

UNOFFICIAL UNTIL APPROVED CC-16

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL, AND  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**NOVEMBER 5, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 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 Monahan, Council Member Genis, and Council Member Leece  
(excused at 8:30 p.m.)

Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None**

**CLOSED SESSION**

The City Council recessed into closed session at 4:30 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 Employees Association (CMCEA), Costa Mesa Division Managers Association, and Costa Mesa Fire Fighters Management Association pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: Costa Mesa City 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).
3. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.

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

**CALL TO ORDER (00:00:02)**

**PLEDGE OF ALLEGIANCE (00:00:21)** – Council Member Monahan

**MOMENT OF SOLEMN EXPRESSION (00:00:45)**

Lynell Brooks, Vanguard/Newport Mesa Church

## **ROLL CALL**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece (excused at 8:30 p.m), 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.

## **CLOSED SESSION REPORT (00:01:42)**

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

Richard Kreisler, Chief Negotiator, spoke on the pending proposals regarding the funding of the Costa Mesa City Employee Association (CMCEA) benefits; the October 28<sup>th</sup> meeting with the CMCEA and the written proposal dated Oct. 28, 2013; and the advised increases in rates from CALPERS. (00:01:46)

## **ANNOUNCEMENTS (00:06:42)**

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

## **PRESENTATIONS (00:09:21)**

- Parks and Recreation Commission Goals Update by Byron De Arakal, chairman, Parks and Recreation Commission.

Mr. De Arakal spoke regarding the update of the City's Master Plan; Fairview Park Master Plan; Talbert Regional Park; streetscape and median development standards; Athletic Field Use and Allocation Policy; review of City Lease Agreements; Costa Mesa Bark Park Foundation; use of NMUSD school sites; naming the Fairview Park Bridge; land acquisition for park and athletic field development; community based non-profit support; and park groups. (00:09:52)

## **PUBLIC COMMENTS (00:31:55)**

Janelle Godges, Westminster, Southern California Edison, spoke on the current infrastructure work and street lights. (00:33:14)

Thomas Tran, Costa Mesa, spoke regarding apartment issues; curbs; overflow of apartment parking problems; and Costa Mesa Fair Housing Authority. (00:35:44)

Jay Humphreys, Costa Mesa, thanked Edison for their improvements; and spoke on the increased coyote sightings. (00:38:35)

Anna Reagan, Costa Mesa, spoke regarding litter and increased graffiti. (00:39:58)

Beth Refakes, Costa Mesa, spoke regarding the removal of debris on 18<sup>th</sup> Street; I-405 toll lane meeting; and showed photos from the trunk or treat event. (00:41:51)

Robert Graham, Costa Mesa, spoke regarding undergrounding of utilities and showed pictures of communication lines across Baker Street. (00:44:31)

Sue Lester, Costa Mesa, spoke on the Veterans Day Ceremony at the OC Fairgrounds; I-405 toll lane on-line petition; and the four percent raise for the Police. (00:47:46)

Greg Thunell, Costa Mesa, spoke on public servants. (00:50:10)

Robin Leffler, Costa Mesa, spoke on the 2012 election results and speaker cards. (00:53:20)

Cindy Black, Costa Mesa, spoke regarding the decomposed granite pathway at Fairview Park; and commented on Council Member practices. (00:56:35)

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:58:35)**

Council Member Monahan – No comments. (00:58:51)

Mayor Rigeimer spoke regarding the four percent raise for Police; community assets; drainage issues; Westside project; I-405 toll lane issue, and Caltrans. (00:58:54)

Mayor Pro Tem Mensinger – No comments. (01:08:40)

Council Member Genis spoke regarding Veterans Day Observances; a Coastal Commission meeting at Newport Beach City Hall on November 13<sup>th</sup> regarding the Poseidon desalination facility pipeline; public comment cards and public comment time period; 150<sup>th</sup> year Anniversary of Lincoln's Gettysburg address, and honoring veterans. (01:08:44)

Council Member Leece spoke on the public comment time period; the Study Session on November 12<sup>th</sup>; 60<sup>th</sup> Anniversary Public Records; Police Service Dog Tornado; attendance at new retirement facility grand opening; Jones Day legal bills; and Red Hill Street rehabilitation. (01:16:44)

City Attorney Duarte indicated that the 60<sup>th</sup> anniversary records cannot be disclosed due to an ongoing personnel investigation. (01:19:47)

### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:23:24)**

CEO Thomas Hatch spoke on a letter from the Newport Unified School District; Target shopping hours; Study Sessions on communications training and CIP budget; undergrounding of utilities; and urban coyote's. (01:23:26)

### **CONSENT CALENDAR (01:27:08)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 4, 8, 10, 11, 12 and 14.

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously:

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 waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Shirley Gates; Sacha Dhillon; John Fithian; Rita Castenada; and Donna Contino.

**ACTION:** Received and filed

3. **WARRANT RESOLUTION 2495: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-20 "A" AND 13-21 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-20 "A" for \$1,549.76, Payroll No. 13-21 for \$2,008,951.69 and City operating expenses for \$1,118,800.92.**

**ACTION:** Approved Warrant Resolution No. 2495, to be read by title only and further reading waived.

5. **WARRANT RESOLUTION 2497: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-21 "A" AND 13-22 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-21 "A" for \$111.96, Payroll No. 13-22 for \$2,005,788.24 and City operating expenses for \$1,538,700.29.**

**ACTION:** Approved Warrant Resolution No. 2497, to be read by title only and further reading waived.

6. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00170 FOR STREET IMPROVEMENTS FOR PARCEL MAP 2007-231 LOCATED AT 3128 RED HILL AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

1. City Council released the Faithful Performance Bond (Certificate No. 786227S) in the amount of \$26,326; and
2. Released the Labor and Material Bond (Certificate No. 786227S) in the amount of \$13,163 for street improvements; and
3. Released the Monumentation Bond (Certificate No. 786228S) in the amount of \$500 for setting corner monuments to BKM 3128 Red Hill Associates, LLC (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

**7. FINAL MAP FOR TRACT NO. 17457 LOCATED AT 1856 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:** City Council approved the Final Map for Tract No. 17457 and authorized signing of the Map by the City Clerk and the City Engineer.

**9. STREET AND HIGHWAY DEDICATION AT 2803 ROYAL PALM DRIVE – ADAMS AVENUE**

**ACTION:** City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, dedicating a portion of City property at 2803 Royal Palm Drive, (next to Fire Station No. 1), for street and highway purposes.

**13. AMENDMENT TO REFUND POLICY**

**ACTION:** City Council approved the amended Refund Policy increasing the dollar amount threshold for administrative approval of refunds to \$15,000.

**PUBLIC HEARINGS (01:28:11)**

**1. 2013 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES (01:28:17)**

Khanh Nguyen, Building Official, spoke on the latest addition of the California construction code effective January 2014 to include the building code, residential code, green building standard, fire code, plumbing code, mechanical code, electrical code, housing, dangerous building and grading. (01:29:33)

**MOTION/SECOND:** Council Member Genis/Mayor Pro Tem Mensinger  
The motion carried unanimously:

**ACTION:**

1. City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduced Ordinance No. 13-xx, for first reading, to be read by title only, and waived further reading and set for second reading at the City Council's November 19, 2013 meeting. (This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 13-03.)

2. **RESOLUTION OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS REGARDING THE SANTA ANA/COLLEEN COUNTY ISLAND IN EASTSIDE COSTA MESA (01:31:42)**

Mr. Aaron Hollister, Associate Planner, provided a power point presentation on the Santa Ana/Colleen Island annexation process. (01:32:09)

Discussion ensued regarding zoning of an R-1 land parcel, and finishing the zoning process. (01:35:39)

Liz Parker, Costa Mesa, requested that the process be put on hold for 6 months; spoke on the area near the airport and its impacts; whether the empty parcels are R1 or R2; single family developments; and a meeting with the owner of the vacant lot, including City Council, and LAFCO. (01:37:47)

Jonathan Fletcher, Costa Mesa, spoke on representation regarding airport issues; expressed concern regarding the vacant lot; rumors of placing 40 units on the back property; and requested to put process on hold for 6 months. (01:42:32)

Doreen Buggeln, Costa Mesa, spoke on her backyard bordering the vacant lot and requested for a delay on this item. (01:45:07)

Rick White, Costa Mesa, spoke on R-1 zoning on the lot; fighting expansion of the airport; and requested for the decision to be postponed for 6 months. (01:47:09)

Mayor Righeimer stated that this Council has never changed the zoning of property; spoke on going through the correct process; and requested staff to explain the time frame. (01:50:03)

CEO Hatch spoke regarding the state law pushing the issue forward; LAFCO time frame and the process regarding the 19 steps to be taken over 7 months; and stated that Gary Armstrong, Economic and Development Services Director, is participating in the airport meetings. (01:51:41)

Mayor Pro Tem Mensinger requested Mr. Armstrong speak about the 40 units. (01:55:07)

Mr. Armstrong stated he has not heard of a proposal that large, the developer has mentioned 18 units; however nothing has been submitted. (01:55:22)

Mayor Pro Tem Mensinger requested CEO Hatch address the airport issue. (01:56:16)

CEO Hatch stated that Newport Beach is the leader on the airport issues and Costa Mesa participates as an active partner; and that LAFCO determined the island is part of Costa Mesa's sphere of influence years ago; the process is dictated by LAFCO as state law governs how they operate; and this location is only 14 acres so by state law there are limited rights to protest. (01:56:37)

Discussion ensued regarding LAFCO and the City's right to meet with the residents on the airport issue; R-1 zoning; size of the vacant lot; and schedule of LAFCO meetings. (01:58:45)

Council Member Genis spoke regarding the airport issue and density concerns; the review period during the holidays; encouraged review of the general plan; and indicated that she wants to proceed but the schedule is ambitious. (02:04:17)

Mayor Righimer clarified there will be no meetings December 6<sup>th</sup> through January 13<sup>th</sup>. (02:10:26)

**MOTION:** Council Member Monahan motioned to delay the process for one month to allow a meeting with the residents, LAFCO, and the developer during that time. (02:10:48)

**MOTION/SECOND:** Council Member Monahan/Council Member Leece

Discussion ensued regarding the schedule. (02:11:42)

**AMENDED MOTION:** Amended motion by Council Member Monahan to vote on the issue but to not submit the application letter for 30 days. (02:14:14)

**AMENDED MOTION/SECOND:** Council Member Monahan/Council Member Leece  
The amended motion passed unanimously:

**ACTION:** City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, that requests the Local Agency Formation Commission of Orange County ("OC LAFCO") to initiate proceedings for the annexation of the unincorporated County of Orange ("County") island known as the Santa Ana/Colleen Island ("Island") to the City of Costa Mesa ("City") and to submit the application letter in 30 days.

3. **ORDINANCE TO AMEND TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT" (02:15:47)**

Mel Lee, Senior Planner, spoke regarding the definition of a single housekeeping unit; the previous single housekeeping unit definition versus the new definition; and Planning Commission recommendations. (02:16:26)

Discussion ensued regarding code definitions; renting rooms to students; using this tool in regards to neighborhood disputes; and clarification of code enforcement. (02:24:10)

Renee Spigarelli, Costa Mesa, spoke regarding a group home on Abbey, and the problems with transients and needles; limiting the number of people living in a group home; and property devaluation. (02:31:23)

Kristin Berkenfield, Costa Mesa, spoke regarding residential neighborhoods; and the importance of children safety. (02:34:49)

Scott Morlan, Costa Mesa, spoke in support of both the noise abatement ordinance and the single housekeeping unit ordinance. (02:36:42)

Ms. Gherli stated that the California Constitution allows people to live in a wide variety of arrangements; clarified the definition of a single housekeeping unit; and the California Fire Code law requiring 70 square feet per person. (02:38:29)

Ms. Gherli indicated that if there are 6 people in a home that is licensed by the state they are treated like a family, so they are by definition a single housekeeping unit. (02:41:25)

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

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

City Council introduced Ordinance No. 13-xx, for first reading, to be read by title only and waived further reading, amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit".

Mayor Righeimer called for recess. (02:45:54)

City Council meeting back in session. (02:57:53)

**4. CODE AMENDMENT CO-12-07: CONSIDERATION OF TWO PROPOSED ORDINANCES REGARDING HOOKAH PARLORS (02:57:53)**

Mr. Aaron Hollister, Associate Planner spoke on the two proposed ordinances in regards to the Hookah Parlors; and gave a power point presentation; provided information on Hookah Parlors in Costa Mesa; State Law related to Hookah Parlors, ordinances due primarily to public health concerns, land use compatibility, increased service calls, and on-going code violations. (02:58:05)

Discussion ensued regarding numerous violation call, citations, and hours of operation.

Mayor Righeimer clarified that a moratorium was requested to allow staff more time to research the issue; and a 4/5 vote would be required to do so. (03:02:24)

Terry Koken, Costa Mesa, spoke on smoking addiction; and is opposed to hookah lounges. (03:05:22)

Amanda Knitter, CA American Lung Association, spoke on second hand smoke harmful effects; and is opposed to hookah lounges. (03:06:16)

Anna Reagan, Costa Mesa, supports a moratorium and is opposed to hookah lounges. (03:08:47)

Seyed Mehdi Hassani, Hookah Lounge owner, spoke regarding hookah lounges being a place to socialize, hours of operation and banning cigar bars.(03:10:53)

Council Member Monahan motioned to adopt the urgency ordinance. (03:15:37)

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

Ms. Gherli stated an amendment to the Ordinance, Section 1, "Establishment" should read as follows:

"Establishment" shall mean, as of the effective date of this moratorium, the opening or commencement of any such business; the conversion of an existing business to a hookah parlor; the relocation of any such business; or the expansion (physical or otherwise) of any such business.

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:** City Council adopted Ordinance No. 13-xx, an Urgency Ordinance, read by title only and waived further reading regarding Hookah Parlors with the amendment to the wording under "Establishment".

**OLD BUSINESS** – None

**NEW BUSINESS (03:20:06)**

**1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-06) FOR A 14-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2075 PLACENTIA AVENUE (03:20:27)**

Mr. Antonio Gardea, Senior Planner, spoke regarding the zoning of the property on Placentia Avenue; and provided a slide presentation on the proposed site plan. (03:21:23)

Ex-Parte Communications:

Council Member Genis stated she had spoken to Mr. Lamm. (03:26:00)

Mayor Righeimer stated he had spoken with Mr. Lamm and Mr. Coggins. (03:26:05)

Mayor Pro Tem Mensinger stated he had spoken to Mr. Coggins. (03:26:11)

Mr. Brian Coggins explained the project; provided photos of the current auto dismantling business site; spoke on lot consolidation; working with surrounding property owners; and looking at projects that need redevelopment. (03:26:50)

Jay Humphrey, Costa Mesa, expressed concern about rezoning by deviations; setbacks; traffic generation; and changing the rules. (03:31:45)

Robert Graham, Costa Mesa, stated that there is an opportunity with these projects to help the community for future years; and strong HOA's as a solution to many problems. (03:33:55)

Robin Leffler, Costa Mesa, spoke on permeable paving for water runoff; and expressed concern on the parking. (03:36:25)

Council Member Genis spoke on complying with NPDES standards. (03:38:43)

Mayor Pro Tem Mensinger stated support with the overall plan; and spoke on addressing the HOA issue. (03:39:20)

Council Member Genis spoke on parking spaces at the rear of the project. (03:40:50)

**ACTION:** City Council provided feedback on the proposed 14-unit three-story live/work project within the Mesa West Bluffs Urban Plan Area.

**2. AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES (03:42:02)**

Mayor Righheimer spoke on the appeal process, reconsideration process, and rehearing process. (03:42:16)

Council Member Genis stated there are a number of communities that have a rehearing process; spoke regarding new relevant information; and the existing rehearing procedure. (03:45:00)

Harold Weitzberg, Costa Mesa, supports the existing rehearing process. (03:49:47)

Jay Humphrey, Costa Mesa, supports the existing rehearing process. (03:51:26)

Terry Koken, Costa Mesa, sang a song. (03:53:19)

Robin Leffler, Costa Mesa, supports the existing rehearing process. (03:54:56)

Anna Vrska, Costa Mesa, supports the existing rehearing process. (03:58:05)

Beth Refakes, Costa Mesa, supports the existing rehearing process. (03:58:47)

Council Member Monahan stated he will support this item; spoke on the lack of understanding on the rehearing process; and clarified that the reconsideration process will remain. (04:00:55)

Council Member Genis stated that she will not be supporting this item; spoke on the rehearing process and resident rights. (04:03:43)

**MOTION/SECOND:** Mayor Righeimer/Council Member Monahan

Mayor Righeimer explained the process. (04:06:15)

City Attorney Duarte recommended the second reading be at the December 3<sup>rd</sup> meeting and Mayor Righeimer concurred. (04:11:53)

Motion carried by the following roll call vote:

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

Noes: Council Member Genis

Absent: Council Member Leece

Motion carried: 3-1-1:

**ACTION:** City Council introduced Ordinance No. 13-xx, for first reading, to be read by title only and waived further reading, and scheduled the second reading for the December 3, 2013 meeting.

**3. INTRODUCTION OF PROPOSED EXCESSIVE USE OF RESOURCES ORDINANCE (04:12:29)**

Rick Francis, Assistant Chief Executive Officer, spoke regarding the draft Ordinance; spoke on administering a fine for cost recovery after a particular threshold of calls, this is explained this is only for certain nuisance calls; and spoke on motel owners solving their own problems. (04:12:42)

Ms. Gherli spoke on cost recovery regarding police calls, and administrative costs. (04:17:09)

Discussion ensued regarding police calls and nuisance offenses in the ordinance; keeping track of the calls for each offense; notification letters; the nuisance process; and policy decisions the Council can make. (04:18:32)

Council Member Genis requested information regarding a social host ordinance; spoke on the noise ordinance; nuisance ordinance; draft ordinance specifically applying to motels; and applying the ordinance to all visitor accommodations. (04:24:58)

Mayor Righeimer spoke regarding the chasm between motel and hotel calls; and motels hiring their own security. (04:29:23)

Ms. Gherli spoke regarding the police department setting up a tracking system. (04:32:19)

Mayor Pro Tem Mensinger spoke regarding the ratio of calls, and reducing that number. (04:34:15)

Discussion ensued regarding the way to score the calls in regards to a tiered approach; and the costs of more serious calls. (04:35:35)

Council Member Genis stated she would support a tiered approach; spoke regarding a specific fine or big incident provision; transient occupancy tax; and definition of a calendar year. (04:38:43)

Council Member Monahan stated that motel/lodge/motor inn should all be together; and the definition of a motel needs to be defined. (04:41:29)

Ken Nyquist, Costa Mesa, spoke on the math formula and the Transient Occupancy Tax. (04:42:48)

Beth Refakes, Costa Mesa, spoke on motel size; calendar year; and application to all businesses. (04:44:49)

Jay Humphrey, Costa Mesa, spoke on a rolling year month-to-month basis; setting a number for the same kind of charges; and property owners who allow disruptive behavior. (04:47:25)

Mike Lin, Costa Mesa, spoke on calls from managers and guests; statistics and higher calls for service; and encouraged people to call police if they witness illegal activity. (04:50:05)

Carl Ahlf, Costa Mesa, spoke in support of the ordinance; and rules and guidelines being posted in the lobby. (04:53:51)

Mayor Rigeimer stated the citizens are subsidizing the businesses by providing security; and spoke on nuisance activities and criminal issues. (04:58:22)

Council Member Monahan stated that the minimum number of calls should be three. (05:00:22)

Mayor Pro Tem Mensinger spoke on calls being generated offsite; responsible property owners; and tenants being screened. (05:00:46)

Mr. Francis spoke regarding increased accountability; motel inspections; and owner's being responsible for their property, not the City. (05:02:38)

Council Member Genis requested flexibility for small establishments. (05:03:50)

Discussion ensued regarding the number of calls based on number of rooms in the establishment, language for the smaller units; and the math formula pertaining to threshold. (05:07:15)

**ACTION:** City Council and public provided Staff input on a proposed ordinance to recover costs from motels that generate higher than usual calls for service for criminal activity, thereby using excessive city resources.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (05:10:25)**

4. **WARRANT RESOLUTION 2496: 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 \$2,386,501.74. (05:10:34)**

Inquiry by Council Member Genis regarding a payment (on Page 13 of Warrant Resolution 2496) to Kabbara engineering. (05:10:52)

**MOTION/SECOND:** Council Member Genis/ Council Member Monahan

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:** Approved Warrant Resolution No. 2496, to be read by title only and further reading waived.

8. **FINAL MAP FOR TRACT NO. 17606 LOCATED AT 678 WEST 19<sup>TH</sup> STREET COSTA MESA, CALIFORNIA (05:13:39)**

Jay Humphrey, Costa Mesa, spoke regarding language being added to the document that states this does not set a precedent. (05:13:51)

**MOTION/SECOND:** Mayor Righeimer/Council Member Monahan

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:**

1. City Council waived the Drainage Fee requirements for Tract No. 17606; and
2. Approved the Final Map for Tract No. 17606 and authorized signing of the Map by the City Clerk and the City Engineer; and
3. Approved adding language that states that approval of this document does not set a precedent for drainage fees.

10. **PARKS AND RECREATION COMMISSION GOALS UPDATE (05:16:04)**

Council Member Genis spoke on the skateboard park; a needs assessment for Fairview Park master plan; naming the bridge; and Parks and Recreation commissioner responsibilities. (05:16:14)

Council Member Mensinger stated he would like the Parks Commission to review the existing agreements and focus specifically on Costa Mesa community involvement. (05:22:26)

Jay Humphrey, Costa Mesa, spoke on open space; assessing current parks; and underutilized fields. (05:23:36)

Beth Refakes, Costa Mesa, spoke on a reforestation program for old trees; and a program to address parkway trees. (05:26:14)

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:** City Council received and filed.

**11. HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-09 (05:30:05)**

Jay Humphrey, Costa Mesa, spoke regarding access to Harbor Blvd. at Elm or Ponderosa; and signage stating not to block the intersection. (05:30:23)

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

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:**

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard and Adams Avenue Intersection Improvements, City Project No. 13-09; and
2. Awarded a construction contract to All American Asphalt, in the amount of \$2,737,737; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**12. RETIREMENT OF POLICE SERVICE DOG TORNADO AND THE SALE OF POLICE SERVICE DOG TORNADO TO OFFICER CHARLES OLIVER (05:32:18)**

Council Member Genis read a statement commending police service dog Tornado. (05:32:35)

**MOTION/SECOND:** Council Member Genis/Mayor Pro Tem Mensinger

Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

**ACTION:**

1. City Council approved the retirement of Police Service Dog Tornado and commended him for six and a half years of outstanding service to the community; and
2. Approved the sale of Police Service Dog Tornado to Officer Charles Oliver as per the purchase agreement and authorized the Chief of Police to enter into such agreement.

~~14. MOBILE DATA COMPUTER (MDC) REPLACEMENT~~ – Item removed from the Agenda

**REPORT – CITY ATTORNEY** – None

**ADJOURNMENT – To Regular Study Session, November 12, 2013, 4:30 p.m.**

The Mayor adjourned the meeting at 11:53 p.m.

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MAYOR

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CITY CLERK

**CITY OF COSTA MESA  
MINUTES OF THE SPECIAL CITY COUNCIL STUDY SESSION MEETING**

**November 12, 2013**

The City Council of the City of Costa Mesa, California met in a Special City Council Study Session Meeting, on Tuesday, November 12, 2013 at 3:35 p.m. in Conference Room 1A, Costa Mesa City Hall, 77 Fair Drive, Costa Mesa.

**ROLL CALL: (00:00:11)**

Council Members Present: Mayor Pro Tem Mensinger  
Council Member Genis  
Council Member Leece

Council Members Absent: Mayor Righeimer  
Council Member Monahan

Officials Present: City CEO Thomas R. Hatch  
City Attorney Thomas Duarte  
Assistant CEO Rick Francis  
City Clerk Brenda Green  
Public Services Director Ernesto Muñoz  
Interim Fire Chief Fred Seguin

**PUBLIC COMMENTS (00:00:40)**

Sue Lester, Costa Mesa, spoke on training for the absent Council Members.

**SPECIAL ITEM (00:02:35)**

1. Effective Communications In Local Government Training

Laura Kalty, Partner, Liebert Cassidy Whitmore, provided a PowerPoint presentation and reviewed the roles of each "branch" of public government; spoke on the relationship between Council, CEO, and staff; communication guidelines; values; liability issues; hostile work environment; retaliation; bullying; and respect.

Lance Nakamoto, Human Resources Manager, clarified the City's harassment policy and trainings.

**COUNCIL MEMBERS' COMMENTS AND SUGGESTIONS (01:08:05)**

Council Member Leece inquired on the process, and discussion ensued regarding lawsuits and defending employees.

**ADJOURNMENT (01:11:05)**

The meeting was adjourned at 4:45 p.m.

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MAYOR

ATTEST:

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CITY CLERK

UNOFFICIAL UNTIL APPROVED - CC-16

**COSTA MESA CITY COUNCIL  
MINUTES OF THE REGULAR STUDY SESSION MEETING**

**November 12, 2013**

The meeting was called to order by Mayor Pro Tem Mensinger at 4:50 p.m. in Conference Room 1A, Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL (00:00:29)**

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

Officials Present: City CEO Thomas R. Hatch  
City Attorney Thomas Duarte  
City Clerk Brenda Green  
Public Services Director Ernesto Muñoz  
Interim Finance Director Steve Dunivent

**PUBLIC COMMENTS (00:00:40)**

Jeff Arthur, Costa Mesa, stated a CalPERS actuary will be speaking at the Pension Oversight Committee meeting on November 20<sup>th</sup>, and spoke on surplus funds, and unfunded pension liabilities.

**REGULAR ITEM**

**1. CAPITAL IMPROVEMENT PROGRAM UPDATE/SURPLUS FUNDS DISCUSSION**

CEO Hatch provided clarification on the budgeted monies for the unfunded pension liability and unfunded medical liability funds (00:02:20).

CEO Hatch presented an overview on the Capital Improvement Program and the FY 2012-13 surplus; and on one time costs and reoccurring costs. (00:07:00)

Steve Dunivent, Interim Finance Director, provided an analysis of the 2012-2013 surplus funds. (00:17:10)

CEO Hatch and Public Services Director Muñoz reviewed the recommended uses of the surplus funds. (00:29:06)

Discussion ensued on the Coolidge Ave and Fillmore improvements, the Council Chambers upgrades, sidewalk repairs, tree planting, and the Park Master Plan. (00:35:07)

Council Member Genis spoke on building the reserves, long term financial stability, paying into the fire side fund and to be cautious about spending all of the surplus. (00:48:00)

Mayor Pro Tem Mensinger spoke on the 16 million emergency fund, agreed with funding the infrastructure improvements, requested an analysis of reoccurring costs, supports the upgrades to the Council Chambers, and recommends caution with spending the surplus. (00:50:11)

CEO Hatch spoke to the reserves. (00:53:50)

Council Member Leece spoke in support of a plan to address the unfunded pension liability, the fire side fund, and a plan to replenish reserves. (00:56:45)

**COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS - None**

The meeting was adjourned at 5:57 p.m.

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MAYOR

ATTEST:

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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**

**NOVEMBER 19, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 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

(4:32pm) Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves and left the Council Chambers, due to a conflict on closed session item 4.

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

Eleanor Egan, Costa Mesa, spoke on item 4 of the Closed Session and stated it should be considered in open session.

Tamar Goldmann, Costa Mesa, spoke regarding item 4 and supports the city accepting the CMPOA claim.

Robert Dickson, Costa Mesa, submitted a letter requesting denial of the CMPOA claim. – item 4

Colin McCarthy, Costa Mesa, submitted a letter requesting denial of the claim. – item 4

Kent Mora submitted a letter requesting denial of the CMPOA claim. – item 4

Council Member Monahan spoke on item 4 of the Closed Session and indicated he would like it to be considered in open session.

City Attorney Duarte clarified why item 4 was being discussed in Closed Session.

Council Member Genis spoke to an e-mail received regarding item 4 and clarified she had no financial conflict of interest due to campaign contributions.

**CLOSED SESSION**

The City Council recessed into Closed Session at 4:40 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 Employees Association (CMCEA), Costa Mesa Division Managers Association, and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.

2. Conference with legal counsel regarding existing litigation: Costa Mesa City 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).
3. Conference with legal counsel regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding exposure to litigation: Claimant – Costa Mesa Police Association, pursuant to California Government Code Section 54956.9 (d)(2)(e)(3).
5. Conference with legal counsel regarding anticipated litigation: Significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(4) for one potential case.

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

**CALL TO ORDER (00:00:05)**

**PLEDGE OF ALLEGIANCE (00:00:26)** – Mayor Righeimer

**MOMENT OF SOLEMN EXPRESSION (00:00:50)**

Jonathon Murillo, Redemption Church

**ROLL CALL (00:01:28)**

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 Muñoz, and City Clerk Brenda Green.

**CLOSED SESSION REPORT (00:01:40)**

Item 4 - City Attorney Duarte stated the City Council, on a vote of 3-0-2, with Mayor Righeimer and Mayor Pro Tem Mensinger recused, voted to deny the claim filed by the Costa Mesa Police Association for defense and indemnity.

The City Council, on a vote of 4-1, Council Member Monahan voting no, authorized the City Attorney, in co-operation with Special Council, to initiate litigation against Civic Center Barrio Housing Corporation and other interested parties.

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

**ANNOUNCEMENTS (00:02:35)**

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

**PRESENTATIONS (00:04:50)**

2013 Scarecrow Festival Presentation by Charlene Ashendorf, Chairperson, Scarecrow Committee gave a slide presentation on the event and it's history. (00:05:11)

**PUBLIC COMMENTS (00:11:58)**

Mayor Righeimer clarified the request to speak process. (00:12:01)

Council Member Leece requested 30 minutes for Public Comments. (00:12:38)

Council Member Genis stated the Council may be in violation of the Brown Act, and changes to the Order of Business need to be adopted by the Council. (00:13:12)

Mayor Righeimer requested Order of Business be agendized on the next meeting. (00:14:10)

Anna Vrska, Costa Mesa, spoke regarding the public comment cards, and asked for clarification of disruptiveness.(00:15:30)

Aviva Goelman, Costa Mesa Senior Center, spoke on the problems due to the homeless people. (00:16:50)

Margaret Mooney, Costa Mesa, thanked Council for their attendance at the Fairview Park picnic, spoke on Fairview Park; and field lighting. (00:18:42)

Tom Pollitt, Costa Mesa, spoke against intimidation, bullying, and a tracking device on an elected official's vehicle. (00:19:39)

Scott Morlan, Costa Mesa, spoke on prison realignment and police staffing. (00:21:42)

Robin Leffler, Costa Mesa, spoke against the change to public comments. (00:24:07)

Greg Thunnell, Costa Mesa, spoke on hypocrisy. (00:26:52)

Cindy Brennaman, Costa Mesa, spoke on First Amendment rights and public comments. (00:30:01)

Jay Humphrey, Costa Mesa, spoke on Freedom of Speech and the Fairview Park picnic. (00:33:16)

Perry Valantine, Costa Mesa, spoke on the changes to public comments; and the proposed rehearing Ordinance. (00:34:38)

Beth Refakes, Costa Mesa, spoke on the Veteran's Day event; the Veteran's Hall; and changes to public comments. (00:37:40)

Pamela Wilson, Costa Mesa, spoke in opposition to taxpayers paying the defense for CMPOA. (00:39:57)

Council Member Leece motioned to overrule the chair regarding changing public comments. (00:41:33)

**MOTION/SECOND:** Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece, and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:42:14)**

Mayor Righeimer spoke on prison realignment; and the public comment period. (00:42:18)

Council Member Genis spoke on the Veteran's facility; Audubon Society Program on the birds of Fairview Park on November 26<sup>th</sup>; public comments; and the 150<sup>th</sup> Anniversary of the Gettysburg Address. (00:48:22)

Council Member Leece spoke on clarifying public comments on the agenda and speaker cards; spoke on homeless issues at the Costa Mesa Senior Center; spoke on the Fairview Park picnic; prison realignment; police staffing; CMPOA lawsuit; and her vote on the Closed Session item regarding the CMPOA claim. (00:51:03)

Mayor Righeimer spoke on public comments; and tracking devices on an elected official's car. (01:00:25)

Council Member Monahan spoke on urban coyote's; KOCL radio fundraiser for Toys 4 Tots; and Newport Harbor football game. (01:03:33)

### **CONSENT CALENDAR (01:06:32)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 2a, 5, 6, 9, 10, 13, and 14

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried unanimously:

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 waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

b. Requests for Alcohol Beverage Control licenses:

- For Jorge Vivar, dba Tacos Gil, at 528 W 19<sup>th</sup> Street, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Circle K Stores Inc., dba Circle K 9421, at 3470 Fairview Road, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 9456, at 3006 Harbor Blvd, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3078, at 1654 Santa Ana Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3037, at 111 Del Mar Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).

**ACTION:** Received and filed

3. **WARRANT RESOLUTION 2498: 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 \$567,781.57.**

**ACTION:** Approved Warrant Resolution No. 2498, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2499: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-22 "A" AND 13-23 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-22 "A" for \$0.00, Payroll No. 13-23 for \$2,017,466.42 and City operating expenses for \$635,525.04.**

**ACTION:** Approved Warrant Resolution No. 2499, to be read by title only and further reading waived.

7. **RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P".**

**ACTION:** City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the submittal of transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2014-15 through 2017-18.

8. **ART IN PUBLIC PLACES PROGRAM-** THIS ITEM WAS REMOVED FROM THE AGENDA AND NOT CONSIDERED.
11. **MINUTES:** Regular Meeting of October 1, 2013; and October 15, 2013.  
**ACTION:** Approved
12. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**  
**ACTION:** City Council approved contract with Lilley Planning Group in the amount of \$100,000 for planning services from citywide salary savings.

**PUBLIC HEARINGS (Resolution No. 05-55) (01:08:30)**

1. **ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS”.** (01:08:40)

Ernesto Muñoz, Public Services Director, spoke on the traffic impact program and Measure M. (01:09:07)

Jay Humphrey, Costa Mesa, spoke on the reduction of the traffic impact fee. (01:13:13)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:**

City Council adopted Resolution No. 13-54, to be read by title only, and waived further reading to:

1. Continue the current traffic impact fee of \$181 per Average Daily Trip (ADT); and
2. Continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and
3. Approved the annual accounting of the Citywide Traffic Impact Fee Program.

**REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:17:47)**

CEO Hatch announced Study Sessions: Homeless Supportive Housing on December 10, 2013; General Plan update on January 14, 2014; Mid Year Budget review on February 25, 2014; introduced Steven Ely, Interim Information Technology Director and Dan Stefano, new Fire Chief; and spoke on homeless issues. (01:17:59)

**OLD BUSINESS (01:21:40)**

1. **BUILDING AND FIRE CODE ADOPTION: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, AND 5-1.3 OF TITLE 5 AND SECTIONS 7-14, 7-15, AND 7-19 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO WITH THE EFFECTIVE DATE OF JANUARY 1, 2014". (01:21:42)**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council gave second reading and adopted Ordinance 13-06, to be read by title only, and waived further reading, adopting the most recent editions of the Construction and Fire Codes with the applicable amendments effective on January 1, 2014.

**PUBLIC COMMENTS (01:22:46)**

Terry Koken, Costa Mesa, spoke regarding the Mayor and Mayor Pro Tem's lawsuit. (01:23:19)

Sue Lester, Costa Mesa, spoke on speaker cards and changes to the public comments; Study Session training on effective communication; and indicated opposition to a tracking device on vehicles. (01:26:06)

Philip Marx, Costa Mesa, spoke on the Estancia High School stadium speaker system; blind intersections; telephone poles; Arrow Street maintenance; Harbor Blvd. construction and water levels. (01:29:24)

Council Member Monahan requested moving consent calendar items 2A and 14 to the end of the agenda. (01:33:30)

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:33:39)**

5. **FINAL MAP FOR TRACT NO. 17435 LOCATED AT 2070 MAPLE AVENUE, COSTA MESA, CALIFORNIA (01:33:40)**

Robin Leffler, Costa Mesa, spoke on green setbacks; and a general plan screening for a small lot development. (01:33:55)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion was carried unanimously.

**ACTION:** City Council approved the Final Map for Tract No. 17435 and authorized signing of the Map by the City Clerk and the City Engineer.

6. **BICYCLE CORRIDOR IMPROVEMENT PROGRAM APPLICATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21<sup>ST</sup> CENTURY FEDERAL TRANSPORTATION ACT FOR THE WEST 19<sup>TH</sup> STREET BICYCLE TRAIL PROJECT". (01:35:37)**

Karl Ahlf, Costa Mesa, spoke in support of additional bike trails. (01:35:52)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council adopted Resolution No. 13-48, to be read by title only, and waived further reading, approving the submittal of the West 19<sup>th</sup> Street Bicycle Trail Project for potential grant funding under the Orange County Transportation Authority's (OCTA) Bicycle Corridor Improvement (BCI) Program for Fiscal Year 2014-15.

9. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2013-2014 STATEMENT OF INVESTMENT POLICY". (01:37:38)**

Robin Leffler, Costa Mesa, spoke regarding investments. (01:38:03)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council adopted Resolution No. 13-50, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the City Treasurer.

10. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS SUCCESSOR AGENCY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED 2013-2014 STATEMENT OF INVESTMENT POLICY".**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** Successor Agency to the Costa Mesa Redevelopment Agency adopted Resolution No. 13-51, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the Successor Agency Treasurer.

**13. MOBILE DATA COMPUTER (MDC) REPLACEMENT (01:40:36)**

Beth Refakes, Costa Mesa, requested clarification on the cost of keyboards. (01:40:58)

Rick Francis, Assistant Chief Executive Officer, clarified the costs for keyboards were included in the price. (01:43:27)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion was carried unanimously.

**ACTION:**

1. City Council approved and authorized the CEO to sign the Purchasing Agreement in the amount of \$503,742.00 for the replacement of the current Police and Fire Departments' Mobile Data Computers (MDC) with Datalux Corporation, 155 Aviation Drive, Winchester, VA 22602; and
2. Approved Budget Adjustment No. 14-012 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$388,300.80) and Proposition 172 Fund (\$115,441.20) in the total amount of \$503,742.00.

Mayor Righeimer and Mayor Pro-Tem Mensinger stated a conflict on items 2a and 14, recused themselves and left the Chambers. (01:44:44)

**14. SALARY RESOLUTIONS FOR CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA): "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2014 MOU" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) PURSUANT TO THE 2007-2014 MOU". (01:47:44)**

**MOTION/SECOND:** Council Member Monahan/Council Member Leece  
The motion carried by the following roll call vote:

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

Noes: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-0-2

**ACTION:**

1. City Council adopted Resolution No. 13-52, to be read by title only, and waived further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopted Resolution No. 13-53, to be read by title only, and waive further reading, which implements salary range adjustments for job classifications represented by the CMPMA; and
3. Approved Budget Adjustment No. 14-016, in the amount of \$911,450.00.

**2a. READING FOLDER (01:48:27)**

- a. Claims received by the City Clerk: Costa Mesa Police Association; Stacey Lynn Roberts De Michele; Loren Michael Pfautz; Devon Holbert; and Iosana Sipa.

Council Member Monahan spoke on the POA claim; and indicated that he would have preferred it be considered in open session. (01:48:30)

Sue Lester, Costa Mesa, requested information on City funds being used to defend an organization. (01:49:42)

Council Member Genis stated the CMPOA is an association and it would be a gift of public funds to defend their claim. (01:50:15)

Council Member Leece spoke to the issue. (01:51:45)

**MOTION/SECOND:** Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-0-2

**ACTION:** Received and filed

**NEW BUSINESS** - None

**REPORT – CITY ATTORNEY** – None

**ADJOURNMENT – To Regular Meeting, December 3, 2013, 5:00 p.m.**

Council Member Genis adjourned the meeting at 8:10 p.m.

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MAYOR

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CITY CLERK