:25)

Mayor Pro Tem Mensinger stated this is an update of Title 20 and provides the tools to effectively deal with problems issues. (03:55:11)

Council Member Genis requested that in 20-6 (o) - regarding parkway landscaping, to include both residential and commercial in the ordinance. (03:57:51)

Jay Humphrey, Costa Mesa, spoke on 20-15 sections 1 and 2 regarding Notices to be certified, costs vs. fines, and the appeal procedure. (03:59:18)

Terry Koken, Costa Mesa, questioned definitions in the document and powers. (04:02:23)

Margaret Detkin, Costa Mesa, spoke in support of the Ordinance as tools are needed to deal with major nuisances, especially safety issues. (04:05:19)

John Parks, Costa Mesa, supports the Ordinance in order to keep the neighborhoods safe. (04:10:19)

Beth Refakes, Costa Mesa, questioned if this ordinance applies to all zones including churches, would like criteria for dense urban area; expressed concern on the criteria for number of police calls; civil penalties, and taking away peoples property rights. (04:11:28)

Mike Harmanos, Costa Mesa, inquired if the definition of hoarding included food. (04:14:34)

Robin Leffler, Costa Mesa, expressed concern on the overly broad definitions, and fines. (04:15:12)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

Council Member Genis expressed concern over the number of items included in the Ordinance; requested "in residential areas" removed from Section 20-6 (o), requested Item A changed to "15 days"; and requested clarification on 20-23 Costs of Abatement-Payment prior to hearing. (04:18:13)

Council Member Leece expressed concern regarding - 20-13 Right of Entry. (04:23:53)

Mr. Francis and Ms. Gerli provided clarification on property inspections, administrative proceedings, food storage; and the violation process. (04:23:53)

Council Member Genis recommended the maker of the motion accept the following changes, on Page 28 Section A changing 10 day notice to 15 days; and on Page 9 Section 0 strike the words "in residential areas." (04:38:44)

Mr. Francis requested a change to Section 20-15, (a) 2, delete "upon placing in the" and replace with "upon verification of delivery". (04:39:02)

Mayor Righeimer and Council Member Monahan agreed to the changes and corrections in the motion. (04:40:22)

The motion carried unanimously:

ACTION: City Council conducted the public hearing, and introduced for first reading, Ordinance 13-_, to be read by title only, and waived further reading, regarding Public Nuisance Abatement Ordinance.

2. FAIRVIEW PARK ENTRYWAY CONCEPT PLANS APPEAL (04:40:42)

Council Member Genis stated she the reasons for the appeal and provided a power point presentation. (04:41:40)

Speaker, Costa Mesa, expressed concern regarding traffic; and requested preserving the park. (04:49:02)

Kim Hendricks, Costa Mesa, spoke on acquiring 1,000 signatures opposing the parking lot; 500-11 policy violation; non-profit organization; and on the Master Plan regarding the grasslands and Vernal Pools. (04:50:47)

Kevin Nelson, Costa Mesa, spoke on preserving the park (04:53:28)

Speaker, Costa Mesa, spoke in opposition to the project. (04:56:39)

Rhonda Gilbert, Costa Mesa, spoke regarding the two sides of Fairview Park; street signage, paving, and speed bumps. (04:58:28)

Speaker, Costa Mesa, spoke on park access; and bluff preservation. (05:01:40)

Terry Koken, Costa Mesa, spoke on park preservation; and opposition to the parking lot. (05:04:41)

Speaker, Costa Mesa, spoke opposing the parking lot; and preserving the park (05:07:17)

Todd Winter, Costa Mesa, spoke regarding preserving the park; street traffic; pedestrian walkway; turnaround; and the Master Plan. (05:08:47)

Mr. Valentin, Long Beach, stated he is a professional archeologist, and spoke on the footprint of the project impacting several archeologist sites, CEQA, and notification to the tribes. (05:12:20)

Greg Ridge, Costa Mesa, spoke on preserving park; and cleaning up Pacific. (05:13:35)

Jay Humphrey, Costa Mesa, spoke on preserving the park; and turnarounds. (05:16:19)

Anna Vrska, Costa Mesa, member of the Fairview Park Advisory Committee, spoke in opposition to the parking lot; and in support of preserving the park. (05:19:29)

Robin Leffler, Costa Mesa, spoke in opposition to the parking lot and tot lot; paving over an archeological site; and approval of the re-hearing. (05:20:43)

Sue Lester, Costa Mesa, requested clarification on the size of the turnaround. (05:23:03)

Speaker, Costa Mesa, spoke in support of preserving the park. (05:24:30)

Beth Refakes, Costa Mesa, spoke in support of preserving the park. (05:27:41)

Speaker, stated she is a Cherokee Indian, spoke in support of protecting the park due to it being a native Indian site. (05:29:46)

Mayor Righeimer called for a motion to continue past midnight. (05:32:56)

MOTION/SECOND: Council Member Leece/Mayor Pro Tem Mensinger

Motion carried unanimously: To continue the meeting past midnight

Mayor Righeimer called for a 5 minute break. (05:33:05)

Speaker, Costa Mesa, spoke in support of preserving the park and that Pacific Ave. was not built to support heavy traffic. (05:37:40)

Speaker, Costa Mesa, spoke regarding his on-line petition and in support of preserving the park. (05:41:29)

Jason Webster spoke regarding reward money for the vernal pools vandalism. (05:42:36)

Eva Veruski, Costa Mesa, spoke in support of preserving the park and to keep the park passive. (05:43:10)

Speaker, Costa Mesa, spoke on park preservation and in opposition to the parking lot. (05:44:39)

Bill Bowman, Costa Mesa, spoke regarding changing the design, that Pacific Ave. was not built for high traffic, the tot lot is too close to the bluff, and that a smaller turnaround makes sense. (05:46:33)

Council Member Leece inquired on the size of the turnaround. (05:49:29)

Fire Chief Seguin responded that staff can look at a smaller imprint.

Mayor Righeimer asked for clarification that since Pacific is a dead end street, does the fire department need a turnaround for safety purposes. (05:51:38)

Fire Chief Seguin responded that for safety purposes a turnaround is needed so that the truck does not have to back up down the street. (05:52:11)

Discussion ensued on the size of the turnaround and the size of trucks.

Mayor Righeimer inquired if the ten space parking lot, the turnaround, and the play area are in the Master Plan. (05:54:20)

Mr. Munoz affirmed these elements are included in the Master Plan.

Mayor Righeimer asked Mr. Munoz if he is aware of any archeological sites in the area. (05:54:53)

Mr. Munoz stated that staff is not aware of any archeological sites in the area and that they are not identified in the Master Plan. (05:55:01)

Mayor Righeimer asked if there are archeological sites in other places of the park. (05:55:12)

Mr. Munoz stated there were and they are identified in the Master Plan. (05:55:15)

Council Member Leece inquired on a registered archeological site on the West side. (05:55:20)

Mr. Munoz replied that archeological sites have been identified, one on the Mesa northerly of the vernal pool, and other identified sites are on the East side of the park. Also, no archeological sites have been identified on the Southern end of the park. (05:55:42)

Mayor Righeimer inquired on the distance from the bluff.

Mr. Munoz replied approximately 65' and there would be no structural damage to the bluff.

Mayor Righeimer inquired on piping in regards to water flowing in a ditch. (05:56:26)

Mr. Munoz responded that piping is part of the improvement and would take pipe waters away from the condominiums and the piping would be subterranean. (05:58:18)

Council Member Genis asked how deep it would be excavated. (05:58:40)

Mr. Munoz stated it could be 4 to 5 feet and would require an archeologist to be present, as stated in the Master Plan, like any other construction done in the park. (05:58:43)

Mayor Righeimer stated the public hearing is closed. (05:59:11)

Council Member Genis explained that excavation site information should not be released, spoke on archeological sites which at one time were considered to be one big site, that archeological sites existed on Pacific Ave., and believed to be mostly destroyed by the homes, and remains being found at the Mesa Verde County Club Clubhouse location. (6:00:14)

Mr. Munoz spoke on the erosion of the bluffs, bluff maintenance, water drainage, and street improvements on Pacific Ave., (06:01:00)

Council Member Leece stated in the General Goal statement for Fairview Park that was approved by the City Council and the Fairview Park Citizens Advisory Committee it states that preservation of archeological sites will be a top priority, and the Parks Commission

may not have had information regarding the federally protected sites when they made their decision. (06:09:08)

Mr. Munoz stated that the improvements being proposed are not within an archeological site identified in the Master Plan. (06:10:04)

Council Member Leece stated it might border it or may be touching on it. (06:10:15)

Mr. Munoz stated replied that the archeological site shown in the Master Plan is far from that location. (06:10:19)

Council Member Leece stated that the point she wanted to make it that the residents of this neighborhood do not want this tot lot or the turnaround. (06:10:37)

Council Member Genis stated that any mapping of archeological sites on the Master Plan would have been extremely schematic and not intended to reflect the specific sites, and spoke on bluff erosion. (06:11:04)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

Motion: To approve a turnaround at the end of Pacific with no parking; reduce the diameter to accommodate a quint truck; include proper signage and plants, add a tot lot to the play area; and for the Fairview Park Advisory Committee to consider a location for the 10 parking spaces. (06:12:36)

Council Member Genis stated the Master Plan does not need amending; and suggested another location would be more appropriate for a tot lot. (06:15:59)

Council Member Leece stated she would not be supporting the motion as Fairview Park is a rural area and needs to be left as such. (06:18:12)

Mayor Righeimer suggested that an alternative location for the tot lot could be brought back to Council.

The motion passed by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Righeimer, and Council Member Monahan

Noes: Council Member Genis, and Council Member Leece

The motion carried 3-2:

ACTION: City Council approved a turnaround at the end of Pacific with no parking; reduced the diameter of the turnaround to accommodate a quint fire truck; included proper signage and plants, add a tot lot to the play area; and for the Fairview Park Advisory Committee to consider a location for the 10 parking spaces.

OLD BUSINESS - None

NEW BUSINESS (06:21:16)

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-05) FOR A 20-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 1695 SUPERIOR AVENUE (06:21:18)

Antonio Gardea summarized the project and provided a power point presentation. (06:21:45)

Discussion ensued regarding corner signage, monument entry, and landscaping. (06:28:12)

Mayor Righeimer spoke regarding the proposed parking arrangements. (06:29:39)

Council Member Genis expressed concern on inadequate open public space. (06:30:01)

ACTION: City Council provided feedback on the proposed 20-unit live/work project within the 19 West Urban Plan Area.

2. GENERAL PLAN SCREENING GPS-13-03 – FOR PROPOSED STRIP OF LAND AS AN EXTENSION OF PROPERTY LOCATED AT 320 E. 18th STREET (06:32:00)

Antonio Gardea summarized the project and provided a power point presentation. (06:32:13)

Discussion ensued regarding the additional building footage; and church parking. (06:35:18)

Susan McAllen, Project Consultant, spoke regarding the proposed site plan; and the church parking. (06:39:31)

Mayor Pro Tem Mensinger stated this project is a good re-use of the property. (06:42:04)

Terry Koken, Costa Mesa, inquired on the ownership of the 20 foot space. (06:42:39)

Beth Refakes, Costa Mesa, requested City Council deny the request for the 20 foot strip of property; spoke regarding loss of parking spaces, overnight parking, overflow parking; and property development. (06:43:09)

Ruby Wilbur, Costa Mesa, spoke regarding the parking arrangements with the Church and requested Council to deny the 20 feet. (06:47:45)

Mayor Pro Tem Mensinger requested staff to look into the church parking issue, and average congregation size. (06:50:16)

Council Member Leece referred to correspondence submitted in regards to the parking and requested staff to investigate. (06:51:23)

Mayor Righeimer spoke on the parking issue; and lot improvement. (06:52:13)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

Council Member Genis stated before accepting the screening the church parking issue should be resolved. (06:54:32)

Council Member Leece requested staff to do an official City assessment of the parking issue. (06:59:07)

The motion carried unanimously:

ACTION: City Council accepted the General Plan amendment request for processing to amend the land use designation from Public/Institutional (PI) to Medium Density Residential (MDR) related to development of a two-unit residential project.

3. INFORMATION TECHNOLOGY SUPPORT SERVICES AND COMPUTER-AIDED DISPATCH / RECORDS MANAGEMENT SYSTEM (CAD/RMS) (07:00:06)

CEO Hatch spoke regarding consultants help with the Information Technology (IT) system; and project management by Synoptek. (07:00:18)

Discussion ensued regarding the budget, hiring of Synoptek; project delays; and the Cognify contract. (07:02:08)

Council Members ex-parte communication on this issue – None. (07:10:00)

Mike Harmanos, Costa Mesa, reviewed payments to Cognify; spoke on following procedures; and spending over the budget. (07:10:38)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Mayor Righheimer, Mayor Pro Tem Mensinger, Council Member Genis, and Council Member Monahan

Noes: Council Member Leece

The motion carried 4-1:

ACTION:

1. City Council authorized the final payment to Cognify Inc., totaling \$52,274.63 and authorized previous payments of \$34,387.51 made beyond the original professional services agreement of \$49,900; and
2. Authorize the CEO to enter into a professional services agreement with a not-to-exceed amount of \$168,000 with Synoptek to ensure continued project management for the installation of the CAD/RMS for public safety.

REPORT – CITY ATTORNEY – None

ADJOURNMENT – To Regular Meeting, October 1, 2013, 5:00 p.m.

The Mayor adjourned the meeting at 1:40 p.m.

MAYOR

CITY CLERK