

UNOFFICIAL UNTIL APPROVED

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

DECEMBER 3, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 4:40 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, and Council Member Genis (arrived at 4:41 p.m.)

Council Members Absent: Council Member Monahan

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

SPECIAL 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 Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.

The City Council ended Closed Session at 5:05 p.m.

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

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:29) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:00:50)

Pastor Mike Gibson, Christ Lutheran Church

ROLL CALL (00:02:55)

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.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - None
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ANNOUNCEMENTS (00:03:09)

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

PRESENTATIONS (00:05:20)

Jennifer Knapp, President, Estancia and Tewinkle Schools Foundation provided an update on educational advancement for Costa Mesa students. (00:05:23)

Sergeant Vic Bakkila presented Chief Gazsi with an award for his support of the Guards and Reserves in the Police Department. (00:09:35)

The City Council recognized Costa Mesa High School Football Team for winning the "Battle of the Bell." (00:15:15)

PUBLIC COMMENTS (00:31:35)

Discussion ensued among City Council Members on the change of Order of Business and the number of public comment speakers. (00:31:44)

MOTION: To continue to operate under existing adopted Resolution No. 12-21 regarding Order of Business until a new Resolution is adopted. (00:35:12)

MOTION/SECOND: Council Member Genis/Council Member Leece

Motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Leece

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

The motion failed 2-3

Cynthia McDonald, Costa Mesa, spoke on civility and public discourse. (00:38:59)

Howard Hull, Costa Mesa, spoke on the City budget and City improvements. (00:42:13)

James Bridges, Costa Mesa, spoke on Closed Session meetings; and public comments period. (00:44:03)

Robin Leffler, Costa Mesa, spoke on the change of Order of Business. (00:46:14)

Eleanor Egan, Costa Mesa, spoke on public comments. (00:49:37)

Sue Lester, Costa Mesa, welcomed new Fire Chief Dan Stefano; thanked Chief Gazsi; spoke on adopting military officers for the holidays; and employee's retiring. (00:51:02)

Greg Thunell, Costa Mesa, spoke on warrants; contract attorneys; and playbooks. (00:54:11)

Terry Koken, Costa Mesa, spoke on the cannon at the police substation; and sang a song. (00:57:37)

Tamar Goldmann, Costa Mesa, spoke on decorum at Council meetings. (00:59:55)

Dan Goldmann, Costa Mesa, spoke on the Fairview Park path removal. (01:02:56)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:04:30)

Mayor Pro Tem Mensinger welcomed new Fire Chief Stefano; thanked Chief Arnold; and invited the public to contact him to discuss any issues. (01:04:34)

Council Member Genis welcomed new Fire Chief Stefano; spoke on attending the Southern California Economic Summit and a long-term economic strategy; announced a bird hike at Fairview Park on December 7; spoke on long term uses of Fairview Park; and wished Helen Nenadal well on her retirement. (01:05:43)

Council Member Leece spoke regarding public comments; change in the Order of Business; City spending; Fairview Park; inquired on the placement of items on the consent calendar; spoke on hate crimes in Costa Mesa; requested updates on AB109 realignment of parolees and 60th Anniversary reports; spoke on sponsorships; wished retirees well; spoke on a letter from Gilbert Collins regarding Fairview Park; and wished everyone a Merry Christmas. (01:08:56)

Council Member Monahan spoke on sports field lighting data; the Consent Calendar; the 60th Anniversary investigation; paths at Fairview Park; City sponsorships; welcomed new Fire Chief Stefano; and congratulated various sports teams. (01:16:03)

Mayor Righeimer spoke on the new "Preserve Our Neighborhoods" Task Force; group homes; toll roads and the I-405 issue; and wished Helen Nenadal well on her retirement. (01:20:13)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:27:00)

CEO Hatch spoke on the I-405 toll road issues; coyote issue; presented a video on the Police Department's 60th Anniversary event; welcomed new Fire Chief Dan Stefano; announced upcoming Study Sessions on Supportive Housing, the General Plan update and Land Use Alternatives; welcomed Jerry Guarracino who will be assisting the Planning Department; congratulated employees on their retirement; spoke on the removal of the decomposed granite path at Fairview Park; addressed the question on the placement of items on the Consent Calendar; and AB109 realignment of parolees. (01:27:03)

CONSENT CALENDAR (01:34:35)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, and 14.

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION: City Council 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: Paul Bass; and Roy Rodgers.

- b. Requests for Alcohol Beverage Control licenses:

- For MP Enterprises Inc., dba Mama Hong's, at 3013 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Serenity Beach Investments Inc., dba Globe European Delicatessen, at 1928 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

ACTION: Received and filed

7. **BRENTWOOD PARK IMPROVEMENTS, CITY PROJECT NO. 13-14**

ACTION: City Council rejected all bids and approved to re-advertise the project.

PUBLIC HEARINGS (01:35:50)

1. **AMENDMENT TO 2005 RESIDENTIAL DESIGN GUIDELINES: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, APPROVING AN AMENDMENT TO THE CITY'S 2005 RESIDENTIAL DESIGN GUIDELINES". (01:36:05)**

Minoo Ashabi, Senior Planner, presented the report on the amendment to the City's 2005 residential design guidelines. (01:36:28)

Council Member Monahan thanked staff for their excellent work; and spoke on structure walls. (01:42:03)

Discussion ensued regarding ratios; setbacks; project deviations; site coverage; massing; and the zoning code. (01:42:36)

Discussion ensued regarding the seven day appeal notification sent to property owners on Planning Commission decisions, and Council Member Genis suggested changing the 7-day appeal notification to 10 days. (01:48:43)

Jay Humphrey, Costa Mesa, expressed concerns on the setbacks. (01:53:37)

Tamar Goldmann, Costa Mesa, spoke on density; group homes; and the 7-day appeal notification. (01:55:19)

Robin Leffler, Costa Mesa, spoke on residential guidelines; setbacks; and expressed opposition to guideline changes. (01:57:08)

Cindy Brenneman, Costa Mesa, expressed opposition to the guideline changes. (02:00:20)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer (02:01:52)

Council Member Genis clarified ratios and setbacks. (02:08:17)

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Motion carried: 4-1

ACTION: City Council adopted Resolution No. 13-57, to be read by title only, and waived further reading, amending the Residential Design Guidelines, with a change to Section 5, adding "or over 2,700 square feet in area with up to 50 percent lot coverage" for second story construction.

2. **CODE AMENDMENT CO-12-07: CONSIDERATION OF A MORATORIUM EXTENSION REGARDING HOOKAH PARLORS: "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, FOR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW HOOKAH PARLORS FOR A PERIOD NOT TO EXCEED 10 MONTHS AND 15 DAYS PENDING A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH AND SAFETY RELATING TO HOOKAH PARLORS". (02:11:33)**

Gary Armstrong, Economic and Development Services Director, presented the report regarding a moratorium extension on Hookah lounges. (02:12:07)

Mayor Righeimer spoke on the reason for this amendment. (02:12:44)

Cindy Brenneman, Costa Mesa, spoke in favor of the Ordinance. (02:15:32)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council adopted Urgency Ordinance No. 13-09, to be read by title only, and waived further reading, an extension of the hookah parlor moratorium considered under Code Amendment CO-12-07 for a period not to exceed 10 months, 15 days.

OLD BUSINESS (02:16:08)

1. **SECOND READING OF ORDINANCE 13-05 FOR CODE AMENDMENT CO-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT": "AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN 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." (02:16:13)**

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council gave second reading and adopted Ordinance No. 13-05, 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."

2. **AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE". (02:17:21)**

Jay Humphrey, Costa Mesa, spoke on limiting public comments. (02:18:22)

Anna Vrska, Costa Mesa, expressed opposition to changing the ordinance. (02:19:56)

Robin Leffler, Costa Mesa, expressed opposition changing the ordinance. (02:20:10)

Tamar Goldmann, Costa Mesa, expressed opposition to the ordinance and is in support of the rehearing process. (02:21:50)

Cindy Brenneman, Costa Mesa, expressed opposition to the ordinance. (02:23:57)

Chris McEvoy, Costa Mesa, expressed opposition to the ordinance (02:25:01)

Eleanor Egan, Costa Mesa, suggested the Council have a rehearing process that requires a super majority or unanimous vote. (02:25:40)

Mayor Righeimer spoke to the issue and explained the rehearing process. (02:26:12)

Council Member Genis spoke on instances where a rehearing is needed. (02:29:20)

City Attorney Duarte clarified Municipal Code Section 2-72 regarding Reconsideration. (02:32:24)

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

Council Member Leece cited Municipal Code Section 2-58, "Any Council Member shall have the right to have the reasons for their dissent from any action of the Council entered into the minutes. Such dissent to be entered in the minutes shall be made and substantiated in the following manner," and stated she would like the minutes to reflect her opposition to the action for the following reasons: Addressing the issue of reconsideration, she stated that taking it outside of the Council Chambers and making it a conversation with another Council Member who voted for something is taking the business of the public away from the public. She indicated that there was evidence and many people came and talked about Fairview Park and why the items should be reheard. She stated it was a public matter, and that is probably why it was written into the Municipal Code, and that the rehearing process is a public process. She stated that we are cutting the people out, and are eliminating a step that is transparent, public, and fair. She added Ms. Genis did a lot of research, and that a lot of people came to that hearing and believed there was new relevant evidence which was not produced at the first hearing and that evidence was denied as being new. In her opinion, the evidence was new and it justified a rehearing. She hoped that this action does not hurt Costa Mesa in the future, and that by skipping this process, we will be in trouble with an agency just like we are in trouble with the Fish and Wildlife Department. Although maybe slow and inefficient, she stated these steps are put in government for the people, facts, and information. For these reasons, she expressed opposition to the change. (02:33:00)

Mayor Righeimer spoke on new information being produced and available for a rehearing. (02:35:54)

Council Member Genis spoke on defining "available" and on new information being provided; and expressed opposition to the motion. (02:37:05)

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION: City Council gave second reading and adopted Ordinance No. 13-08, to be read by title only and waived further reading, which amends Chapter IX of Title 2 of the Costa Mesa Municipal Code relating to Appeal, Rehearing, and Review Procedures.

City Council recessed for a break at 8:42 p.m.

City Council reconvened the meeting at 8:55 p.m.

NEW BUSINESS (02:52:32)

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-07) FOR A 37-UNIT DETACHED TOWNHOUSE CONDOMINIUM DEVELOPMENT LOCATED AT 573-591 VICTORIA STREET (02:52:35)

Report by Antonio Gardea, Planning Services Department. (02:52:57)

Discussion ensued between City Council and Mr. Gardea on setbacks, property presentation, tandem parking, maximum density, open space, and parking spaces. (02:58:16)

Don Lamm, Applicant Representative, spoke on urban planning, deviations versus variances, and history of projects. (03:03:59)

Discussion continued regarding permeable pavers, setbacks, greenbelts, patios, a pool area, homeowners' association dues, tandem parking, and a street signal. (03:11:44)

Terry Koken, Costa Mesa, spoke on tandem parking. (03:22:48)

Jay Humphrey, Costa Mesa, expressed concern with tandem parking; and spoke on balconies being allowed over hardscape and softscape. (03:23:00)

Tamar Goldmann, Costa Mesa, spoke on the General Plan meeting and expressed opposition to boxy buildings. (03:24:28)

Discussion ensued regarding tandem parking; boxy architecture; setbacks; and the sidewalk issue. (03:26:21)

ACTION: City Council provided feedback on the proposed 37-unit detached townhouse condominium development within the Mesa West Residential Ownership Urban Plan Area.

2. **UPGRADES TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM AND RELATED CONSTRUCTION FOR COUNCIL CHAMBERS (03:29:43)**

Report by Bill Lobdell, Director of Communications, and Dane Bora, Video Production Coordinator. (03:30:05)

Discussion ensued regarding the podium location; general public seating; staff stations; wheelchair ADA compliance; TV screens; an electronic voting system; field equipment; archival issues; and indexing agendas. (03:36:19)

Terry Koken, Costa Mesa, spoke in support of the project. (03:57:22)

Sue Lester, Costa Mesa, spoke on replacement of the speaker outdoors and in support of the project. (03:58:07)

Beth Refakes, Costa Mesa, spoke in support of the project; and expressed concern with layout changes, overhead control, and losing two rows of seats. (03:59:01)

Jay Humphrey, Costa Mesa, spoke on Conference Room 1A; the print shop; the channel for the hearing impaired; and expressed support for the project. (04:02:11)

Cindy Brenneman, Costa Mesa, spoke about a voice-to-text system; audience seating; and expressed support in the project. (04:03:27)

Discussion ensued regarding computer use and presentations; lighting; and speaker podiums and location. (04:05:00)

Mayor Pro Tem Mensinger requested that the speaker podium be placed in the front, and include all upgrades to Conference Room 1A; and suggested the creation of a reserve account for future upgrades. (04:07:34)

Council Member Genis expressed concern regarding the loss of public seating and spoke on upgrading 1A to accommodate overflow seating. (04:08:16)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved designating \$1.6 million of the \$7.1 million FY 2012-13 surplus to upgrade the City's audio/visual equipment and broadcast system used to facilitate and broadcast public meetings in the Council Chambers and broadcast city news and information on CMTV, the City's television channel. The funding will also be used for related construction in the Council Chambers; and

2. Directed the City staff to issue a Request for Proposals (RFP) for the purchase and installation of the new audio/visual equipment and broadcast system; and
 3. Directed staff to obtain bids for related construction work needed in the Council Chambers.
3. **FIRST READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES." (04:09:39)**

Mayor Righeimer spoke on the need for the Ordinance. (04:10:32)

Rick Francis, Assistant CEO, presented the report on the Ordinance. (04:11:50)

Elena Gherli, Legal Counsel, provided clarification on the definitions in the Ordinance. (04:19:46)

Discussion ensued regarding calls for service; parole checks; targeted or saturation patrols; and inverse condemnation. (04:22:29)

Mayor Righeimer commented on language regarding specific location for focused or prolonged enforcement activity. (04:31:22)

Council Member Monahan concurred with removing the following: "Specific location for focused or prolonged enforcement activity shall not be counted." (04:32:57)

Discussion ensued regarding the appeal process. (04:33:06)

Chief Gazsi spoke regarding focused or prolonged enforcement activity and criteria that would trigger a billing. (04:34:02)

Council Member Genis spoke about calls for disturbing the peace for small establishments. (04:36:49)

Council Member Monahan suggested a minimum of two calls per quarter. (04:38:19)

Assistant CEO Francis clarified that the trigger on the nuisance activities would be a citation or arrest. (04:39:43)

Discussion ensued regarding billing notices to owners and notifications to each establishment before the second reading. (04:41:04)

Tamar Goldmann, Costa Mesa, expressed concern on employee time and expense to administer the program; spoke on establishments fearful of calling; room refusal by owners; and inquired on Ordinances adopted by other cities. (04:44:36)

Anna Vrska, Costa Mesa, expressed concern regarding discriminatory practices, and requested statistics. (04:46:42)

Mike Lin, spoke on resources and cost recovery; and the definition of nuisance activity. (04:47:54)

Beth Refakes, Costa Mesa, supports applying to all lodging establishments; spoke on calls from the rooms; and administrative costs. (04:51:39)

Laurie Dickendasher, Regency Inn Representative, spoke on unintended consequences due to adoption of Ordinance. (04:54:17)

Jay Photoglou, Costa Mesa, spoke on the language that would trigger a report and safeguards. (04:56:46)

Jack Chen, New Harbor Inn Representative, spoke on the City's surplus money to hire more police officers; that hotel security guards do not have police powers and expressed opposition to the Ordinance; and nuisance calls. (04:58:42)

Wilson Wang, President of the Taiwan Hotel/Motel Association of Southern California, spoke about illegal activities at hotels; City revenue from the Transient Occupancy Tax; and expressed opposition to the Ordinance. (05:01:52)

Scott Morlan, Costa Mesa, stated all his questions had been answered. (05:04:57)

Cindy Brenneman, Costa Mesa, indicated that she hopes the Ordinance is not used to discriminate. (05:05:17)

Mayor Pro Tem Mensinger spoke regarding screening hotel guests; reducing police calls; long-term stays at motels; resources for problem motels; and recommended a threshold. (05:05:34)

Discussion ensued regarding data administration; other cities enacting motel restrictions; police calls; and the need for more police officers. (05:12:00)

Council Member Genis stated that "calls for service" needs to be clearly defined; and how different motels are managed. (05:16:06)

Council Member Monahan suggested using the "0.4 calls for service" threshold; spoke on the history of the hotel/motel task force and operators properly managing their businesses; and made a motion to approve the Ordinance for first reading, with a 0.4-call threshold on a quarterly basis, and to eliminate the proposed service language section. (05:19:33)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

Mayor Righeimer expressed support for using a 0.4 threshold and removing the service language. (05:22:08)

Mr. Francis spoke on delineation of calls. (05:25:54)

Mayor Pro Tem Mensinger supported the 0.4 calls threshold. (05:27:08)

Council Member Genis supported the motion, but requested that the definition of "service calls" be clearly defined. (05:29:36)

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council introduced for first reading and adopted Ordinance 13-xx, to be read by title only, and waived further reading, regarding the excessive use of resources, and with a 0.4-call threshold on a quarterly basis.

ITEMS REMOVED FROM THE CONSENT CALENDAR (05:30:47)

3. **WARRANT RESOLUTION 2500: 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 \$659,620.74. (05:31:01)**

Anna Vrska, Costa Mesa, spoke on line item descriptions for warrants. (05:31:16)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2500, to be read by title only and waived further reading.

4. **WARRANT RESOLUTION 2501: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-23 "A" AND 13-24 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-23 "A" for \$-574.99, Payroll No. 13-24 for \$1,992,347.15 and City operating expenses for \$333,999.81. (05:34:13)**

Anna Vrska, Costa Mesa, inquired about fees and services paid. (05:34:26)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2501, to be read by title only and waived further reading.

5. DOWNTOWN COSTA MESA GATEWAY LANDSCAPE IMPROVEMENTS, FEDERAL PROJECT NO. STPE-P055 (055), CITY PROJECT NO. 13-06 (05:36:43)

Beth Refakes, Costa Mesa, spoke in support of the project. (05:37:00)

Jay Humphrey, Costa Mesa, spoke in support of the project; and commented on grant funding. (05:37:45)

Cindy Brenneman, Costa Mesa, spoke in support of the project; and commented on granting projects to local Costa Mesa organizations. (05:38:20)

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Downtown Costa Mesa Gateway Landscape Improvements on SR-55 Freeway, City Project No. 13-06; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$554,460.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

6. EAST 17TH STREET LANDSCAPE ENHANCEMENT, FEDERAL PROJECT NO. RPSTPLNE-5312(091), CITY PROJECT NO. 13-12 (05:39:04)

Jay Humphrey, Costa Mesa, requested clarification on grant money used for this project. (05:39:08)

Ernesto Munoz, Public Services Director, stated that grant monies are being utilized; and indicated that traffic fees are being utilized for traffic improvements at Tustin and 17th Street. (05:39:37)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the East 17th Street Landscape Enhancement, City Project No. 13-12; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$776,995.00; and
3. Approved Budget Adjustment No. 14-018, in the amount of \$30,000.00 towards the project; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

8. HARBOR BOULEVARD BEAUTIFICATION PROJECT, FEDERAL PROJECT NO. RPSTPLE-5312 (083), CITY PROJECT NO. 13-05 (05:42:05)

Jay Humphrey, Costa Mesa, spoke on federal funding for the projects. (05:42:15)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard Beautification Project, City Project No. 13-05; and
2. Awarded a construction contract to Jeff Tracy, Inc. DBA Land Form Construction, in the amount of \$572,809.95 (base bid plus additive bid item No. AD-1); and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT FOR VARIOUS PARKS PROJECTS (05:44:12)**

Anna Vrska, Costa Mesa, requested clarification on park projects. (05:44:37)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council awarded a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project Management and/or Construction Management staff support as needed for various Capital Improvement Program (CIP) projects; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Approved Budget Adjustment No. 14-010 in the amount of \$200,000 to fund the above mentioned contract.

10. **MEASURE M2 EXPENDITURE REPORT: "A RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2012-2013." (05:49:13)**

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council adopted Resolution No. 13-55, to be read by title only, and waived further reading, approving the Renewed Measure M2 Expenditure Report.

11. **PUBLIC SAFETY APPLICATION SUPPORT CONTRACT (05:49:34)**

Cindy Brenneman, Costa Mesa, expressed support of Consent Calendar Items 11, 12 and 13. (05:50:03)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council authorized the City CEO or his designee to sign the Maintenance and Support Agreement and Purchase Requisition for support services in the amount of \$58,301 for the City's CAD-RMS system with Motorola Inc., 1303 East Algonquin Road, Schaumburg, IL 60196.

12. RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS (05:49:34)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved staff's recommendation to allocate 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approved Budget Adjustment No. 14-015 to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
 - Technology Improvement – South Coast Plaza Streaming Live Video to Responding Police Vehicles: \$17,896

13. APPROVE THE PURCHASE AND OUTFITTING OF TEN REPLACEMENT 2014 FORD POLICE INTERCEPTOR UTILITY VEHICLES (05:49:34)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved and authorized the CEO to sign the purchase agreement in the amount of \$318,406.70 for ten replacement Ford Police Interceptor Utility vehicles from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, under the National Joint Powers Alliance (NJPA) master vehicle contract #102811, and under existing City of Costa Mesa Purchase Order 0000008608; and
 2. Approved and authorized the CEO to sign the purchase agreement in the amount of \$125,162.77 for outfitting ten new Ford Police Interceptor Utility vehicles from Hi Standard Automotive, LLC, 1110 West Barkley Avenue, Orange, CA, 92868, under existing City of Costa Mesa Purchase Order 0000008786; and
 3. Approved Budget Adjustment No. 14-019 to appropriate undesignated fund balance in the General Fund in the amount of \$443,569.47 for the total purchase of ten vehicles with the required outfitted emergency safety equipment.
14. **MODIFICATON TO PUBLIC COMMENTS AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS" (05:51:43)**

Terry Koken, Costa Mesa, expressed opposition to changing the Order of Business; and spoke on Freedom of Speech. (05:51:58)

Jay Humphrey, Costa Mesa, expressed opposition to changing the Order of Business; and spoke on Freedom of Speech. (05:54:35)

MOTION: Continue the meeting past midnight. (05:57:33)

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

Eleanor Egan, Costa Mesa, spoke on Freedom of Speech; and expressed opposition to changing the Order of Business. (05:57:44)

Jay Photoglou, Costa Mesa, spoke on restrictions; and expressed opposition to changing Order of Business. (06:01:49)

Perry Valantine, Costa Mesa, spoke on the average time for public comments, and the motive for the change. (06:05:26)

Charles Mooney, Costa Mesa, spoke on the First Amendment Coalition; Freedom of Speech; and expressed opposition to changing the process. (06:08:29)

Tamar Goldmann, Costa Mesa, expressed opposition to changing the Order of Business; spoke on Freedom of Speech. (06:11:19)

Beth Refakes, Costa Mesa, expressed opposition to changing the Order of Business; spoke on Freedom of Speech; and expressed concern on random drawing. (06:13:35)

Greg Thunell, Costa Mesa, shared an article from the Daily Pilot. (06:16:46)

Robin Leffler, Costa Mesa, spoke on the Consent Calendar; Freedom of Speech; and opposed to changing the Order of Business. (06:19:58)

Anna Vrska, Costa Mesa, spoke on Freedom of Speech; and opposed to changing the Order of Business. (06:23:25)

Cindy Brenneman, Costa Mesa, spoke against changing the Order of Business. (06:24:14)

Chris McEvoy, Costa Mesa, opposed to changing the Order of Business; and Freedom of Speech. (06:25:00)

Sue Lester, Costa Mesa, spoke against changing the Order of Business; and Freedom of Speech. (06:26:46)

Mayor Righeimer stated that the cards are shuffled face down; spoke on adding a second Council Comments section; and spoke on Freedom of Speech. (06:29:54)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan
To adopt Resolution No. 13-56, Changing the Order of Business.

SUBSTITUTE MOTION: To receive and file (06:34:29)

MOTION/SECOND: Council Member Leece/Council Member Genis

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 Genis spoke about the amount of time spent on items on the agenda. (06:34:43)

Council Member Monahan spoke on Public Comments in Costa Mesa and in other cities. (06:45:55)

Council Member Leece spoke on the Presentations section; spoke on Freedom of Speech; and indicated opposition to changing the Order of Business. (06:47:45)

Council Member Genis spoke on the Government Code regarding the Order of Business. (06:52:49)

Mayor Pro Tem Mensinger spoke on Freedom of Speech; meeting with citizens; allowing more speakers to speak with a reduced time limit; and the need for a schedule. (06:54:10)

ORIGINAL MOTION: Mayor Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION: City Council adopted Resolution No. 13-56, to be read by title only, and waived further reading, adding an "Additional Public Comments" section to the agenda, changing the order when "Items removed from the Consent calendar" will be addressed, and adding "Additional Council Comments" after "Additional Public Comments".

ADDITIONAL PUBLIC COMMENTS (06:57:41)

Chris McEvoy, Costa Mesa, spoke on decision making; and Freedom of Speech. (06:57:59)

Jay Photoglou, Costa Mesa, suggested presentations be done last. (07:00:31)

Charles Mooney, Costa Mesa, spoke on the removal of the decomposed granite path at Fairview Park. (07:03:42)

Jay Humphrey, Costa Mesa, spoke about grants; and placement of items on the Consent Calendar. (07:04:57)

Anna Vrska, Costa Mesa, spoke on Freedom of Speech; the General Plan meetings; and the removal of the decomposed granite path. (07:07:15)

Cindy Brenneman, Costa Mesa, welcomed Fire Chief Stefano; spoke on Freedom of Speech; and civility. (07:10:01)

Beth Refakes, Costa Mesa, spoke on civility; Public Hearings; and shortage of fields. (07:12:53)

REPORT – CITY ATTORNEY – None

ADJOURNMENT – To Regular Meeting, January 7, 2014, 5:00 p.m.

The Mayor adjourned the meeting at 1:20 a.m.

MAYOR

CITY CLERK

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

January 21, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:05 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 Genis and Council Member Monahan (arrived at 5:30 p.m.)

Council Members Absent: Council Member Leece

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:08 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: 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 6:03 p.m.

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:17) – Mayor Pro Tem Steve Mensinger

MOMENT OF SOLEMN EXPRESSION (00:03:13)

Father Tashjian, St. Mary Armenian Church

ROLL CALL (00:03:12)

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

Absent: Council Member Leece

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 (00:03:35) - NONE

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

ANNOUNCEMENTS (00:03:39)

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

PRESENTATIONS (00:05:50)

Presentation by the 2014 Sister City Youth Ambassadors from Wydham Australia. Mayor Righeimer provided the students with Certificates of Recognition.

PUBLIC COMMENTS (00:21:03)

Terry Koken, Costa Mesa, spoke regarding the Mayor's comments. (00:21:36)

Cindy Brenneman, Costa Mesa, thanked everyone involved in the Homeless Housing Outreach workshop; and announced the First Friday Road Show on February 7th, 2014. (00:24:25)

Anna Vrska, Costa Mesa, spoke regarding Public Records Requests; and warrants. (00:25:47)

Sue Lester, Costa Mesa, spoke on the 60th Anniversary documents and release of information to the public. (00:27:09)

Greg Thunell, Costa Mesa, spoke on a New Yorker magazine article; and pensions. (00:30:16)

Chris McEvoy, Costa Mesa, spoke on Rule of law; Fairview Park path; and public comments. (00:33:27)

Robin Leffler, Costa Mesa, spoke on the Historical Society; and the budget. (00:35:59)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:38:28)

Council Member Monahan – None (00:38:30)

Mayor Righeimer requested information on the 60th Anniversary issue and the police investigation. (00:38:33)

CEO Hatch spoke on the release of the 60th Anniversary documents and the police investigation. (00:39:12)

Mayor Righeimer spoke on public comments; and the budget reserves. (00:40:00)

CEO Hatch announced the budget surplus amounts from the last three years; and announced the Mid-Year budget Study Session on February 11th, 2014. (00:42:00)

Mayor Pro Tem Mensinger reported on the 9th Annual Costa Mesa United Golf event; spoke on the City budget; and the pension unfunded liability. (00:44:45)

Council Member Genis spoke regarding the budget; warrants and financial details; paying off the fire side fund; and thanked the Fire Department regarding the brush fires at Fairview Park. (00:48:00)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:51:26)

CEO Hatch announced the Mid-Year Budget Study Session on February 11th, 2014 at 4:30 p.m.; spoke on the 60th Anniversary event; the establishment of a Purchasing Committee; read the worker's compensation update and stated that the 14 recommendations have been completed; spoke on computer improvements; and invited the public to attend the General Plan Study Session on January 28th, 2014.

CONSENT CALENDAR (00:56:49)

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 9 except for Items 4 and 5.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

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**

RECOMMENDATION:

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: David B. Thompson

b. Requests for Alcohol Beverage Control Licenses:

- For Fresh & Easy, at 1835 Newport Blvd., Suite C140, a fiduciary transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine) and "86" (Instructional Tasting).
- For Al Forno Cafe, at 1525 Mesa Verde Drive East, Suites 124 and 125, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Aloha Grill, at 1749 Newport Blvd., a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
- For Kitakata Ramen Ban Nai, at 891 Baker Street, Suite B21, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Pub 33, at 1562 Newport Blvd., #C&D, an original State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise).

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2507: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-01 AND 13-26 "A" AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-01 for \$2,209,017.52, Payroll No. 13-26 "A" for -11.68 and City operating expenses for \$1,054,820.89.**

ACTION: Approved Warrant Resolution No. 2507, to be read by title only and further reading waived.

6. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00415 FOR STREET IMPROVEMENTS AT 449 HAMILTON ST, COSTA MESA, CALIFORNIA**

ACTION:

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS12-00415, in the amount of \$18,925.00 to Do Construction And Design Inc., (Contractor), 10495 Bolsa Avenue, Westminster, California 92683.

7. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00123 FOR STREET IMPROVEMENTS AT 2269 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS13-00123 in the amount of \$17,824.80 to Dennis Gimian, 3 Rana, Irvine, CA 92612.

8. COOPERATIVE AGREEMENTS FOR THE NEWPORT BOULEVARD AND ADAMS AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS

ACTION:

1. City Council approved the Cooperative Agreements between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the Newport Boulevard and Adams Avenue Traffic Signal Synchronization (TSS) Projects; and
2. Authorized the Mayor and City Clerk to execute the above agreements.

9. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEES TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA ENTITLED: AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR THE FY 2013 URBAN AREAS SECURITY INITIATIVE (UASI)".

ACTION:

1. City Council adopted Resolution No. 14-02, to be read by title only and waived further reading, that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2013 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorized the Police Department to accept FY 2013 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$5,121. This amount will reimburse training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic Preparedness-approved training for police, fire, and city personnel; and
3. Approved Budget Adjustment No. 14-022 in the amount of \$5,121 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (00:57:40)

- 1. GENERAL PLAN AMENDMENT GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT UPDATE TO THE 2000 GENERAL PLAN: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT”. (00:58:00)**

Staff report presented by Mino Ashabi, Principal Planner and Laura Stetson, MIG. (00:58:20)

Council Member Genis expressed concern with losing affordable housing and low income units; and asked how to address the loss of housing for low income families. (01:06:20)

Ms. Stetson indicated that there can be language included if resources come available the City will designate resources for rehabilitation. (01:08:57)

Council Member Genis asked if the City is tracking the loss of affordable units. (01:09:30)

Ms. Ashabi responded that the City does track on an annual basis and also provides a report to the Planning Commission and the City Council. (01:10:10)

Council Member Genis stated that the fees on pg. 71 seem to be lower than other cities and it might be time to examine the fee structure. (01:10:30)

Robin Leffler, Costa Mesa, spoke on condominium conversions; setbacks; affordable housing; and parking problems. (01:11:10)

Council Member Monahan complimented staff on a great report. (01:14:00)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

ACTION:

City Council adopted Addendum to Final Program EIR and approved General Plan Amendment GP-13-03 for the proposed 2013-2021 Housing Element, by adoption of Resolution No. 14-03, to be read by title only, and waived further reading.

OLD BUSINESS – NONE

NEW BUSINESS (01:14:40)

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-08) FOR AN 89-UNIT RESIDENTIAL AND LIVE/WORK DEVELOPMENT LOCATED AT 1620 THROUGH 1644 WHITTIER AVENUE (01:15:10)

Staff report provided by Mel Lee, Senior Planner. (01:15:20)

Council Member Genis spoke on the views blocked by Banning Ranch; density and calculation requirements; general floor area ratios; and traffic studies. (01:21:45)

Mayor Pro Tem Mensinger asked for clarification on the 10 acre property to the west of the site; and spoke on parking requirements. (01:25:55)

Mr. Lee reviewed the parking space requirements; CC&R's; and storage space for units. (01:26:20)

Discussion ensued regarding parking requirements for residential loft units. (01:28:48)

Chris McEvoy, Costa Mesa, spoke on project density; parking and traffic concerns; and ocean views from the Senior Center. (01:33:22)

Jay Humphrey, Costa Mesa, demonstrated slides and spoke on ocean views; spoke on the need to protect affordable housing; overlay zones, including mobile home parks; and expressed parking concerns. (01:35:55)

Wanda Garro, Costa Mesa, spoke regarding public notification; signage regarding chemicals; inquired if the land is contaminated; spoke on parking spaces; and expressed traffic concerns. (01:39:35)

Mayor Righeimer reviewed the notification process on the project. (01:42:30)

Robin Leffler, Costa Mesa, spoke on public notifications; read a letter regarding excessive traffic, noise and air pollution and smoke from rooftop bbq's. (01:43:15)

Cindy Black, Costa Mesa, spoke in opposition to the project due to density. (01:46:15)

Council Member Monahan spoke on the screening process for parking spaces; spoke on the history of the school district property; recommended to make the separation larger; and spoke on traffic problem alleviation. (01:48:40)

Council Member Genis recommended the 6' separation; spoke on oil wells; contamination at the school district site and annexing the school site; suggested the

City look at purchasing large parcels as they become available; and spoke on density, open space and impacts to schools. (01:52:03)

Mayor Righimer spoke on contamination at sites; and spoke on revitalization of neighborhoods. (01:56:10)

Council Member Genis suggested asking applicants for affordable units. (01:58:58)

Mayor Pro Tem Mensinger spoke in support of the project. (01:59:35)

City Council provided feedback on the proposed project as described below:

- Urban Master Plan screening for an 89-unit detached residential development, consisting of 3 stories and a roof deck. 40 of the units are live/work, 27 units are residential lofts, and 22 units are traditional residential. The site has a General Plan land use designation of Light Industry and a zoning classification of MG (General Industrial). The site is also located within the Mesa West Bluffs Urban Plan.

**2. EXCESSIVE USE OF RESOURCES COST RECOVERY AMOUNT RESOLUTION:
“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA,
CALIFORNIA, CERTIFYING THE INVOICE PERIOD AND COST RECOVERY
AMOUNT FOR EXCESSIVE USE OF POLICE SERVICES UNDER CHAPTER VI OF
TITLE 14 OF THE COSTA MESA MUNICIPAL CODE”. (02:00:05)**

Staff report provided by Rick Francis, Assistant CEO. (02:00:35)

Discussion ensued regarding fees; and average costs of calls. (02:01:20)

Council member Genis requested clarification on the average cost of a call. (02:02:20)

Assistant CEO Francis reviewed the methodology and total budget. (02:02:50)

Discussion ensued regarding officer time; methodology; on call time for police officers; disproportionate effect of living close to motels; and cost recovery amount. (02:07:00)

Robin Leffler, Costa Mesa, spoke on the fee for excessive use of calls; indicated that other uses should be charged the same amount; and spoke on safety. (02:19:00)

Andrea Marcos, Costa Mesa, recommended gathering data on calls from businesses and measuring data. (02:21:35)

Mike Lin, Costa Mesa, spoke on the excessive service call fee; and stated that lodging operators may hesitate before calling in. (02:22:32)

Discussion ensued regarding excessive false alarm fees. (02:25:30)

Mayor Pro Tem Mensinger spoke on the impacts to motels and clients from surrounding businesses. (02:26:00)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

Council Member Genis stated that the \$360.00 cost recovery amount is probably not unreasonable but does not see enough evidence in the record to support that amount; and asked to look at apartments under the Motel Ordinance as well. (02:27:59)

Council Member Monahan spoke in support of the cost recovery amount. (02:30:00)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: Council Member Leece

Motion carried: 3-1-1

ACTION:

City Council adopted Resolution No. 14-04, to be read by title only and waived further reading, regarding the cost recovery amount for excessive use of resources by lodging establishments.

3. **CITY STAFF REORGANIZATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-58 BY ESTABLISHING NEW CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-59 BY AMENDING THE FIRE ADMINISTRATIVE ASSIGNMENT PAY". (02:30:45)**

Staff report provided by CEO Tom Hatch. (02:31:10)

Discussion ensued on the Senior Maintenance Worker position; Park Ranger and Part-Time Park Ambassador positions; the hiring of four (4) additional Police Officers; and police staffing levels. (02:37:50)

MOTION/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

ACTION:

The City Council:

1. Authorized the following 12 positions:
 - a. Senior Maintenance Worker (2 positions)
 - b. Public Right of Way Coordinator
 - c. Assistant Chief Executive Officer/Administrative Services Director
 - d. Deputy City Clerk
 - e. Human Resources Analyst
 - f. Buyer
 - g. Battalion Chief – Administration
 - h. Police Officers (4 positions); and
2. Created a Parks and Community Services Department (no staffing changes); and
3. Approved Resolution Nos. 14-05 and 14-06, to be read by title only and waived further reading; and
4. Appropriated \$600,000 from the General Fund fund balance to fund these positions for the remainder of FY 2013-14.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:48:40)

4. BAKER STREET AND BEAR STREET INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 11-10 (02:48:45)

Jay Humphrey, Costa Mesa, supports the projects; and spoke on grant funding. (02:49:05)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Leece

Motion carried: 4-0-1

(02:57:00)

ACTION:

1. City Council accepted the work performed by C.T. & F., Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

5. 19th STREET REHABILITATION FROM NEWPORT BOULEVARD TO PARK AVENUE – CITY PROJECT NO. 12-20

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

(02:57:00)

ACTION:

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

CONTINUED PUBLIC COMMENTS - NONE

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT (02:57:20) – In memory of Anna Reagan.

The Mayor adjourned the meeting at 9:01 p.m.

MAYOR

CITY CLERK

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

APRIL 1, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 4:00 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

CLOSED SESSION

The City Council recessed into Closed Session at 5:00 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. 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 6:00 p.m.

CALL TO ORDER (00:00:05)

PLEDGE OF ALLEGIANCE (00:00:23) – Council Member Leece

MOMENT OF SOLEMN EXPRESSION (00:00:45) – Pastor Phil Eyskens, Lighthouse Church

ROLL CALL (00:02:20)

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, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau; Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT – NONE

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

ANNOUNCEMENTS (00:02:51)

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

PRESENTATIONS (00:05:09)

Presentation by Ambassador John Whalen on Donate Life California

PUBLIC COMMENTS (00:09:41)

Susan Shaw, Costa Mesa, spoke on traffic. (00:09:59)

Fabiola Soto, Community Service Programs Project Path, spoke about Costa Mesa Police Explorers' participation in a campaign to deter driving under the influence of alcohol. (00:11:58)

Robert Graham, Costa Mesa, spoke on undergrounding utilities. (00:14:02)

Laurene Keane, Costa Mesa, spoke about sober living homes and the Preserve our Neighborhood Task Force. (00:16:11)

Greg Thunell, Costa Mesa, commented on pension contributions; vacancies in police and fire departments; and department organization. (00:19:43)

Dana Lavin, Costa Mesa, spoke about Bruno, police dog; K-9 training; and police officer recruitments. (00:22:04)

Chris McEvoy, Costa Mesa, commented on the draft Charter; traffic problems; Friday Night lights; developments; the hiring of a private investigator; and the trail at Fairview Park. (00:25:36)

Sue Lester, Costa Mesa, spoke about the 60th Anniversary Committee meeting; and Fairview Park. (00:28:45)

Ann Parker, Costa Mesa, spoke on sober living homes and group homes. (00:30:10)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:34:17)

Council Member Leece spoke on vandalism at the train station at Fairview Park; traffic; and group homes. (00:34:20)

Mayor Righeimer spoke about group homes; the Neighborhood Improvement Task Force; undergrounding of utilities; the Charter; outsourcing of street sweeping services; and Clover Choir at Carnegie Hall. (00:37:26)

Public Services Director Ernesto Muñoz provided an update regarding undergrounding utilities. (00:47:46)

Mayor Pro Tem Mensinger commented on group homes; improvements at Victoria Street; and back-to-school night at Estancia High School. (00:57:00)

Council Member Genis spoke about the Great American Write-In; Fairview Park; spoke on undergrounding; upcoming community meetings; group homes; and the choir at Saint John the Baptist. (00:58:55)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:02:50)

CEO Hatch spoke on unfunded pension liabilities and the fire side fund; employee service awards; Fire Department staff development; upcoming community meetings; earthquake response and preparedness; City goals and expectations; John Wayne airport settlements; distracted drivers; and group homes.

CONSENT CALENDAR (01:11:57)

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 4 and 6.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council 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: Tiffany Frignacchase and Sergio Galaviz.

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2512: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-05 "A" AND 14-06 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-05 "A" for \$-21.75, Payroll No. 14-06 for \$2,025,289.40 and City operating expenses for \$1,234,436.96.**

ACTION:

Approved Warrant Resolution No. 2512, to be read by title only and further reading waived.

5. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

ACTION:

1. City Council approved Amendment One, revising existing cap of \$100,000 not to exceed \$255,000, to the Professional Services Agreement with the Lilley Planning Group; and
2. Authorized the City Chief Executive Officer to sign the amended Professional Services Agreement with Lilley Planning Group.

7. **AGREEMENT FOR PROSECUTION SERVICES**

ACTION:

1. City Council approved the Agreement between the City of Costa Mesa and the County of Orange for Prosecution Services; and

2. Authorized the Mayor and the City Clerk to execute the Agreement.

8. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE, AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO**

ACTION:

City Council adopted Resolution No. 14-18, to be read by title only and waived further reading, consenting to the inclusion of properties within the City's Jurisdiction in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approved an amendment to a certain joint powers agreement related thereto.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) – NONE

OLD BUSINESS – (01:14:30)

1. **SMALL LOT ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42**

Staff report provided by Principal Planner Mino Ashabi. (01:15:00)

Phil Morello, Costa Mesa, spoke in support of the Small Lot Ordinance. (01:16:30)

Jim Fitzpatrick, Costa Mesa, spoke in support of the Small Lot Ordinance. (01:19:30)

Greg Thunell, Costa Mesa, commented on developments. (01:22:40)

Joe Flanagan, Red Oak Investments, spoke in support of the Small Lot Ordinance. (01:25:47)

Chris McEvoy, Costa Mesa, spoke on developments and parking. (01:26:45)

Peter Naghavi spoke in support of the Small Lot Ordinance. (01:29:29)

Tamar Goldmann, Costa Mesa, expressed opposition to the Small Lot Ordinance; and commented on parking requirements. (01:31:44)

Cynthia McDonald, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and commented on density, setbacks, parking and developments. (01:34:53)

Susan Shaw, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and expressed concerns with traffic. (01:38:11)

Jay Humphrey, Costa Mesa, spoke on the Small Lot Ordinance. (01:40:00)

Katie Arthur, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and expressed concerns with open space, parking, and infrastructure. (01:43:15)

Al Melone, Costa Mesa, expressed concern with the Small Lot Ordinance; and spoke on the General Plan. (01:45:35)

Robert Graham, Costa Mesa, spoke on parking and building permits (01:48:30)

Mayor Righeimer spoke on parking standards, density, traffic studies; and variance issues. (01:52:20)

Discussion regarding Homeowners' Associations and Maintenance Associations. (02:03:40)

Discussion ensued on parking and vehicle access. (02:06:25)

Council Member Leece spoke on project developments; common lot requirement; lot area; open space, density; and expressed that the Ordinance will have a negative effect. (02:09:44)

Council Member Genis spoke in support of a Small Lot Ordinance, but not with the one proposed; and commented on CEQA; setbacks; density; overlay zones; maintenance association issues; provided information on ownership and rental rates. (02:12:40)

Mayor Pro Tem Mensinger spoke on the large demand for homes. (02:23:35)

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan
MOTION: To approve with revisions to Table 13-42: removing the requirement for developments with more than 10 units to provide two additional guest parking spaces, and reducing the setback minimum to five feet. (02:27:00)

City Attorney Duarte advised that changes to the Ordinance would require an additional second reading. (02:28:10)

Council Member Monahan withdrew his second of the motion. (02:28:18)
Original motion died for lack of a second.

Council Member Genis expressed opposition to the motion. (02:29:25)

SUBSTITUTE MOTION: Approve second reading and adopt the ordinance.

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council gave second reading and adopted Ordinance No. 14-04, to be read by title only and waived further reading, amending Title 13, Chapter I, IV, and V related to definitions; amendment to land use matrix; and a new Article 2.5 to Chapter V to allow small lot subdivisions in multiple family zoning districts and urban plan areas.

City Council recessed for a break at 8:41 p.m.

City Council reconvened the meeting at 8:55 p.m.

NEW BUSINESS (02:51:45)

1. **APPROVE POSTING OF A MONETARY REWARD IN MURDER INVESTIGATION (02:51:50)**

Council Member Genis asked if the language could be revised to reflect a reward in the amount of "up to \$10,000." (02:51:55)

MOTION: Approve recommended action, and to revise the reward amount to "up to \$10,000." (02:52:37)

MOVED/SECOND: Mayor Righeimer/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the posting of a monetary reward in the amount of up to ten thousand dollars (\$10,000) for information leading to the arrest and conviction of the persons or persons responsible for the murder of Gary Smola, in compliance with City Council Policy 400-1, Reward Policy.

2. APPOINTMENTS TO VARIOUS COUNCIL-APPOINTED COMMITTEES AND BOARD (02:52:55)

Staff report provided by City Clerk Brenda Green. (02:52:57)

ACTION:

City Council made appointments and reappointments to fill vacancies on the following committees and board:

- Cultural Arts Committee
4 regular member vacancies (2 two-year terms and 2 one-year terms) and 2 alternate member vacancies (1 two-year term and 1 one-year term)

Council Member Genis nominated Irene P. Engard and Anthony S. Manrique for a two-year term; and Tina Wlasick for a one-year term. (02:54:31)

MOTION: Approve

MOVED/SECOND: Council Member Genis/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

- Historical Preservation Committee
6 regular member vacancies (5 two-year terms and 1 one-year term) and 2 alternates (2 two-year terms)

Council Member Leece nominated Christopher Ganeire, Mary Ellen Goddard, Margaret Johnston, Terry Shaw, and Melinda Lowery to a two-year term; Karen McKenna-Juergens to a one-year term; and George Nakai as an alternate. (02:55:18)

MOVED/SECOND: Council Member Leece/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None
Absent: None
Motion carried: 5-0

- Housing and Public Service Grant Committee
3 regular member vacancies – this reduces the committee membership to 9 regular members (3 two-year terms)

Mayor Pro Tem Mensinger nominated Leah Ersoylu, Philip Morello and Bob Wakeham for a two-year term. (02:56:08)

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan
The motion carried by the following roll call vote:
Ayes: Council Member Genis and Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer
Nays: None
Absent: None
Motion carried: 5-0

- Costa Mesa Senior Corporation Board of Directors
2 representative vacancies (2 one-year terms)

Council Member Leece nominated James R. Fislser and Susan Healey for a one-year term to the Costa Mesa Senior Corporation Board of Directors (02:56:38)

MOVED/SECOND: Council Member Leece/Mayor Pro Tem Mensinger
The motion carried by the following roll call vote:
Ayes: Council Member Genis and Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer
Nays: None
Absent: None
Motion carried: 5-0

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:57:47)

4. BUS SHELTER ADVERTISING FRANCHISE AGREEMENT (02:57:56)

Eleanor Egan, Costa Mesa, spoke on a non-discrimination provision. (02:58:45)

Jay Humphrey, Costa Mesa, spoke on non-discrimination and free speech. (02:59:48)

Council Member Leece requested the addition of a non-discrimination clause. (03:00:25)

Discussion ensued regarding approval of advertisements and the City's right to reject advertisement that is improper, offensive, or interferes with pedestrian or traffic safety. (03:01:38)

MOTION: Council Member Monahan/Mayor Pro Tem Mensinger (03:03:10)

Council Member Leece spoke on free speech for advertising and indicated that discretion should be with the City. (03:03:15)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

1. City Council approved a new Franchise Agreement for a Bus Shelter Advertising Program, effective April 2, 2014 through March 31, 2019, with Clear Channel Outdoor, Inc., 19320 Harborage Way, Torrance, CA 90501; and
 2. Authorized the Mayor and the City Clerk to execute the Franchise Agreement.
6. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY OF COSTA MESA TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA FRANCHISE TAX BOARD AUTHORIZING THE RECIPROCAL AND CONFIDENTIAL EXCHANGE OF TAX DATA IN THE CITY BUSINESS TAX PROGRAM (03:06:44)**

MOTION: Council Member Monahan/Mayor Pro Tem Mensinger

Discussion ensued regarding the cost of the agreement. (03:07:15)

MOTION: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 14-17, to be read by title only and waived further reading, authorizing the Chief Executive Officer to execute the State of California Standard Agreement C1300129 with the State of California Franchise Tax Board to participate in the City Business Tax Program.

CONTINUED PUBLIC COMMENTS - NONE

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - To Special City Council meeting, April 22, 2014, 7:00 p.m.

The Mayor adjourned the meeting at 9:12 p.m.

MAYOR

CITY CLERK

UNOFFICIAL UNTIL APPROVED

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

MAY 6, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 4:02 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 (arrived at 4:15 p.m.),
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 4:05 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. 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).

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from Closed Session item number 1.

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

CALL TO ORDER (00:00:20)

PLEDGE OF ALLEGIANCE (00:00:41) – Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (00:01:16)

Rabbi Elie Spitz of Congregation B'nai Israel

ROLL CALL (00:01:30)

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, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:01:45) - NONE

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

ANNOUNCEMENTS (00:02:00)

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

PRESENTATION (00:04:14)

1. Rabbi Elie Spitz of Congregation B'nai Israel on the Day of Holocaust Remembrance (00:04:24)
2. New Ambulance Presentation (00:08:54)
3. Provide a Ride Presentation (00:14:30)
4. Recognition of St. John the Baptist School Clover Choir and Music Director Yvette Itano (00:22:30)

PUBLIC COMMENTS (00:37:32)

Cindy Brenneman, Costa Mesa, spoke on the fire fighters assistance for burn victims; and new ambulances. (00:37:48)

Phillip Marx, Costa Mesa, spoke on radiation poisoning. (00:40:05)

Sue Lester, Costa Mesa, spoke on the OC Marathon; and on life saving efforts from Officer Olin. (00:43:15)

Al Melone, Costa Mesa, spoke on the dog park. (00:45:30)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team support of 1/5 Marines; the 60th Anniversary report; and the 19th Street traffic calming meeting. (00:48:48)

Charles Mooney, Costa Mesa, spoke on library renovations. (00:51:50)

Laurene Keane, Costa Mesa, spoke on the 60th Anniversary issue; and the Costa Mesa minute video. (00:53:27)

Greg Thunell, Costa Mesa, spoke on the Mayor's responsibility and public sentiment on various issues. (00:56:31)

Tamar Goldmann, Costa Mesa, spoke on the comment period for public speakers; and the 2012 elections. (00:59:55)

Cindy Black, Costa Mesa, spoke on approved developments; traffic mitigation for the Banning Ranch development; and donations to Mayor Righeimer. (01:02:35)

Harold Weitzberg, Costa Mesa, spoke on infringement of rights. (01:05:44)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:07:10)

Mayor Righeimer – spoke on new ambulances; the Fire Department reorganization; and thanked citizens of Costa Mesa who paid for the fire services. (01:07:12)

Mayor Pro Tem Mensinger – spoke on the new ambulances; the leadership of the Fire Department; announced the Mayor's celebration on May 8th, 2014; spoke on the OC Marathon event and the Battle of Costa Mesa event; Costa Mesa Connect system for iPhones; dog park maintenance; developments in the City; and the COIN process being considered by the County. (01:11:32)

Council Member Genis – thanked St. John the Baptist School Choir; reported her attendance at the Southern California Association of Governments conference; spoke on funding for transportation; spoke on toll lanes; spoke on Consent Calendar 4; spoke on development fees; development of long narrow single parcels; and the Metro Point development. (01:19:28)

Council Member Leece – spoke on the dog park; spoke on the 60th Anniversary report; the RFP for expanding library services; reported her attendance at the Art Fair at Estancia Adobe; spoke on the Moment of Solemn Expression; spoke on the General Plan Update; COIN; transparency; and ex-parte communications. (01:25:10)

Council Member Monahan – spoke on the Moment of Solemn Expression; the dog park and planting trees; neighborhood clean-up and removing old signs; and invited the public to fundraiser events for St. Joachim and Kaiser Woodland School. (01:35:25)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:38:50)

CEO Thomas Hatch provided a report on the 60th Anniversary event; spoke on the dog park; the budget process; an Elections Committee; complemented public services staff on cleaning up of trees after the winds; spoke on the Hamilton Community Garden; and the lease agreement between the County and Ganahl Lumber Company.

CONSENT CALENDAR (00:55:52)

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1-5 except for items 4 and 5.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council 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: Godoy Glad; Lou Jean Stead; Julie Fowler; and Southern California Edison.

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2514: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-07 "A", 14-08, 14-08 "A", 14-09 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-07 "A" for \$3,367.93, Payroll No. 14-08 for \$2,154,038.99, Payroll No. 14-08 "A" for \$1,358.07, Payroll No. 14-09 for \$2,048,020.85 and City operating expenses for \$4,023,608.96.**

ACTION: Approved Warrant Resolution No. 2514, to be read by title only and further reading waived.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:45:05)

City Council considered Public Hearing item number 2 first followed by Public Hearing item number 1.

2. **2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANT ALLOCATIONS (01:42:26)**

Mayor Righeimer recused himself from this item because he is on the Board of Mercy House.

Public Comments:

Kathy Duvernet, Youth Employment Service, Costa Mesa, thanked the city for support; requested continued funding; and spoke on their programs. (01:50:40)

Timothy Huyah, Mercy House Living Centers, Costa Mesa, spoke regarding homelessness and requested continued funding. (01:53:15)

John Hobso, Youth Employment Service, Costa Mesa, thanked the city for support and requested continued funding. (01:54:30)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Recused: Mayor Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved a \$20,000 Community Development Block Grant Public Service Grants for Fiscal Year 2014-2015 for Mercy House.

Mayor Righeimer returned to the meeting. (01:57:30)

MOTION/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the following Community Development Block Grant Public Service Grants for Fiscal Year 2014-2015: Fair Housing Foundation \$21,000; Community SeniorServ-Home Delivered Meals \$20,000; Youth Employment Services \$19,000; Council on Aging \$9,000; Women's Transitional Living Center \$10,000; Colette's Children's Home \$20,000; and Community SeniorServ-Congregte Meals \$20,000.

1. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT OF ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (01:58:15)**

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved recommended allocation of \$1,031,757 for the Fiscal Year 2014-2015 Community Development Block Grant (CDBG) Application; and
2. Approved recommended allocation of \$353,421 for the Fiscal Year 2014-2015 HOME Investment Partnership Grant; and
3. Approved Resolution No. 14-21, to be read by title only and waived further reading, authorizing the following:
 - o City's Chief Executive Officer (CEO) to act as the official representative of the City in order to submit the Annual Action Plan and all certifications and assurances contained therein; and
 - o CEO to act in connection with the submission of the Annual Action Plan; and
 - o CEO to approve minor changes and provide additional information as may be required.

City Council recessed into a break at 8:21 p.m. (02:18:22)

City Council resumed at 8:31 p.m. (02:29:04)

**3. 125 EAST BAKER STREET APARTMENT PROJECT:
FINAL EIR (STATE CLEARINGHOUSE # 2013081051); GENERAL PLAN
AMENDMENT GP-13-02; REZONE R-13-02; ZONING CODE AMENDMENT CO-13-02;
MASTER PLAN PA-13-11, AND DEVELOPMENT AGREEMENT DA-14-02 (02:29:01)**

Staff report presented by Mel Lee, Senior Planner and Jerry Guarracino, Assistant Director Community Improvement Division.

Joe Flanagan, Applicant, Red Oak Investments, and the design team provided a presentation. (03:21:20)

Public Comments:

Alex Remo, Irvine, spoke in support of the project. (04:16:30)

John Harty, Newport Beach, spoke in support of the project. (04:19:40)

Michael Garz, Costa Mesa, spoke in support of the project. (04:21:34)

Anne Lukas, Tustin, spoke in opposition to the project. (04:22:44)

Morgan Hill, Costa Mesa, spoke in support of the project. (04:25:23)

Garry Lukas, Costa Mesa, spoke in opposition to the project. (04:27:00)

Sam Olmstead, Costa Mesa, spoke in support of the project. (04:28:20)

John Feeney, Costa Mesa, expressed concerns with the project. (04:30:14)

Carter Harrington, Costa Mesa, spoke in support of the project. (04:31:34)

Jay Humphrey, Costa Mesa, expressed concerns with the project. (04:32:22)

Richard Huffman, Costa Mesa, spoke in opposition to the project. (04:35:30)

Robin Leffler, Costa Mesa, expressed concerns with the project. (04:38:05)

Anna Vrska, Costa Mesa, spoke in opposition to the project. (04:41:12)

Cynthia McDonald, Costa Mesa, spoke in opposition to the project. (04:44:08)

1. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Resolution No. 14-22, to be read by title only and waived further reading, certifying the Final Environmental Impact Report for the project.

2. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:25:30)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

2. City Council tentatively approved by adoption of Resolution No. 14-23, to be read by title only and waived further reading, General Plan Amendment GP-13-02, with substituting 4 stories and a loft instead of 5 stories.

3. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:34:10)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

3. City Council approved first reading to Ordinance No. 14-05, to be read by title only and waived further reading, approving Rezone R-13-02.

4. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:34:30)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

4. City Council approved first reading to Ordinance No. 14-06, to be read by title only and waived further reading, approving Zoning Code Amendment CO-13-02

5. MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:34:40)
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, and Mayor Pro Tem Mensinger and Mayor Righeimer.
Nays: Council Member Leece
Absent: None
Motion carried: 4-1

5. City Council approved by adoption of Resolution No. 14-24, to be read by title only and waived further reading, Master Plan PA-13-11, subject to conditions of approval and the EIR Mitigation Monitoring and Reporting Program for the project.

6. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:35:05)

SUBSTITUTE MOTION BY COUNCIL MEMBER GENIS: To approve the development agreement except for clause six. (05:39:35)

MOTION DIED FOR LACK OF A SECOND

ORIGINAL MOTION: Council Member Monahan/Mayor Pro Tem Mensinger (05:40:28)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

6. City Council approved Development Agreement DA-14-02 between the applicant and the City of Costa Mesa to fund public infrastructure improvements in the area.

City Council recessed for a break at 11:43 p.m. (05:40:50)

City Council resumed at 11:54 p.m. (05:50:25)

MOTION: Continue the meeting past midnight

MOVED/SECOND: Council Member Leece/Council Member Monahan

The motion to continue the meeting past midnight carried by the following roll call vote:

Ayes: Council Member Leece, Council Member Monahan, and Mayor Righeimer.

Nays: None

Absent: Mayor Pro Tem Mensinger/Council Member Genis

Motion carried: 3-2

NEW BUSINESS (05:50:50)

1. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2014-2015 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL (05:50:59)**

MOTION/MOVED: Council Member Monahan/Mayor Pro Tem Mensinger (05:57:10)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council received and filed the Business Improvement Area (BIA) annual report for Fiscal Year 2013-14; and
 2. Received and filed audited financial report for Fiscal Year 2012-13; and
 3. Approved Resolution No. 14-25, to be read by title only and waived further reading, declaring its intention to levy an annual assessment for Fiscal Year 2014-2015 for a Business Improvement Area covering certain Costa Mesa Hotels and Motels and setting the time and place for a public hearing on June 3, 2014.
2. **REQUEST FOR CITY COUNCIL DIRECTION ON POTENTIAL REVIEW/REVISION OF THE CITY'S SIGN ORDINANCE (06:00:15)**

John Feeney, Costa Mesa, spoke on the current sign code. (06:01:40)

City Council provided direction to staff to refer to the Planning Commission. (06:05:20)

3. **ETHICS POLICY (06:11:26)**

Sue Lester, Costa Mesa, spoke on compliance of the ethics policy. (06:15:00)

Beth Refakes, Costa Mesa, spoke on enforcement and compliance of the policy. (06:17:00)

Robin Leffler, Costa Mesa, inquired on a hearing or appeal process for censure. (06:20:10)

Cindy Brenneman, Costa Mesa, spoke on compliance of the ethics policy. (06:20:45)

MOTION: To receive and file. (06:28:40)

MOVED/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council received and filed the ethics policy.

ITEMS REMOVED FROM THE CONSENT CALENDAR –

4. 2013 ANNUAL REVIEW OF THE COSTA MESA 2002 GENERAL PLAN (06:37:35)

Jay Humphrey, Costa Mesa, spoke regarding mobile homes being sold and replaced with high density housing. (06:37:50)

Robin Leffler, Costa Mesa, commented on various sections of the general plan review. (06:40:08)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (06:43:19)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the 2013 Annual Report of the Costa Mesa 2002 General Plan.

5. CHANGE ORDER – WEST COAST ARBORISTS, INC. (06:43:49)

Jay Humphrey, Costa Mesa, spoke on outsourcing of tree trimmings. (06:43:58)

MOTION: Council Member Monahan/Mayor Pro Tem Mensinger (06:44:50)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Contract Change Order No. 1 to the Professional Services Agreement authorizing payment for additional work in the amount of \$100,000 for tree planting services with West Coast Arborists, Inc., 2200 E. Via Burton Street, Anaheim, California 92806; and
2. Authorized the CEO to execute the Contract Change Order.

CONTINUED PUBLIC COMMENTS (06:46:55)

Anna Vrska, Costa Mesa, spoke on the 60th Anniversary documents; and the ethics policy. (06:47:17)

Robin Leffler, Costa Mesa, spoke on ambulance transportation; the Metro Point development; the Auto Club and IKEA development; and General Plan Amendments. (06:48:51)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT- To next regular meeting on June 3, 2014.

The Mayor adjourned the meeting at 12:37 p.m.

MAYOR

CITY CLERK

UNOFFICIAL UNTIL APPROVED

**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**

January 7, 2014

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

CLOSED SESSION

The City Council recessed into Closed Session at 5:03 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: 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).
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 6:05 p.m.

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:39) – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:01:00) - NONE

ROLL CALL (00:01:11)

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 (00:01:25) - NONE

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

ANNOUNCEMENTS (00:01:30)

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

PRESENTATIONS (00:03:14)

Sandra Dunkin, Orange County Grand Jury, announced openings for the Orange County Grand Jury; and explained the selection process to become a member. (00:03:37)

Dr. Kathy Simon Abels, Simon Family Foundation, President/Executive Director, provided a video presentation on the Simon Scholar Program. (00:05:00)

Frank Albers, President, Costa Mesa High School Foundation, provided an update on the Foundation's mission and a summary of completed projects. (00:11:40)

PUBLIC COMMENTS (00:16:00)

Christine Nolf, Costa Mesa, expressed support for the permanent Supportive Housing Project. (00:16:44)

Tamar Goldman, Costa Mesa, spoke on public input at General Plan Study Sessions. (00:17:27)

Martin H. Millard, Costa Mesa, spoke on the repair of the trail at Fairview Park. (00:19:00)

Larry Haynes, Costa Mesa, Executive Director of Mercy House, spoke on the Supportive Housing Project. (00:21:00)

Cindy Brennaman, Costa Mesa, apologized; and spoke on an article on the Illumination Foundation. (00:23:23)

Brenda Springer, Costa Mesa, expressed support for the Supportive Housing project; and indicated opposition for the Supportive Housing Project at Civic Center Park. (00:24:35)

Sue Lester, Costa Mesa, commended Cindy Brennehan for apologizing; commended the PD on the 60th anniversary event; commended the Fire Department on Santa letters; thanked city staff for rearranging the tree trimming schedule during the holiday's; spoke on police staffing at Council meetings; and the Costa Mesa United Golf Tournament. (00:26:55)

Mayor Righeimer spoke on the Police Department staffing levels. (00:30:25)

Anna McCarthy, Costa Mesa, spoke in opposition to a permanent Supportive Housing Project at Civic Center Park. (00:30:50)

Beth Rafakes, Costa Mesa, spoke on civility at Council meetings; requested an update on the status of the audio/visual upgrades; spoke on a Veteran's hall; and the Supportive Housing Project. (00:34:34)

Mark Guitierrez, Costa Mesa, spoke on his aspirations to be a public servant; shared on being homeless; and supports the Supportive Housing proposal. (00:37:45)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:40:04)

Council Member Genis spoke on cancelling the first meeting in January instead of the second meeting in December due to the holiday's; reported her attendance at the So Cal Summit on Recovery Economy in December; and spoke regarding civility at the meetings. (00:40:20)

Council Member Leece spoke on the Supportive Housing Project at Civic Center Park; volunteer opportunities to help the homeless; thanked staff and volunteers for Snoopy House; thanked families who hosted Marines; spoke on the Open House at the Police Department; asked for clarification on Vanguard's soccer fields; spoke on the upcoming General Plan: Visioning Statements meeting; spoke on South Coast Plaza taxable sales reporting; and announced the Costa Mesa business assistance guide for new businesses; and wished everyone a Happy New Year. (00:42:55)

Council Member Monahan – None (00:49:12)

Mayor Righeimer spoke on the Supportive Housing Project; best practices on helping the homeless; civility at meetings; supporting the Marines and hosting families for Christmas. (00:49:15)

Mayor Pro Tem Mensinger spoke on the Supportive Housing Project; the opportunities of the Simon Scholar Program; the Costa Mesa walking group; and the Costa Mesa Golf Tournament. (00:58:23)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:01:38)

CEO Hatch spoke on the Snoopy House event; Costa Mesa School District Summer Arts Program; staffing and recruitment at City Hall; using additional resources to augment vacancies; Costa Mesa High School Cheer Program; congratulated AVM Professional Volleyball players April Ross and Jake Gibb; spoke on the soccer field impacts at Vanguard University; spoke on the upcoming General Plan meetings; and the Senior Center organizational review findings.

CONSENT CALENDAR (01:11:05)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 17 except for Items 3, 4, 5, 6, 7, 8, 9, 10, 13, and 14.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION: City Council 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: Akil Carter; and Hooshang Pakfar.

ACTION: Received and filed.

11. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00154 FOR STREET IMPROVEMENTS AT 2059 HARBOR BLVD, COSTA MESA, CALIFORNIA**

ACTION: City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS12-00154 in the amount of \$26,937, to West Coast Self Storage Group LLC, 4012 148th St SE Mill Creek, WA 98012.

12. **STREETSCAPE AND MEDIAN DEVELOPMENT STANDARDS**

ACTION: City Council authorized staff to issue a Request for Proposal (RFP) to secure consultant services to assist in revising the Streetscape and Median Development Standards.

15. **PURCHASE OF MICROSOFT OFFICE PROFESSIONAL 2013 LICENSES THROUGH THE MICROSOFT ENTERPRISE AGREEMENT**

ACTION: City Council approved the purchase of Microsoft Office Professional Plus licenses through the Microsoft Enterprise Agreement (EA) Program for 448 desktop computers from CompuCom Systems in the amount of \$181,690.88. This amount will be payable in two equal payments of \$90,845.44, with the first payment due in January 2014 (FY 13-14) and the second payment due in July 2014 (FY 14-15).

16. **MINUTES:** Regular Meeting of November 5, 2013; Special Study Session of November 12, 2013; Regular Study Session of November 12, 2013; and Regular Meeting/Special Joint Meeting with the Costa Mesa Housing Authority of November 19, 2013.

ACTION: Approved.

17. **PROPOSED TRANSFER OF GENERAL PARTNER OF 72-UNIT COSTA MESA FAMILY VILLAGE AFFORDABLE HOUSING PROJECT - REQUEST TO CMHA, AS GROUND LESSOR, FROM SHAPELL, AS GENERAL PARTNER OF GROUND LESSEE, FOR CONSENT TO TRANSFER GENERAL PARTNERSHIP INTEREST IN LESSEE UNDER THREE GROUND LEASES AND RELATED INSTRUMENTS TO WHOLLY-OWNED SUBSIDIARY OF SHAPELL**

ACTION: City Council authorized CMHA Executive Director to sign the Consent Letter substantially in the form attached and return it to Shapell.

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

1. **PA-89-36 A2/PA-87-133 A1 (ZA-13-22) AMENDMENT TO PLANNED SIGN PROGRAMS FOR METRO POINTE OFFICE AND RETAIL CENTER 901 SOUTH COAST DRIVE & 950 SOUTH COAST DRIVE (01:12:30)**

Mayor Pro Tem Mensinger recused himself and left the Council Chambers.

Staff report provided by Antonio Gardea, Senior Planner. (01:13:00)

Council Member Genis spoke on current visibility of area by neighboring residences; concern on number of signage and placement of signs; reducing sign size and impacts on neighboring residences; indicated concern with precedent set with LED lighting; and demonstrated pictures of the site. (01:14:30)

Speaker, General Manager, Metro Pointe, spoke on competing shopping centers; keeping sales tax in Costa Mesa; signage opportunities for small businesses; and sign designs. (01:23:00)

Peter Nagavi, Representative on behalf of Applicant, spoke on the history of Development of Metro Pointe; mitigating traffic impacts; building a successful development; building a new freeway off ramp; the need to revisit LED signage; LED signage being a helpful tool for businesses; indicated that there is no significant impact to neighboring residences; and spoke on the SOCO signage. (01:26:00)

Discussion ensued regarding the signage height at the top of the Edward Cinema sign. (01:36:20)

Milton Solomon, spoke on the visibility of the signs; impacts to neighborhoods; and the size of the sign. (01:37:00)

Discussion ensued on the height of the sign; impacts to residents; advertisement capability; and notices sent to property owners. (01:38:00)

Sheila Pffafflin, Costa Mesa, concerned with the signage being approved by a variance. (01:48:50)

Mark Harris, Costa Mesa, indicated that he spoke to Mr. Solomon regarding the proposed signage; spoke on the different levels of LED lighting; and impacts to his neighborhood. (01:49:47)

Tom Pollitt, Costa Mesa, indicated that he is not opposed to the signage; and would like the development to be more competitive.(01:54:20)

Cynthia Blackwell, Costa Mesa, spoke on traffic impacts on South Coast Drive; and expressed support on advertising signs. (01:57:25)

Flo Martin, Costa Mesa, spoke on civility; light pollution on the North side of Costa Mesa; spoke in opposition to LED signage; and indicated that the focus should be on residents concerns. (01:59:20)

Robin Leffler, Costa Mesa, spoke on LED signs; visibility of signs; and asked to require developer to come back with better pictures that demonstrate visibility and impacts to residents. (02:02:27)

Greg Ridge, Costa Mesa, expressed opposition to the recommended signage; and spoke on the vote from the Planning Commission. (02:05:04)

Beth Refakes, Costa Mesa, opposed to the signage; spoke on neighborhood impacts due to light spillage and light signage. (02:07:05)

Cindy Brenneman, Costa Mesa, inquired on the neighborhood impacts; and expressed concern on safety due to many signs at SOCO. (02:10:00)

Discussion ensued on impacts to neighbors, the need to look at sign policies for future LED lighting. (02:13:10)

MOTION: To Uphold the Planning Commission's decision
Motion died for lack of a second.

Discussion ensued on reader boards and LED billboards; larger signs on the north side of building; and advertising Costa Mesa events. (02:15:50)

Mayor Righeimer indicated that he would like changes to what the Planning Commission approved; expressed concern on signage becoming billboards and 3rd party advertisement; and reviewed what was allowed at SOCO. (02:25:10)

MOTION/SECOND: Mayor Righeimer/Council Member Genis

Council Member Genis and Leece indicated concern on the impacts on the neighborhoods. (02:36:10)

Council Member Leece requested that Planning look at sign policy standards. (02:36:35)

The motion carried by the following roll call vote:

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

Noes: None

Recused: Mayor Pro Tem Mensinger

Absent: None

Motion carried: 4-0-1

ACTION:

City Council upheld the Planning Commission's decision approving the project, with the following changes and additions: Pylon signs facing the freeway will not exceed 40' in height, including all decorative elements of the signs; The content of the LED signs shall be strictly limited to the names and logos of businesses located on-premises; provided that applicants may substitute text or logos with noncommunicative decorative elements, including but not limited to, lifestyle photographs. "On-premises" shall mean that the business is located on the Metro Pointe site only, and does not include any use or business that operates for less than ninety consecutive (90) days. LED text shall not include, for example, information regarding short-term tenants (90 days or less), sales, specials, events, or any off-premises advertising. The height of the directional sign on the north side of South Coast Drive shall not exceed 7 feet from grade.

A recess was taken at 8:45 p.m.

The meeting resumed at 8:55 p.m.

OLD BUSINESS (02:48:00)

- 1. SECOND READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES".**

Staff report provided by Rick Francis, Assistant CEO, reviewing the threshold on calls for service; meeting with hotel owners; the revisions of the proposed Ordinance; cost methodology; 911 calls; and increased tolls. (02:48:30)

Mayor Righeimer announced meetings between Council Members and hotel/motel owners. (02:52:40)

Elena Gerli, Deputy City Attorney, indicated that the City does have the authority to issue specific regulations to address problems. (02:54:11)

Discussion ensued defining excessive use of calls from hotels; land lord and tenant issues; a flat fee; the proposed Resolution; adjusting the ratio allotment; inspection of rooms by management; hotel calls; economic analysis of room establishments; and nuisance code at lodging establishments. (02:56:45)

Laurie Dickendasher, Regency Inn, expressed concern on interpreting words in the Ordinance; and indicated that she would like to have a good relationship with the City. (03:15:20)

Chris McEvoy, spoke on patrolling hotels; and inquired on two group meetings on this item. (03:20:00)

Mike Lim, Costa Mesa, agreed against criminal activity; spoke on the hotel call threshold. (03:20:55)

Greg Thunell, Costa Mesa, spoke on attorney costs; and the TOT tax. (03:24:32)

Lili Graham, Attorney, Public Law Center, expressed opposition to the Ordinance. (03:24:32)

Mayor Righeimer clarified that domestic and child abuse does not count towards the calls. (03:29:00)

Jack Chen, Harbor Inn, spoke on the 1995 safe innskeeper program for crime prevention; and asked for this item to be tabled. (03:29:30)

Heather Johnson, ACLU, expressed opposition to the Ordinance. (03:31:50)

Jean Forbath, Costa Mesa, Member of Costa Mesa Housing Coalition, expressed opposition to the Ordinance. (03:34:50)

Robin Leffler, Costa Mesa, spoke on safety and lawsuits; and expressed concern with the Ordinance. (03:37:00)

Wilson Wayne, President of Taiwan Hotel/Motel Association of Southern California, expressed opposition to the Ordinance. (03:40:00)

Jay Humphrey, Costa Mesa, expressed concern with the Ordinance. (03:43:15)

Hector Almaraz, General Manager, Costa Mesa Motor Inn, expressed opposition to the Ordinance. (03:46:22)

Anna Vrska, Costa Mesa, expressed opposition to the Ordinance. (03:48:30)

Speaker, Costa Mesa Motor Inn, expressed concern with the Ordinance. (03:50:50)

Beth Refakes, Costa Mesa, expressed concern with the Ordinance; suggested an educational program on best business practices; and does not agree with the threshold amount. (03:54:24)

Lily Chen, Attorney, Regency Inn & New Harbor Inn, spoke on comments from the Mayor; fines; and long term occupancy. (03:57:25)

Flo Martin, Costa Mesa, expressed opposition to the Ordinance. (04:01:00)

Tamar Goldmann, Costa Mesa, expressed opposition to the Ordinance. (04:03:40)

Cindy Brenneman, Costa Mesa, expressed opposition to the Ordinance. (04:07:00)

Discussion ensued on processing fines; keeping track of calls; cooperation from owners; calls for service at hotels; activities defined under disturbing the peace; illegal use of fireworks; and issues at motels. (04:08:00)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan (04:26:20)

Mayor Righeimer spoke on nuisance activity at hotels; better hotel management; and charges for excessive use of resources. (04:26:30)

Council Member Monahan spoke on the nuisance activities identified in the Ordinance including: the occurrence or attempted occurrence of any gang related crime; unlawfully discharging of firearms; parties or gatherings in which alcohol or control substances are consumed illegally by minors; the occurrence or attempted occurrence of any criminal activity that threatens the life, health, safety or welfare of residents of the lodging establishment, the neighborhood or the public; the commission or attempted commission of any serious felony or violent felony; the manufacture, cultivation, sale, use or possession of a controlled substance; the commission or attempted commission of any act of prostitution; and the manufacture, sale, possession, or use of a firearm in violation of the Dangerous Weapons Control Law. (04:34:50)

Council Member Leece stated that she will not be supporting the motion; and spoke on working with business owners. (04:38:35)

Council Member Genis stated that she does not support the Ordinance; and stated that she would like the record to reflect, "I certainly do believe that we should not allow businesses to externalize their cost on to the community however, in this case I would like the record to reflect that I have not seen data to indicate that the motels are problematic as opposed to other businesses despite my request to see such data which I would also like the record to reflect that". (04:40:05)

Mayor Pro Tem Mensinger spoke on problem motels; and stated that he would like the record to reflect, "in contrary to what one of the speakers said I would rather not see drug and prostitution in motel rooms, that is not a goal of our City. Nor do we want to perpetuate that. This is about trying to eliminate crime, and the lower the crime rate the less government we need, we do not need to hire more police so that we can manage somebody's business". (04:41:35)

Council Member Monahan spoke on collaborating with business owners. (04:42:25)

The motion carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Leece

Absent: None

Motion carried: 3-2

NEW BUSINESS - NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR (04:43:36)

3. **WARRANT RESOLUTION 2502: 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 \$644,278.01.**

Tamar Goldmann, Costa Mesa, spoke on the Senior Center audit; Charter Committee costs; and legal fees. (04:44:15)

Greg Thunell, Costa Mesa, spoke on excessive expenditures and attorney costs. (04:46:50)

MOTION/SECOND: Mayor Righeimer/Council Member Leece (04:49:30)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2502, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2503: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-24 "A" AND 13-25 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-24 "A" for \$720.78, Payroll No. 13-25 for \$2,269,045.92 and City operating expenses for \$964,749.23. (04:49:50)**

Tamar Goldmann, Costa Mesa, spoke on excessive expenditures by outsourcing; Jones Day costs; lawsuits; and Benito Acosta fees. (04:50:00)

MOTION/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council approved Warrant Resolution No. 2503, to be read by title only and further reading waived.

5. **WARRANT RESOLUTION 2504: 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 \$948,972.90. (04:52:15)**

Greg Thunell, Costa Mesa, spoke on TOT tax and attorney costs. (04:52:28)

Tamar Goldmann, Costa Mesa, spoke on outsourcing of services. (04:55:15)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2504, to be read by title only and further reading waived.

6. **WARRANT RESOLUTION 2505: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-25 "A" AND 13-26 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-25 "A" for \$0.00, Payroll No. 13-26 for \$2,188,009.22 and City operating expenses for \$1,638,928.46. (04:57:03)**

Greg Thunell, Costa Mesa, spoke on Huntington Beach helicopter services; Enterprise Council Group; Liebert Cassidy; Management Partners fees; and Jones Day fees. (04:57:15)

Chris McEvoy, Costa Mesa, spoke on legal fees. (04:59:15)

Tamar Goldmann, Costa Mesa, spoke on keeping track of employees; and the listening report. (05:00:10)

MOTION/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2505, to be read by title only and further reading waived.

7. **WARRANT RESOLUTION 2506: 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 \$554,182.55. (05:01:40)**

Anna Vrska, Costa Mesa, spoke on legal fees; asked for clarification on items; and spoke on costs for the Charter Committee. (05:01:58)

Greg Thunell, Costa Mesa, spoke on legal expenditures; Larry's building materials bill; and decomposed granite. (05:04:10)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2506, to be read by title only and further reading waived.

8. **FINAL MAP FOR TRACT NO. 17501 LOCATED AT 1527 NEWPORT BOULEVARD, COSTA MESA, CALIFORNIA (05:06:30)**

Chris McEvoy, spoke on developments and density. 05:06:44

Sheila Pfafflin, Costa Mesa, spoke on high density housing; and is opposed to the item. (05:07:30)

Shubeth Shoeman, Matt White Custom Homes, spoke on the project. (05:09:50)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council approved the Final Map for Tract No. 17501 and authorized signing of the Map by the City Clerk and the City Engineer.

9. FINAL MAP FOR TRACT NO. 17554 LOCATED AT 132, 134, & 140 INDUSTRIAL WAY, COSTA MESA, CALIFORNIA

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council approved the Final Map for Tract No. 17554 and authorized signing of the Map by the City Clerk and the City Engineer.

10. FINAL MAP FOR TRACT NO. 17519 LOCATED AT 2157 AND 2159 TUSTIN AVENUE, COSTA MESA, CALIFORNIA

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council approved the Final Map for Tract No. 17519 and authorized signing of the Map by the City Clerk and the City Engineer.

13. HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS – CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES (05:10:30)

Greg Thunell, spoke against outsourcing. (05:10:50)

Jay Humprey, Costa Mesa, spoke on the traffic problem on Elm Avenue and Ponderosa Street. (05:13:20)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council awarded a Professional Services Contract for an amount not to exceed \$192,400 to Onward Engineering, 300 South Harbor Boulevard, Suite 814, Anaheim, CA 92805, for Construction Management and Inspection Support Services for the Harbor Boulevard – Adams Avenue project; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

14. EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENTS FOR INTERIM IT DIRECTOR AND IT CONSULTANT (05:16:59)

Anna Vrska, spoke on costs for consultants; and legal fees. (05:17:15)

MOTION/SECOND: Council Member Monahan/ Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council authorized the City CEO to extend the following existing Professional Services Agreements by approving the following amendments:

1. Amendment One to the contract with NexLevel Information Technology, Inc. (NexLevel IT) for Interim IT Director, in an amount not to exceed \$55,000.00, for a total contract amount of \$104,920.00; and
2. Amendment Two to the contract with Scientia Consulting Group, Inc. (Scientia) for an IT Consultant to assist with technical support functions, in an amount not to exceed \$55,000.00, for a total contract amount of \$103,000.00.

CONTINUED PUBLIC COMMENTS (05:20:00)

Chris McEvoy, Costa Mesa, spoke on vandalism costs at the park; right to speak at meetings; and a June 14th, 2010 public hearing item. (05:20:25)

Susan Shaw, Costa Mesa, spoke in favor of solving the homeless issue; spoke on an issue involving a City tree; and is opposed to splitting the public comment period. (05:23:22)

Speaker, spoke on comments made by the Mayor and Mayor Pro Tem on hotel and motels; and the warrants. (05:26:50)

Robin Leffler, Costa Mesa, spoke on the public comment period; and police staffing. (05:28:40)

Greg Thunell, Costa Mesa, spoke on bankruptcy; the City being understaffed; and attorney costs. (05:32:00)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS (05:35:05)

Council Member Leece spoke on warrant questions from the public; and on employees retiring and going to other jobs. (05:35:08)

REPORT – CITY ATTORNEY – None

**ADJOURNMENT – To Special Joint Study Session with the Planning Commission,
January 14, 2014, 4:30 p.m. (05:35:15)**

The Mayor adjourned the meeting at 11:41 p.m.

MAYOR

CITY CLERK