

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

**February 7, 2012**

**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 Monahan, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger and Council Member Bever

Council Members Absent: None

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

**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 Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Fighters Management Association, and Costa Mesa Division Managers Association pursuant to 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 Government Code Section 54956.9(a).
3. Conference with legal counsel, regarding existing litigation: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.

The City Council ended Closed Session at 6:10 p.m.

The City Council reconvened at 6:15 p.m.

**CALL TO ORDER (00:00:15)**

**PLEDGE OF ALLEGIANCE (00:00:28)** – Council Member Wendy Leece

**MOMENT OF SOLEMN EXPRESSION (00:01:02)**

Rabbi Yossi Berkowitz, Chabad of West Orange County

## **ROLL CALL (00:03:35)**

Present: Mayor Monahan, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger and Council Member Beaver.  
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/Deputy CEO Peter Naghavi, Interim Development Services Director Khanh Nguyen, Interim Public Services Director Ernesto Munoz, Transportation Services Manager Raja Sethuraman, Human Resources Manager Lance Nakamoto, and City Clerk Julie Folcik.

## **CITY ATTORNEY CLOSED SESSION REPORT - NONE**

## **ANNOUNCEMENTS (00:03:47)**

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

## **PRESENTATIONS (00:06:35)**

The Mayor recognized the Costa Mesa High School Cheer Team. (00:06:53)

## **PUBLIC COMMENTS (00:14:02)**

Sue Lester, Costa Mesa, spoke about a radio program on KOCI. (00:16:14)

Joyce Weitzberg, Costa Mesa, commented on medical marijuana. (00:19:35)

Joan Schumann-Levine, Costa Mesa, spoke about medical marijuana. (00:24:12)

Carter Higgs, Santa Ana, spoke about safe access to medical care. (00:27:05)

Jay Humphrey, Costa Mesa, commented on commission appointments. (00:28:37)

John Feeney, Costa Mesa, spoke about the City seal. (00:30:30)

Ernie Feeney, Costa Mesa, spoke about the City seal. (00:32:53)

Alicia Hamilton, Rancho Santa Margarita, spoke on medical marijuana. (00:36:38)

James McQueen, Irvine, spoke about Orange County Human Relations. (00:40:00)

Kandice Hawes, Director of the Orange County Chapter of NORML, spoke on medical marijuana. (00:43:32)

Shirlee McDaniels, Costa Mesa, spoke about the Bark Park. (00:45:42)

Marla James, Costa Mesa, spoke on medical marijuana. (00:46:54)

Teresa Drain, Costa Mesa, spoke on the College Park Neighborhood Community Meeting. (00:50:35)

Cindy Brenneman, Costa Mesa, commented on pension for firefighters. (00:52:43)

David Fleischmann, Laguna Beach, spoke on medical marijuana. (00:57:30)

Robin Leffler, Costa Mesa, commented on the proposed charter. (01:00:49)

Carol Williams, Costa Mesa, spoke about a rehabilitation home near her home. (01:05:33)

Beth Refakes, Costa Mesa, spoke about the Fish Fry and the proposed charter. (01:08:18)

Vincette Wilson spoke on medical marijuana. (01:10:27)

Madison Woolworth, Costa Mesa, spoke on medical marijuana. (01:13:54)

Eloise Ott, Costa Mesa, commented on the bicycle trail. (01:15:52)

Sandra Genis, Costa Mesa, spoke about First Amendment rights. (01:19:15)

Greg Thunell, Costa Mesa, spoke on legal expenditures. (01:22:25)

Tamar Goldmann, Costa Mesa, commented on pensions and the proposed charter. (01:25:35)

Jay Photoglou, Costa Mesa, spoke about the Costa Mesa Police Department. (01:27:52)

Greg Ridge, Costa Mesa, commented on medical marijuana. (01:30:52)

Gene Hutchins, Costa Mesa, spoke about unfunded liability. (01:33:07)

Casey Ashton, Costa Mesa, spoke about medical marijuana. (01:36:58)

James Proctor, Costa Mesa, spoke on the Charter; 19<sup>th</sup> Street Bridge; vandalism; death threats; and the federal government. (01:38:18)

Daniel Cassadas, Costa Mesa, spoke on medical marijuana. (01:41:20)

Harold Weitzberg, Costa Mesa, spoke on medical marijuana. (01:43:07)

City Council recessed for a break at 8:00 p.m.

City Council reconvened the meeting at 8:20 p.m.

**REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:45:16)**

CEO Hatch spoke about City employee pensions; the Tewinkle Park Task Force; website information; Police Department hours, and schedule; introduced new Assistant CEO Rick Francis; spoke on next charter public hearing; and budget projections. (01:45:25)

## **CONSENT CALENDAR (01:54:43)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 2, 6, 8, and 11.

**MOVED/SECOND:** Council Member Leece/Mayor Monahan

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

### **Written Communications**

#### **1. READING FOLDER**

- (a) Claims received by the City Clerk: Donna Coleman, Enterprise Rent-A-Car, Vernon Layne, Ana Tucker on behalf of Carlos Melendez, USAA on behalf of William R. Mimiaga.
- (b) Request for Alcohol Beverage Control license: Grape Crusader Inc., 3194 Airport Loop Drive, Suite A; Fish En Me Japanese Bistro, 2340 Harbor Boulevard.

**ACTION:** Received and processed

### **Warrants**

- 3. **WARRANT RESOLUTION 2404: 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 \$1,026,268.49.**

**ACTION:** Approved

- 4. **WARRANT RESOLUTION 2405: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-02 AND PAYROLL REGISTER NO. 12-01A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-02 for \$2,036,386.51 and Payroll No. 12-01A for \$283.86, and City operating expenses for \$1,167,290.92, including payroll deductions.**

**ACTION:** Approved

- 5. **WARRANT RESOLUTION 2406: 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 \$860,257.47.**

**ACTION:** Approved

## Administrative Actions

7. **RENEWAL OF THE ORACLE/PEOPLESOFT SUPPORT AGREEMENT WITH ORACLE CORPORATION, 1001 SUNSET BOULEVARD, ROCKLIN, EFFECTIVE MARCH 19, 2012 THROUGH MARCH 18, 2013; AND THE RENEWAL FOR THE E-PAY MODULES, EFFECTIVE JUNE 3, 2012 THROUGH JUNE 2, 2013, IN THE ANNUAL AMOUNT OF \$190,380.**

**ACTION:** Approved; authorized the City Chief Executive Officer and City Clerk to sign

9. **COMPLETION OF AMERICAN RECOVERY AND REINVESTMENT ACT, ENERGY EFFICIENT CHILLER COMPRESSOR REPLACEMENT, CITY HALL AND POLICE FACILITY, CITY PROJECT NO. 11-03, BY LIBERTY CLIMATE CONTROL, INC., 2447 NORTH CHICO AVENUE, SOUTH EL MONTE.**

**ACTION:** Accepted work; authorized City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

10. **ASSEMBLY BILL 936 RESOLUTIONS REGARDING FORGIVENESS OF LOANS.**

- a. **A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REGARDING FORGIVENESS OF LOANS TO PUBLIC BODIES AS REQUIRED BY AB 936.**

**ACTION:** Adopted Resolution No. 12-5.

- b. **A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AS SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY REGARDING FORGIVENESS OF LOANS TO PUBLIC BODIES AS REQUIRED BY AB 936.**

**ACTION:** Adopted Resolution No. 12-6.

## **ITEMS REMOVED FROM THE CONSENT CALENDAR (01:55:29)**

### Minutes

2. **REGULAR ADJOURNED/STUDY SESSION OF JUNE 8, 2010; REGULAR ADJOURNED/STUDY SESSION OF OCTOBER 11, 2011; AND SPECIAL MEETING OF OCTOBER 11, 2011. (01:55:31)**

Council Member Bever expressed concern over the timeliness and thoroughness of the minutes. (01:55:31)

**MOVED/SECOND:** Council Member Bever/Council Member Mensinger

The motion carried by the following roll call vote:

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

Noes: None  
Motion carried: 5-0

**ACTION:** Approved the minutes of the Special Meeting of October 11, 2011; and continued the minutes of the Regular Adjourned/Study Session of June 8, 2010; and Regular Adjourned/Study Session of October 11, 2011.

### Administrative Actions

6. **PROFESSIONAL SERVICES AGREEMENT WITH HEWLETT PACKARD, 1421 SOUTH MANHATTAN AVENUE, FULLERTON, FOR SOFTWARE SERVICES IN THE AMOUNT OF \$329,442, INCLUDING TAX; AND PURCHASE REQUISITION FOR THE FIRST YEAR IN THE AMOUNT OF \$119,603, INCLUDING TAX. (01:57:30)**

Mayor Pro Tem Righeimer expressed concern over the cancellation clause. (01:57:31)

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Mensinger

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

**ACTION:** Continued to the next meeting

8. ~~**PROFESSIONAL SERVICES AGREEMENT WITH MERRILL & ASSOCIATES, 1305 PIONEER STREET, BREA, FOR THE UPGRADE OF THE CITY'S AVAYA PHONE SYSTEM IN THE AMOUNT OF \$257,740.**~~

Removed from the Consent Calendar.

Council Member Leece asked why the item was pulled and when will it be placed on the agenda. (01:58:19)

CEO Hatch explained the delay was related to Information Technology (IT) issues; and the item is anticipated to appear on the next meeting agenda. (01:58:40)

11. **AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT PARTNERS FOR INTERIM MANAGEMENT ASSISTANCE, AND TO EXTEND THE TERM THROUGH DECEMBER 31, 2012, IN AN AMOUNT NOT TO EXCEED \$85,000.**

Tamar Goldmann, Costa Mesa, expressed concern over the contract amount; and hourly wage. (02:00:20)

Council Member Leece commented on high-paid consultants and spoke in opposition. (02:03:16)

**MOVED/SECOND:** Mayor Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Bever, Council Member Mensinger, Mayor Monahan, Mayor Pro Tem Rigeheimer  
Noes: Council Member Leece  
Motion carried: 4-1

**ACTION:** Approved; authorized City CEO to sign

## **PUBLIC HEARINGS (02:04:43)**

1. **PUBLIC HEARING: Continued from the meeting of January 3, 2012, A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES FOR THE RENTAL OF PARCELS AT THE DEL MAR AND HAMILTON COMMUNITY GARDENS. (02:04:40)**

### **(a) AMENDED COMMUNITY GARDEN BY-LAWS AND AGREEMENT**

Donna Theriault, Management Analyst, presented the report. (02:05:25)

Discussion ensued between regarding the by-laws and resolution; input to the changes; conditions of the plots; gardener incentives; committees; the key fee; and staff involvement. (02:08:26)

Terry Koken, Costa Mesa, spoke on gardening land and Port-A-Potties. (02:15:16)

Discussion ensued regarding by-laws; priority to residents; and self-sustaining the garden. (02:17:18)

**MOVED/SECOND:** Mayor Monahan/Council Member Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Bever, Council Member Leece, Council Member Mensinger, Mayor Monahan, Mayor Pro Tem Rigeheimer

Noes: None

Motion carried: 5-0

**ACTION:** Adopted Resolution No. 12-7, and authorized the Public Services Director to approve future amendments.

**OLD BUSINESS** – None

## **NEW BUSINESS (02:19:45)**

1. **GENERAL PLAN SCREENING REQUEST GPS-11-04 FOR COMMERCIAL PROPERTY LOCATED AT 1726 SUPERIOR AVENUE FOR PROPOSED WALGREENS DEVELOPMENT. (02:19:49)**

Mel Lee, Senior Planner, provided the staff report. (02:20:05)

Discussion ensued regarding property landscaping. (02:24:22)

Corrie Kates, Project Manager, provided a presentation of the proposed development. (02:25:46)

Discussion ensued regarding deliveries; basement; structure size; and elevation. (02:32:31)

Amy Ciolek, Applicant, spoke about Walgreens store revenue; employment; store amenities; LED certification; and site proposal. (02:35:10)

Eleanor Egan, Costa Mesa, commented on floor area ratio. (02:39:08)

Beth Refakes, Costa Mesa, spoke about traffic; the parking lot; landscaping; and the SR-55 extension. (02:42:01)

Discussion ensued regarding the square footage of the building; traffic; and lot variance. (02:44:11)

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

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

**ACTION:** Accepted for processing

2. **A RESOLUTION OF CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING THE 19<sup>TH</sup> STREET/BANNING AVENUE BRIDGE OVER THE SANTA ANA RIVER AND REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO INITIATE THE PROCESS OF REMOVING THE BRIDGE FROM THE MASTER PLAN OF ARTERIAL HIGHWAYS. (02:56:26)**

Ernesto Munoz, Interim Public Services Director, presented the staff report. (02:57:56)

Discussion ensued regarding traffic projections; the Master Plan; and the OTCA consensus policy. (03:04:58)

Steve Ray, Executive Director of the Banning Ranch Conservancy, spoke against the 19<sup>th</sup> Street Bridge. (03:12:14)

Jan Goerrissen, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:15:33)

Beth Refakes, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:16:56)

Jay Humphrey, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:19:05)

Elizabeth Freeman, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:20:05)

Eleanor Egan, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:20:47)

Phil Morello, Costa Mesa, spoke on the 19<sup>th</sup> Street Bridge. (03:23:05)

Sandra Genis, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:27:14)

Robin Leffler, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:29:31)

Greg Ridge, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:31:53)

Deborah Koken, Costa Mesa, Member of the Banning Ranch Conservancy, spoke against the 19<sup>th</sup> Street Bridge. (03:34:27)

Cindy Brenneman, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:35:20)

Terry Koken, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:36:36)

Ron Frankiewicz, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:38:22)

Sue Lester, Costa Mesa, spoke against the 19<sup>th</sup> Street Bridge. (03:41:30)

Council Member Bever spoke on traffic issues, zoning on 19<sup>th</sup> Street, and property removal; and stated he will vote to oppose the bridge. (03:41:50)

Mayor Pro Tem Righeimer spoke on the Resolution Statement; the Council's efforts in behalf of the City of Costa Mesa; and supporting the resolution. (03:52:02)

Council Member Leece spoke on the 19<sup>th</sup> Street Bridge; the mitigation procedure; and the 1993 Resolution. (03:56:58)

**MOTION:** Adopt Resolution No. 12-8 as revised to include, "...reaffirms Resolution No. 93-83" to the second to last paragraph.

**MOVED/SECOND:** Council Member Leece

The motion failed by the following roll call vote:

Ayes: Council Member Leece

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

Motion failed: 1-4

**MOTION:** Adopt Resolution No. 12-8.

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Mensinger

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

3. **AMENDMENT TO THE CONTRACT BETWEEN CALPERS AND THE CITY OF COSTA MESA TO INCLUDE PROVISIONS PURSUANT TO GOVERNMENT CODE SECTION 20475 IN ORDER TO IMPLEMENT THE 2%@60 RETIREMENT FORMULA (MISCELLANEOUS GROUP). (04:08:14)**

(a) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.**

(b) **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

Lance Nakamoto, Human Resources Manager, presented the report. (04:09:14)

Jeanette Chervony, Costa Mesa, spoke on the Costa Mesa City Employee Association Agreement; hiring new employees; and current employee plan. (04:10:29)

**MOTION:** Adopt Resolution No. 12-9

**MOVED/SECOND:** Mayor Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

Discussion ensued regarding pension pertaining to future employees; length of process time; retirement funding; and contributions. (04:13:27)

**MOTION:** Introduce ordinance for first reading, read by title only, and waive further reading; and authorized the City Clerk to execute required CalPERS certifications and documents (for Miscellaneous Employees)

**MOVED/SECOND:** Mayor Monahan/Council Member Bever

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

4. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING VOLUNTARY EMPLOYEE CALPERS RETIREMENT CONTRIBUTIONS FOR FULL-TIME UNREPRESENTED EXECUTIVE CITY EMPLOYEES. (04:21:03)**

Staff report was presented by Lance Nakamoto, Human Resources Manager. (04:21:19)

Jeanette Chervony, Costa Mesa, spoke on employee pension contributions; and layoff notices. (04:22:53)

**MOTION/SECOND:** Mayor Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Noes: None

Motion carried: 5-0

**ACTION:** Adopted resolution

~~5. **AUTHORIZATION FOR STAFF TIME TO RESEARCH ILLEGAL GARAGES USED AS HABITABLE SPACE OR EXCESSIVE STORAGE.**~~

**ACTION:** Withdrawn

6. **REQUEST FROM COUNCIL MEMBER LEECE REGARDING A POLICY REGULATING ELECTRONIC COMMUNICATIONS DURING CITY COUNCIL MEETINGS. (04:29:51)**

Discussion ensued regarding the purpose of adding a section to the Municipal Code; electronic devices; the Brown Act; similar policies in other cities; and the use of iPads and a paperless agenda. (04:29:58)

Jay Humphrey, Costa Mesa, spoke on Council disruption and advanced technology. (04:44:19)

Tamar Goldmann, Costa Mesa, spoke on preserving integrity. (04:47:44)

Robin Leffler, Costa Mesa, spoke about electronic devices and the Brown Act. (04:50:21)

Discussion ensued regarding Brown Act violation and the Santa Rosa Policy. (04:53:12)

**MOTION:** To add, "Council Members shall not send, receive, or read electronic messages of any kind during a Council Meeting," to Section 2-60 of the Municipal Code

**MOVED/SECOND:** Council Member Leece

The motion failed by the following roll call vote:

Ayes: Council Member Leece

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

Motion failed: 1-4

**COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (04:57:44)**

Council Member Bever commented on the proposed Charter. (04:57:47)

Council Member Leece spoke about Lion's Park Fish Fry; banners at Bark Park; City Seal; and public access to legal fees. (04:58:11)

Council Member Mensinger spoke on public access to legal fees; the Bark Park Board; Council Closed Sessions; and staff members needing assistance. (05:03:34)

Mayor Pro Tem Righeimer expressed concern over Charter comments; spoke on community Charter meetings; and City Council rotation. (05:11:42)

**REPORT – CITY ATTORNEY - None**

**ADJOURNMENT – To Special Meeting, February 13, 2012, 7 p.m.**

The Mayor adjourned the meeting at 11:15 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

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

**March 19, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5 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 Monahan

Council Members Absent: Council Member Genis

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

**CLOSED SESSION**

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

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6
2. Pursuant to Government Code Section 54957, Public Employment, Request for Special Leave of Absence.
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 Government Code Section 54956.9(a).

The City Council ended Closed Session at 5:50 p.m.

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

**CALL TO ORDER (00:00:26)**

**PLEDGE OF ALLEGIANCE (00:00:52) – Mayor Jim Righeimer**

**MOMENT OF SOLEMN EXPRESSION - None**

## **ROLL CALL (00:01:13)**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Genis, Council Member Leece, 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 Peter Naghavi, Assistant Development Services Director Claire Flynn, Public Services Director Ernesto Munoz, Finance and IT Director Bobby Young, Communications Director Bill Lobdell, Transportation Services Manager Raja Sethuraman, and City Clerk Brenda Green

## **CITY ATTORNEY CLOSED SESSION REPORT (00:01:32)**

City Attorney Duarte report the following motion was made on Closed Session Item No. 2:

**MOTION:** Deny request

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member Genis

The motion carried: 4-0

## **ANNOUNCEMENTS (00:01:56)**

Costa Mesa Minute was played featuring upcoming events and activities in the community. (00:02:01)

## **PRESENTATIONS (00:04:23)**

Mayor Righeimer presented the Mayor's Award to Hank Hornsveld for his accomplishments. (00:04:46)

Jared Dever, Director of Communications, spoke about Orange County Vector Control. (00:16:00)

Mayor Pro Tem Mensinger requested Mr. Dever look into standing pools reported at Talbert Park. (00:25:16)

## **PUBLIC COMMENTS (00:25:38)**

James Bridges, Costa Mesa, expressed condolences to the Taylor Family of Costa Mesa; and spoke on the compensation report. (00:25:54)

Al Melone, Costa Mesa, spoke about the Bark Park and the Costa Mesa Bark Park Foundation. (00:28:43)

Flo Martin, Costa Mesa, spoke on the proliferation of massage parlors near her home. (00:33:40)

Mary Ann Dunham, Costa Mesa, spoke about Relay for Life. (00:35:36)

Sue Lester, Costa Mesa, spoke about the 60<sup>th</sup> Anniversary Celebration, events on the website; and spoke in memory of Detective Mike Delgadillo. (00:38:14)

Harold Weitzberg, Costa Mesa, spoke about the Costa Mesa Relay for Life and requested the Council Members help get teams together. (00:40:44)

Jay Humphrey, Costa Mesa, thanked staff for the restroom reconstruction at Smallwood Park. (00:41:39)

John Feeney, Costa Mesa, spoke about his neighborhood, an article regarding the Costa Mesa American Legion, and bringing back the Veterans' Hall. (00:42:34)

Council Member Genis stated for the record that she voted against the demolition of the previous Veteran's Hall. (00:44:37)

Robin Leffler, Costa Mesa, shared her budget concerns and commented on public safety. (00:45:15)

Martin H. Millard, Costa Mesa, spoke on crime, money and priorities. (00:48:29)

Greg Thunell, Costa Mesa, spoke on unfunded pension liability; accuracy of figures; and expenditure. (00:51:34)

Richard Marin, Costa Mesa, spoke about the road conditions on Golf Course Drive. (00:54:54)

Council Member Genis inquired about applicants posting a bond with regard to public property. (00:57:21)

Mr. Munoz stated that a bond was posted. (00:57:33)

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

Mayor Righheimer spoke regarding money spent on Police and Fire; budgeting and spending; CalPERS instability; capital improvements; and crime issues. (00:58:00)

Mayor Pro Tem Mensinger requested staff to address the dog park issues; research the preponderance of massage business; and research the rezoning of the Fillmore area. (01:04:45)

Council Member Genis announced the date change for the Park Commission meeting; announced the upcoming Art Walk at the SoBeca District; spoke in support of the installation of grass in small dog park; and expressed concern over the number of massage establishments. (01:06:18)

Council Member Leece requested staff to explore a moratorium on massage parlors; volunteered to be on the City Walk For Life team; spoke in support of a new Veteran's Hall, and concrete goals and priorities; commented on the 59<sup>th</sup> annual Service Awards and Mesa Water Reliability Day; spoke about John Wayne Airport, reorganization of the Fire Department, and the Fillmore neighborhood. (01:08:16)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:15:55)**

CEO Hatch spoke on the Business Direct Install program offered by Southern California Edison Company; challenges facing the Costa Mesa Senior Center Board of Directors; compensation report; website award; Fire Deployment Model; Bark Park concerns; massage parlor issues; code enforcement staffing; surplus clarification; Police Department staffing; Neighborhood Improvement Task Force; and pension funding. (01:15:58)

**CONSENT CALENDAR (01:28:20)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for Items 1, 2, 3 and 7.

**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

**4. AGREEMENT TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAMS**

**ACTION:**

City Council approved the Resolution authorizing the Public Services Director to execute the necessary agreements to receive funds under the California Safe Routes to School Program.

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

**ACTION:**

1) City Council adopted plans, specifications, and working details for the 19th Street Rehabilitation from Newport Boulevard to Park Avenue, City Project No. 12-20; and

2) Awarded a construction contract to All American Asphalt, Corona, California, in the amount of \$202,413.00; and

3) Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**6. RESOLUTION ESTABLISHING A NEW DATE FOR THE PARKS AND RECREATION COMMISSION MEETINGS**

**ACTION:**

City Council adopted Resolution to establish the regular meeting of the Parks and Recreation Commission to occur each month on the fourth Thursday of every month, except that there shall be no meeting on the fourth Thursday in December; and to authorize the Public Services Director to reschedule future November meetings to the third Thursday of the month, if needed, to avoid conducting the Commission meeting on the Thanksgiving holiday.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:28:30)**

**1. READING FOLDER**

a. Claims received by the City Clerk: Enterprise Rent-A-Car.

b. Requests for Alcohol Beverage Control licenses:

- For Filomena's LLC, dba Sopranos, at 2400 Newport Boulevard, Suite 4, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place) and a duplicate Type "58" (Caterer Permit). Recommendation: Receive and file.
- For Abelardo Lopez, dba Otra Cerveza, at 1638 Babcock Street, an original State Alcoholic Beverage Control (ABC) License Type "17" (Beer and Wine Wholesaler). Recommendation: Receive and file.
- For Jonas Goodson Inc., dba Jonas Goodson, at 2506 Back Bay Loop, an original State Alcoholic Beverage Control (ABC) License Type "17" (Beer and Wine Wholesaler) and a duplicate Type "9" (Beer and Wine Importer). Recommendation: Receive and file.
- For Jian Yang Wu, dba Golden Garden, at 1505 Mesa Verde Drive East, a person-to-person State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file
- For H-Y Box Inc., dba Honda Ya Box, at 2969 Fairview Road, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file.
- For Ryohei Morita, dba Ramen Zetton, at 735 East Baker Street, Suite B, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place). Recommendation: Receive and file.

Council Member Leece spoke about the DUI Summit; best practices and proper training for establishments that serve and sell alcohol. (01:29:08)

Discussion ensued regarding new liquor licenses and employee training by establishment owners; and concentrations of alcohol in the city. (01:37:14)

Robin Leffler spoke on concentration of liquor stores in certain areas, and employee training. (01:41:22)

James Bridges questioned the level of training employees will receive, and its effectiveness. (01:43:30)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: Mayor Pro Tem Mensinger

The motion carried: 4-0

**ACTION:** Received and filed.

4. **WARRANT RESOLUTION 2463: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-04A AND 13-05 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-04A for \$228.92, Payroll No. 13-05 for \$2,022,159.63 and City operating expenses for \$728,271.13, including payroll deductions. (01:45:48)**

Tamar Goldmann spoke on rising legal costs, and excessive spending. (01:46:00)

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

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member 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. 2463, to be read by title only and waived further reading.

5. **WARRANT RESOLUTION 2464: 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 \$1,267,836.57. (01:48:57)**

**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. 2464, to be read by title only and waived further reading.

**1. PROFESSIONAL DESIGN SERVICES FOR REDESIGN OF CITY HALL LOBBY, POLICE DEPARTMENT LOBBY, DIRECTIONAL CITY SIGNAGE; AND DESIGN CONCEPTS FOR CITY CLERK'S OFFICE, COUNCIL CHAMBERS AND THE CLOSED PRINT SHOP SPACE. (01:49:09)**

Public Affairs Manager Bill Lobdell presented the report. (01:49:05)

CEO Hatch stated that the funds proposed are budgeted; and spoke on customer service issues being addressed. (01:55:05)

Discussion ensued regarding the estimated cost for design implementation, and conceptual ideas. (01:55:41)

Betsey Dougherty, Dougherty and Dougherty Architects LLP, presented a slideshow of the firm's work, and addressed building security concerns. (01:57:02)

Discussion ensued regarding technology updates in the Council Chambers, and Police Department project funding. (02:05:02)

Council Member Genis spoke on podium efficiency and optical mouse for presenters. (02:07:10)

Mayor Pro Tem Mensinger spoke in support of the project. (02:09:07)

Discussion ensued concerning design proposals, cost per square, and benefits to the community. (02:09:54)

Beth Refakes, Costa Mesa, spoke about audio/video equipment in Council Chambers; community input; and Police Department renovations. (02:14:32)

James Bridges, Costa Mesa, expressed concern regarding the use of expenditures for a City Hall and Police Department makeover rather than other critical issues. (02:17:07)

Robin Leffler, Costa Mesa, spoke on contingency funds; a greeter; updated monitors in the Council Chambers; technology issues; and coffee shop revenue. (02:18:23)

Tamar Goldmann, Costa Mesa, suggested the money could be spent in better ways. (02:21:06)

Speaker recommended the funds be spent on blight and homeless issues. (02:22:47)

Discussion ensued regarding technology consulting; suggested repairs; security cameras; directional signage; the coffee shop element; chairs; community facilities; and the lobby. (02:25:46)

Mayor Righeimer stated he would support the project, but needs to see the benefit to the public and price before supporting budgeting the funds for the project. (02:36:28)

Council Member Leece suggested waiting until department budgets have been submitted. (02:37:28)

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

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, Council Member Leece

Absent: None

The motion carried: 3-2

**ACTION:**

1. City Council awarded a professional services agreement to Dougherty + Dougherty Architects (Attachment 1) in an amount not to exceed \$59,740 for design services for a) the redesign of the City Hall lobby; b) the Police Department lobby; and c) conceptual design work for Civic Center directional signage. The agreement includes design development, construction documents, bidding and construction administration; and
2. Authorized the CEO to increase the scope of the professional services agreement (Attachment 1) to include an assessment and conceptual design of the City Council Chambers (\$6,830), the public portion of the City Clerk's Office (\$8,100) and the closed print shop on the first floor of City Hall and adjacent outdoor spaces (\$10,270). The cost of the additional work shall not exceed \$25,200; and
3. Authorized the CEO and the City Clerk to execute the professional services agreement with the increased scope of work

**PUBLIC HEARINGS**

None

**OLD BUSINESS (02:38:51)**

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-06, AMENDING TITLE 13, CHAPTER 1 AND CHAPTER IV, OF THE COSTA MESA MUNICIPAL CODE RELATED TO ESTABLISHMENT OF EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING PURSUANT TO STATE LAW (02:38:54)**

Minoo Ashabi, Senior Planner, spoke on the revision to the ordinance concerning wording in Development Standards # 3 related to off-street parking. (02:38:48)

**MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

**ACTION:** City Council gave second reading and adopted Ordinance No. 13-01, to be read by title only, and waive further reading, amending Chapters I, IV and Table 13-30 of Title 13, related to emergency shelters and supportive and transitional housing in

compliance with Government Code Sections 65582, 65583, and 65589.5 and provisions of the Housing Element.

## **NEW BUSINESS (02:41:10)**

- 1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 1-21.1 OF CHAPTER I (GENERAL) OF TITLE 1 (GENERAL PROVISIONS), REPEALING SECTION 12-7 OF CHAPTER I (IN GENERAL) OF TITLE 12 (PARKS AND RECREATION), AND ADDING CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES – MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE RELATING TO STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNLAWFUL CAMPING (02:41:15)**

Rick Francis, Assistant Chief Executive Officer, presented the report. (02:41:53)

Elena Gerli, Deputy City Attorney, gave a summary of the current ordinance; removed it from Title 12; added one sentence to clarify the definition of storage; City procedure in impounding and disposal of property; 90-day hold policy; procedures in place for found property; and notices posted when property is picked up. (02:45:02)

Discussion ensued regarding property fines; storage at the Historical Society; and existing and new storage and enforcement; confiscation of property and items left on private property; and storage at the Lighthouse Community Church. (02:49:40)

Steve Bennett, Costa Mesa, spoke on serving; transportation; and confiscation of homeless property. (03:05:14)

Robin Leffler, Costa Mesa, spoke about the homeless. (03:07:51)

Marisa David, Costa Mesa, stated the homeless should be held to the same standards as all citizens. (03:11:23)

Taoward Lee, Costa Mesa, spoke on behalf of the homeless population. (03:13:36)

Bonnie Copeland, Costa Mesa, requested clarification regarding belongings in public places. (03:14:37)

Beth Refakes, Costa Mesa, spoke on Lions Park; public and safety health concerns; closer storage areas; service organization providing storage; good judgment by the Costa Mesa Police Department; and unattended property at park closure time. (03:16:24)

Larry Haynes, Executive Director of Mercy House, shared long-term plans to address the homeless issue. (03:19:46)

Becks Heyhoe, Director of Churches Consortium, spoke on providing storage for the homeless; check-in center; and invited people to partner for storage ideas. (03:21:52)

Dave Mason, Costa Mesa, spoke on storing his backpack at The Crossings Church; and plastic bags as weatherproofing. (03:23:24)

Discussion ensued regarding alternative options; placement of storage facilities or lockers; park hours; and unclaimed money. (03:24:30)

Council Member Genis spoke in support of the motion, but would not support a second reading without revisions; and the need to find storage areas before citing the homeless. (03:35:15)

Mayor Righeimer commented on compassion; storage concerns; and helping the homeless. (03:36:53)

**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.

Noes: None

Absent: None

The motion carried: 5-0

**ACTION:**

City Council introduced ordinance for first reading, to be read by title only, and waived further reading, regarding camping and storage of personal property in public areas.

City Council recessed for a break at 9:42 p.m.

City Council reconvened the meeting at 9:53 p.m.

**2. GENERAL PLAN UPDATE: PUBLIC ENGAGEMENT PROGRAM AND LAND USE & CIRCULATION STRATEGIES (03:41:35)**

Claire Flynn, Assistant Development Services Director, presented the staff report. (03:53:38)

Laura Stetson, Representative of MIG Hogle-Ireland, spoke on incentive zoning used in their projects, and working with the Costa Mesa community. (04:13:20)

Raja Sethuraman, Transportation Services Manager, spoke on the Circulation Element Status, issues, and options. (04:17:13)

Discussion ensued regarding the Westside Circulation Element; intersection studies; formats; and the General Plan. (04:26:26)

Jay Humphrey, Costa Mesa, encouraged the City Council to use the Greater Community Outreach format; requested a summary of comments; and commented on project general strategy. (04:44:50)

Bonnie Copeland, Costa Mesa, encouraged public comments; and suggested consultant comments be posted on the website. (04:47:28)

Mary Ellen Goddard, Costa Mesa, requested that library service, size, and location be incorporated into the General Plan. (04:49:33)

Taoward Lee, Costa Mesa, commented on eminent domain. (04:51:12)

Robin Leffler, Costa Mesa, commented on policy and goals; and community input. (04:53:17)

Tamar Goldman, Costa Mesa, spoke about the Greater Outreach Community Approach; and stated the General Plan is too broad to understand. (04:56:57)

Eleanor Egan, Costa Mesa, spoke about Westside Urban Plans; and supported the Greater Community Outreach Approach. (04:59:04)

Discussion ensued regarding conflict of interest; and eminent domain. (05:00:33)

**MOTION:** Implement the Greater Outreach Community Approach (“GreatReach”) for the Public Engagement Program.

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

Mayor Righeimer clarified Item #2; and spoke in support of the study of the Node Overlay Zone. (05:07:22)

**MOTION:** Approve the study of the Westside Overlay Zone and the Node Overlay Zone.

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

Council Member Genis requested the studies be considered separately, and spoke in support of the Node Overlay Zone study. (05:08:45)

**SUBSTITUTE MOTION:** Approve the study of the Node Overlay Zone.

**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

**MOTION:** Approve the study of the Westside Overlay Zone.

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

Discussion ensued concerning the residential area on the overlay map; the ability to study the Overlay Zone more closely; Urban Plan flexibility; showing process changes on

the map; using the Westside Plan for the Overlay Zone as the basis for this study; and any boundary changes to be highlighted. (05:13:28)

**SUBSTITUTE MOTION:** Approve the study of the Westside Overlay Zone plans, and highlight any boundary changes.

**MOVED/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.

Noes: None

Absent: None

The motion carried: 5-0

**MOTION:** Proceed with the circulation options for the Circulation Element.

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

Discussion ensued regarding an Environmental Impact Report, and traffic circulation. (05:21:30)

The motion carried by the following roll call vote:

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

Noes: Council Member Genis

The motion carried: 4-1

**REPORT – CITY ATTORNEY - None**

**ADJOURNMENT – To Regular Meeting April 2, 2013, 5:00 p.m.**

The Mayor adjourned the meeting at 11:28 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

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

**June 18, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:05 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan  
Absent: None

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

**CLOSED SESSION**

The City Council recessed into closed session at 4:09 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to 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: Acosta v. City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx), 9th Cir. Case # 10-56854, pursuant to California Government Code Section 54956.9(a).

The City Council ended Closed Session at 5:20 p.m.

The City Council reconvened at 6:29 p.m.

**CALL TO ORDER (00:00:20)**

**PLEDGE OF ALLEGIANCE (00:00:30)** – Mayor Pro Tem Mensinger

**MOMENT OF SOLEMN EXPRESSION (00:00:51)**

Rod Randall, Harbor Trinity Church, Senior Pastor

## **ROLL CALL (00:01:54)**

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, Acting Economic and Development Services Director Claire Flynn, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

## **CITY ATTORNEY CLOSED SESSION REPORT - NONE**

## **ANNOUNCEMENTS (00:02:12)**

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

## **PRESENTATIONS (00:04:00)**

The City Council recognized Costa Mesa High School students Quan Nguyen and Ashley Tfaye for receiving the Sportsmanship Award and CIF Academic Student-Athletes of the Year Award; and the Costa Mesa High School Varsity Cheer Squad and its coaches for receiving the 31<sup>st</sup> Annual California Interscholastic Federation Southern Section 2012-2013 Kenny Fagans Sportsmanship Award.

## **PUBLIC COMMENTS (00:13:58)**

Bryan Burnett, Costa Mesa, spoke regarding the budget. (00:14:21)

Pat Jones, Costa Mesa, commented on the Banning Ranch Development. (00:14:48)

Kathy Horvath, Costa Mesa, spoke about the Banning Ranch Development. (00:16:12)

Jay Humphrey, Costa Mesa, commented on parks in neighborhoods, parking signage, and street sweeping. (00:16:35)

Greg Thunell, Costa Mesa, spoke on public safety, City employees, and outsourcing of jail services. (00:20:09)

Marshall Krupp, Costa Mesa, spoke regarding the safety on Susan Street. (00:23:39)

## **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:27:35)**

Mayor Pro Tem Mensinger acknowledged the graduates and staff of Estancia High School and Costa Mesa High School; inquired about the status of the radar speed sign on Susan Street; and announced the upcoming tour and meeting. (00:27:40)

Council Member Genis spoke on Consent Calendar Item Nos. 5 and 13; the Upper Newport Bay Ecological Reserve fees; and Banning Ranch. (00:29:35)

Council Member Wendy Leece spoke about the Relay for Life event; Someone Cares Soup Kitchen Anniversary Event; fireworks safety; and opinion pieces in the newspaper written by council members. (00:34:49)

Council Member Monahan congratulated all graduating students. (00:40:56)

Mayor Righeimer shared his ride-along experience with the City's police officers. (00:41:20)

### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (00:46:50)**

CEO Hatch introduced the new Economic and Community Development Director; and spoke about the 60<sup>th</sup> Anniversary event; fireworks safety; block party permit process; the new Fire Department deployment; General Plan meetings and workshops; and the Charter Committee.

### **CONSENT CALENDAR (00:53:35)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 15 except for Items 11 and 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 Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Noes: None

Absent: None

Motion carried: 5-0

#### **1. READING FOLDER**

a. Claims received by the City Clerk: Roderick Tapia and Ralph Morrisson.

**ACTION:** Received and filed.

**2. MINUTES:** Special Study Session Meeting of April 23, 2013, and Regular Meeting of May 7, 2013.

**ACTION:** Approved.

**3. WARRANT RESOLUTION 2476: 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 \$910,324.47.**

**ACTION:** Approved.

4. **WARRANT RESOLUTION 2477: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-11 "A" AND 13-12 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-11 "A" for \$-3,524.76, Payroll No. 13-12 for \$2,047,022.84 and City operating expenses for \$912,529.56.**

**ACTION:** Approved.

5. **2012 ANNUAL REVIEW OF THE COSTA MESA 2000 GENERAL PLAN**

**ACTION:** City Council approved 2012 Annual Report of the Costa Mesa 2000 General Plan.

6. **PARTICIPATION IN THE COUNTY OF ORANGE, COUNTYWIDE PUBLIC MASS NOTIFICATION SYSTEM- ALERTOC**

**ACTION:** City Council approved the City's continued participation in the County of Orange, Countywide Public Mass Notification System – AlertOC; and authorized the Chief Executive Officer (CEO) or his designee to sign the annual Memorandum of Understanding (MOU) between the County and City for participation in AlertOC.

7. **RENEWED MEASURE M (M2) ELIGIBILITY**

**ACTION:** City Council approved the City's Maintenance of Effort (MOE) for Fiscal Year 2013-14; approved the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2013-14 through Fiscal Year 2019-20; and adopted the Resolution for Master Plan of Arterial Highways Conformance.

8. **WILSON STREET AT HARBOR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-07**

**ACTION:** City Council adopted plans, specifications, and working details for the Wilson Street at Harbor Boulevard Intersection Improvements, City Project No. 13-07; awarded a construction contract to GMC Engineering, Inc., in the amount of \$345,550.50; and authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. **FINAL MAP FOR TRACT NO. 16990 LOCATED AT 372/378/382 VICTORIA STREET, COSTA MESA, CALIFORNIA**

**ACTION:** City Council approved the Final Map for Tract No. 16990 and authorized signing of the Map by the City Clerk and the City Engineer.

10. **PURCHASE OF NINE (9) TRAFFIC SIGNAL POLES FOR THE HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS AND THE HARBOR BOULEVARD WIDENING PROJECTS**

**ACTION:** City Council approved two purchase requisitions in the amounts of \$69,115.20 for the Harbor Boulevard and Adams Avenue Intersection Improvements Project and

\$5,831.68 for the Harbor Boulevard Widening Project, respectively, for purchase of nine (9) traffic signal poles from Pacific Lighting Sales, Inc., 23666 Birtcher Drive, Suite 100, Lake Forest, CA 92630.

**12. PARKS AND RECREATION COMMISSION REQUEST TO AMEND THE ATHLETIC FIELD USE ALLOCATION POLICY**

**ACTION:** City Council approved the proposed amendments to the Athletic Field Use and Allocation Policy and Group 1 user group status.

**13. BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES**

**ACTION:** City Council authorized the Mayor to extend Professional Services Agreements (PSAs) approved in FY 2012-2013, by amendment to Sec. 4, Term and Termination, Subsection 4.1 Term with the companies of Scott Fazekas & Associates Inc., Bureau Veritas, Melad & Associates, Interwest Group, and CSG Consultants Inc., for an aggregate amount of \$536,000, as budgeted for FY 2013-2014. This will be the first extension of a possible five (5) one-year periods at the same terms, conditions and fee rates as provided in the approved PSAs.

**14. APPROVE THE PURCHASE AGREEMENT WITH HI STANDARD AUTOMOTIVE, LLC TO PROVIDE EMERGENCY EQUIPMENT OUTFITTING OF TEN REPLACEMENT 2013 FORD INTERCEPTOR SEDAN AND UTILITY POLICE VEHICLES**

**ACTION:** City Council approved and authorized the CEO to sign the purchase agreement in the amount of \$110,200.70 for outfitting ten new Ford Interceptor police vehicles from Hi Standard Automotive, LLC, 1110 West Barkley Avenue, Orange, CA, 92868; and approved Budget Adjustment (BA #13-030) to appropriate undesignated fund balance in the Narcotics Asset Forfeiture Fund in the amount of \$110,200.70 for the purchase of the required emergency equipment.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (00:54:10)**

**11. INSURANCE BROKER SERVICES (00:54:12)**

Council Member Monahan spoke in support of awarding the contract to Arthur J. Gallagher Risk Management Services. (00:54:12)

Discussion ensued regarding the recommendation to re-advertise the Request for Proposal and if more bids would be acquired. (00:56:21)

Gordon DesCombes, Executive Vice President of Alliant Insurance Services, spoke about the process and his firm. (00:58:40)

Discussion ensued regarding the City's history with Alliant; the audit involving the Los Angeles Unified School District; and fees and commissions on policies. (01:00:15)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried by the following roll call vote:  
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Monahan  
Noes: Council Member Leece, Council Member Genis  
Absent: None  
Motion carried 3-2.

**ACTION:** City Council awarded the insurance broker contract to Arthur J. Gallagher Risk Management Services and directed staff to continue retaining Wigmore Insurance Agency for Workers' Compensation.

**15. AMENDMENT TO CEO EMPLOYMENT AGREEMENT (01:06:41)**

Greg Thunell, Costa Mesa, referred to an article in the Daily Pilot; and expressed opposition to the amendment. (01:06:41)

Mayor Righeimer spoke about his commentary article. (01:10:00)

City Attorney Duarte advised that stating an opinion in a newspaper before a vote is valid as long as the vote is not stated. (01:11:25)

**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  
Motion carried: 5-0

**ACTION:** City Council considered and approved the proposed amendment to the employment agreement with Tom Hatch, CEO.

**PUBLIC HEARINGS – (01:12:21)**

**1. PUBLIC NUISANCE ABATEMENT ORDINANCE (01:12:30)**

Staff report was presented by Assistant Chief Executive Officer Francis and Legal Counsel Elena Gerli. (01:12:40)

Discussion ensued regarding smoking issues, current and proposed procedures, the differences between weed abatements and public nuisances, appealing of Public Nuisance Abatement, certified return receipts, Public Nuisance vs. Private Nuisance, challenging ordinances, "unsightliness," and violations of Section 20.4 as Public Nuisances, the abatement process, changes to storing/parking of vehicles over 8 feet high, changes to hoarding, and reasons for the broad changes made to the Ordinance. (01:26:34)

Cynthia MacDonald, Costa Mesa, spoke about the broadness of the ordinance and First Amendment rights. (02:11:21)

Jay Humphrey, Costa Mesa, commented on the ordinance and abatement of issues. (02:13:28)

Sheila Pfafflin, Costa Mesa, stated the ordinance was broad and requested well-defined guidelines. (02:15:47)

Eleanor Egan, Costa Mesa, spoke about the ordinance and South Coast Plaza. (02:17:03)

Greg Ridge, Costa Mesa, spoke on local control and expressed his opposition to the ordinance. (02:19:29)

Cindy Brenneman, Costa Mesa, expressed opposition to the ordinance. (02:22:28)

Tamar Goldmann, Costa Mesa, expressed opposition to the ordinance. (02:25:40)

Beth Refakes, Costa Mesa, spoke on property rights; elderly health issues; and "inadequate structural resistance to horizontal forces." (02:28:54)

Sue Lester, Costa Mesa, spoke about parking at motels and rehab homes; the broadness of the Ordinance; appeals board; and the use of a return receipt. (02:32:01)

Discussion ensued regarding the words "defective" and "unsightly"; consequences; nuisance abatement; and an appeals board. (02:38:23)

Ms. Gerli provided an explanation of the Rules of Evidence. (02:45:53)

**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.

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Item to be considered at a future Council Meeting.

City Council recessed for a break at 9:16 p.m.

City Council reconvened the meeting at 9:25 p.m.

**2. CONTINUED PUBLIC HEARING FOR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANT ALLOCATIONS (02:56:54)**

Mayor Righeimer recused himself due to a conflict of interest as a Board Member for Mercy House. (02:57:12)

Staff report was provided by Mike Linares, CDBG Coordinator. (02:57:33)

Discussion ensued regarding the selection process; the order of voting on grant items; and funds. (03:02:15)

Kathy Du Vernet, Executive Director of Youth Employment Services, thanked the City and spoke about the organization. (03:16:01)

Billy O'Connell, Executive Director of Colette's Children Home, spoke about their program and matching funds. (03:18:23)

Olivia Tracy, Costa Mesa, spoke in support of funding the YES program. (03:20:48)

Dana Pitcher, Costa Mesa, expressed support for funding Colette's Children Home. (03:21:52)

Anthony Field, Costa Mesa, spoke in support of funding the YES program. (03:24:22)

Allison Harvey, Development Director of Mercy House, expressed support of the Homeless Prevention and Rapid Re-Housing Program. (03:26:30)

Rosie Rojas, Costa Mesa, spoke in support of funding the YES program. (03:28:29)

Ron Amburgey, YES Board Member, spoke in support of funding the YES program. (03:29:12)

Myrenna Ogbu, Council on Aging, spoke about the program and expressed her support for Council on Aging. (03:31:41)

Tamar Goldmann, Costa Mesa, expressed her support to fund each group. (03:34:56)

**MOTION:** Approve the CEO's recommendation of \$15,000 to Mercy House-Prevention/Rapid Rehousing.

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

The motion carried by the following roll call vote:

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

Noes: None

Abstain: Mayor Righeimer

Motion carried: 4-0-1

Mayor Righeimer returned to the Council Chambers. (03:38:05)

Council Member Genis informed that the amount of extra funding is \$63,000. (03:38:41)

Discussion ensued regarding the changes to the CEO's recommendation, and the difference between funding from the CDBG funds versus the General Fund. (03:42:24)

**MOTION:** Approve the following funding recommendations from Community Development Block Grant funds (CDBG): Alzheimer's Family Services Center \$10,000; Youth Employment Service \$19,000; Colette's Children's Home \$20,000; Elwyn California \$10,000; Community SeniorServ, congregate meals \$12,500; Community senior Serv, home-delivered meals \$15,000; Council on Aging Orange County \$5,000; Costa Mesa Senior Center Corporation \$10,000; Fair Housing Foundation \$21,000.

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

The motion carried by the following roll call vote:

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

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger

Motion carried: 3-2

**3. CONTINUED PUBLIC HEARING FOR FISCAL YEAR 2013-2014 FUNDING PRIORITIES FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) (04:10:02)**

Staff report provided by Silvia Kennerson, Management Analyst. (04:11:02)

Council Member Genis inquired on the two Code Enforcement Officers and if they are included in the Budget. (04:18:19)

CEO Hatch informed that the two Code Enforcement Officers are included in the budget. (04:18:40)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger: To approve the recommended action – minus the previously approved \$41,000.00 for Public Service Grants.

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

Motion carried: 5-0

**ACTION:**

1. City Council approved recommended allocation of \$1,376,094 for the Fiscal Year 2013-2014 Community Development Block Grant (CDBG) Application; and
2. Approved recommended allocation of \$343,315 for the Fiscal Year 2013-2014 HOME Investment Partnership Grant; and
3. Approved a simple interest of three percent (3%) on deferred payment loans due and payable with the principal at the time an assisted property is sold or transferred; and
4. Approved resolution to authorize the following:
  - a. 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
  - b. CEO to act in connection with the submission of the Annual Action Plan; and

- c. CEO to approve minor changes and provide additional information as may be required.

#### **4. ADOPTION OF THE FISCAL YEAR 2013-2014 BUDGET (04:19:35)**

CEO Hatch presented the report. (04:19:15)

Discussion ensued regarding savings. (04:33:15)

Council Member Monahan expressed support for the funding of items 12, 13, and 14. (04:35:11)

Council Member Genis spoke about volunteer coordinating at Talbert Park; and the Fire Side fund. (04:36:06)

Mayor Pro Tem Mensinger expressed support of funding for items 9, 13, 14, and 15. (04:38:30)

Discussion ensued regarding the savings from the unfilled positions that are budgeted and the attrition savings; Fairview Park lighting; and acquisition costs. (04:48:39)

Speaker expressed opposition to the lighting at Fairview Park. (04:54:25)

Flo Martin, Costa Mesa, expressed opposition to the lighting at Fairview Park. (04:55:40)

Lisa Manfredi, Costa Mesa, expressed opposition to the lighting at Fairview Park. (04:57:22)

Beth Refakes, Costa Mesa, expressed opposition to the lighting at Fairview Park; and spoke about reserve fund balance, and new video equipment. (05:01:05)

Cindy Black, Costa Mesa, spoke in support of funding the Aquatics Center; and spoke about security cameras at City Hall and Lions Park and lighting at Fairview Park. (05:03:25)

Richard Mehren, Costa Mesa, spoke in support of funding the bluff stairs at Fairview Park. (05:05:13)

Jay Humphrey, Costa Mesa, spoke in opposition to lighting at Fairview Park; and expressed support for the funding of items 12, 13, 14, and the bluff stairs at Fairview Park. (05:06:51)

Jeff Arthur, Costa Mesa, commented on the budget. (05:08:11)

Speaker expressed opposition to the lighting at Fairview Park; and expressed support for funding of items 12, 13, and 14. (05:09:55)

Discussion ensued regarding lighting conditions at Fairview Park; traffic and public safety; types of lighting proposed; and the costs to install lights. (05:11:10)

**MOTION:** Approved \$650,000 for the installation of lights at Fairview Park.

**MOVED/SECOND:** Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, Council Member Leece

Motion carried: 3-2

**MOTION:** Adopt Resolution No. 13-18, approving the Fiscal Year 2013-2014 Operating and Capital Improvement Budget; and directed staff to have a CIP study session in the Fall to review Project Nos. 1, 43, and 11; fund a part-time volunteer coordinator position; allocate \$35,000 to the Youth Basketball Program; and allocate \$50,000 to the fitness program.

**MOVED/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.

Noes: None

Absent: None

Motion carried: 5-0

**MOTION:** Continue the meeting past midnight.

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

Motion carried: 5-0

City Council recessed for a break at 11:59 p.m.

City Council reconvened the meeting at 12:05 a.m.

## 5. **ADOPTION OF FISCAL YEAR 2013-2014 APPROPRIATIONS LIMIT (05:36:19)**

Bobby Young, Finance Director, provided the presentation. (05:36:36)

**MOTION/SECOND:** Mayor Righeimer/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.

Noes: None

Absent: None

The motion carried: 5-0

**ACTION:** City Council Adopted Resolution No. 13-19, establishing the Fiscal Year 2013-2014 Appropriations Limit for the City of Costa Mesa at \$190,458,330 by using the County of Orange's population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

**OLD BUSINESS (05:37:35)**

**1. AWARD THREE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES (05:37:38)**

Staff report provided by Bobby Young, Finance Director. (05:37:45)

**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

Motion carried: 5-0

**ACTION:**

1. City Council awarded three (3) year contract for managed investment services to Chandler Asset Management, Inc. (Chandler) with an option to extend the contract in one-year periods, for a minimum of two fiscal years; and
2. Authorized City Chief Executive Officer to sign and execute the investment management agreement with Chandler Asset Management, Inc.

**NEW BUSINESS (05:42:31)**

**1. APPOINTMENT TO THE PENSION OVERSIGHT COMMITTEE (05:42:33)**

Staff report provided by Bobby Young, Finance Director. (05:42:40)

**MOTION:** Appoint Thomas Lightvoet

**MOVED:** Council Member Leece

The motion failed due to lack of second.

**MOTION:** Appoint Ronald Robertson

**MOVED/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.

Noes: None

Absent: None

Motion carried: 5-0

2. **URBAN MASTER PLAN SCREENING REQUEST (UMP-13-03) FOR A 38-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2023, 2025, AND 2027 PLACENTIA AVENUE (05:46:43)**

Staff report provided by Minoo Ashabi, Principal Planner. (05:47:05)

Council Member Genis expressed concern regarding the rear yard setback; suggested that it be addressed in the General Plan development on Placentia. (05:55:06)

Kim Prijatel, City Ventures, Vice President of Development, provided a presentation on the company and the plans for the proposed live/work development. (05:56:05)

Discussion ensued regarding a reciprocal easement with the adjacent property owner, parking, and the rear setback. (06:03:00)

Mayor Righeimer expressed concern regarding the surrounding businesses and the setback. (06:05:48)

**ACTION:** City Council provided feedback on the proposed 38-unit live/work project within the Mesa West Bluffs Urban Plan.

**REPORT – CITY ATTORNEY - None**

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

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

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

**November 18, 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 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 5:06 p.m. to consider the following items:

1. Conference with Legal Counsel - Potential Litigation: Two Cases, Pursuant to Government Code Section 54956.9(d)(4)

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

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

**PLEDGE OF ALLEGIANCE (00:00:20)** – Mayor Righeimer

**MOMENT OF SOLEMN EXPRESSION (01:01)**

Ryan Zuniger, Grace Fellowship Church

**ROLL CALL (00:01:52)**

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 (00:02:04) - NONE**

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

**ANNOUNCEMENTS (00:02:12)**

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

**PRESENTATIONS (00:04:31)**

Mayor Righeimer introduced Dannie Watkins, Commander of Chapter 752 Military Order of the Purple Heart. Proclaiming the City of Costa Mesa a Purple Heart City.

Dannie Watkin, Commander of Chapter 752 Military Order of the Purple Heart, informed all that they are comprised of 123 members and over 200 purple hearts combined amongst them. They are congregationally approved and are non-profit who work for the benefit of those that have been wounded in action. California has been proclaimed as Purple Heart State in April 2012. County supervisors worked on making the County of Orange a Purple Heart County and proclaimed the month of November as the Purple Heart month. Glad that Costa Mesa has made this proclamation and receives it honorably. (00:05:05)

Mayor Righeimer presented Dannie Watkins with the Purple Heart plaque and proclaimed the City of Costa Mesa as a Purple Heart City. (00:08:08)

**PUBLIC COMMENTS (00:10:53)**

Tamar Goldmann, Costa Mesa, spoke regarding the election and DUI patrols. (00:11:29)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team Trunk or Treat event. (00:14:41)

Chuck Perry, Costa Mesa, thanked the community for their participation at the Costa Mesa United Golf Tournament and spoke on the new street median on 17<sup>th</sup> Street. (00:17:56)

Sue Lester, Costa Mesa, spoke on the election; thanked Council Member Leece for her service; spoke on the Mayor and Mayor Pro Tem's lawsuit; congratulated Lieutenant Vic Bakkila who was promoted in Police Department; and congratulated Dan Baker who was promoted as Public Affairs Director. (00:19:07)

Susan Shaw, Costa Mesa, spoke on the election turnout for Election season; opposed to a charter and expressed concerns on the draught. (00:22:42)

Martin H. Millard, Costa Mesa, congratulated Mayor Righeimer on election victory and pointed out the positive changes in the City. (00:25:06)

Mrs. Drain, Costa Mesa, requested an independent forensic audit of the 60<sup>th</sup> anniversary expenses; and thanked Council Member Leece for her commitment to the Community. (00:27:17)

Gay Royer, Costa Mesa, thanked Council Member Leece for her service; and expressed the concern with the signal delay at National and Victory. (00:30:48)

Mary Spadoni, Costa Mesa, spoke on the elections; thanked Council Member Leece. (00:33:30)

Ann Parker, Costa Mesa, spoke about the Sober Living Homes Ordinance. (00:36:28)

Frances Woods, Costa Mesa, spoke about code enforcement violations and enforcement. (00:39:28)

#### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:43:18)**

Mayor Pro Tem Mensinger congratulated all the candidates; congratulated Estancia High School football team, volunteers and coaches; and thanked the Public Services Department. (00:43:26)

Council Member Genis spoke on the sales tax and raising the minimum reserve amount; and expressed her happiness that the City is now a Purple Heart City. (00:46:11)

Council Member Leece spoke on her appreciation that we are a Purple Heart City and thanked Staff who attended Camp Pendleton; addressed homelessness in Costa Mesa and thanked volunteers for their help; attended Working Wardrobes Organization at Los Amigos High School; Vanguard University has a program honoring Veterans enrolled; attended Native Sons of the Golden West acknowledging Estancia Adobe as a historical monument; acknowledged she is a supporter of the Police Association; spoke on the elections; requested an update on the CMCEA lawsuit that and expressed her honor to serve the City as a Council Member. (00:50:56)

Council Member Monahan thanked all the candidates that ran for Election; and spoke on the history of sober living homes in the City. (00:59:48)

Mayor Righeimer thanked those that ran during this Election season; discussed budgeting for additional staff in the Police Department; congratulated Lieutenant Vic Bakkila on becoming Lieutenant; addressed the Charter and understands the public is clear they do not want to be a Charter City; and stated that he was appointed a position on the OCTA Board. (01:04:54)

Mayor Righeimer requested that Mr. Tom Hatch report on the forensic audit. (01:11:56)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:12:03)**

CEO Hatch spoke on the Holiday closure for City Hall December 25, 2014 through January 2, 2015; Estancia Adobe is now a California Historic Landmark #227; spoke on reducing the impact of Group Homes in the Community; addressed the Finance Advisory Committees work on the Budget and Financial Policy document; and spoke in detail on the 60<sup>th</sup> anniversary event.

CEO Hatch stated that the forensic audit would have cost about \$70,000-\$80,000.

Mayor Righeimer suggested a Council Member would need to make a motion to spend \$70,000-\$80,000 to order a forensic audit.

Council Member Leece suggested Mrs. Drain meet with Mr. Hatch to clarify information.

Discussion ensued on a forensic audit.

**CONSENT CALENDAR (01:29:48)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 4 and 7.

**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

Motions 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 approved and adopted of same by reading title only.

**2. READING FOLDER**

- a. Claims received by the City Clerk: Enterprise Rent-A-Car, Interinsurance Exchange of the Automobile Club of Southern California, as Subrogee for Jill Pereira, James & Laura Bryan, and GEICO, as Subrogee for Jamie Leeds.

**ACTION:**

Received and filed.

**3. WARRANT RESOLUTION NO. 2525 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-21 "A" FOR \$157,350.30 AND 14-22 for \$2,143,406.15; AND CITY OPERATING EXPENSES FOR \$2,965,916.94; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2525, to be read by title only and further reading waived.

**5. MINUTES**

**ACTION:**

City Council approved the minutes of the regular meeting of the Costa Mesa City Council, and Successor Agency of: December 3, 2013, January 21, 2014, April 1, 2014 and May 6, 2014; and the regular meeting of the City Council and Successor Agency and the Special Joint Meeting with the Housing Authority of January 7, 2014.

**6. FINAL MAP FOR TRACT NO. 17705 FOR PROPERTY LOCATED AT 2294 PACIFIC AVE.**

**ACTION:**

City Council approved the Final Map of Tract No. 17705; and authorized vacation of a twenty-five foot portion of a thirty-foot wide public utility easement.

**8. ADOPTION OF THE FY 2014-2015 STATEMENT OF INVESTMENT**

**ACTION:**

City Council adopted Resolution No. 14-70 and Successor Agency adopted Resolution No. 14-71, to be read by title only and Further Reading Waived, approving the Statement of Investment Policies for Fiscal Year 2014-2015 and delegating investment activities to the City Treasurer.

**9. LANDSCAPE AND TURF MAINTENANCE OF PARKWAYS, MEDIANS, AND FIRE STATIONS**

**ACTION:**

City Council authorized the execution of an Amendment to the Performance Services Agreement with Midori Gardens, Inc., extending the term to February 28, 2015, in the amount of \$37,051.67 per month.

**10. LANDSCAPE AND TURF MAINTENANCE OF PARKS, FACILITIES, AND SPORTS FIELDS**

**ACTION:**

City Council authorized the execution of an Amendment to the Performance Services Agreement with SpectrumCare Landscape, extending the term to February 28, 2015, in the amount of \$29,560.53 per month.

**11. MODIFICATION TO THE BUSINESS IMPROVEMENT AREA (BIA) TO ADD BLVD HOTEL FOR THE COLLECTION OF ASSESSMENTS**

**ACTION:**

City Council adopted Resolution No. 14-72, to be read by title only and further reading waived, declaring the City's intention to modify the BIA to include certain hotels and motels in the area, and setting a Public Hearing for January 20, 2014.

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

**1. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM (01:30:10)**

Staff report provided by Ernesto Munoz, Public Services Director. (01:30:47)

Council Member Leece questioned the membership and how one is appointed for the Ad Hoc Committee. (01:35:01)

Public Service Director Ernesto Munoz spoke on the membership and the process. (01:35:39)

Mr. Munoz explained the incentive program and fees. (01:36:24)

Public Comments:

Robin Leffler, Costa Mesa, spoke on trip fees and supports an increase in the fees and that small developers should pay fees. (01:40:48)

Discussion ensued on clarification of a traffic impact fee; residential trips versus commercial trips; and the membership of the Ad Hoc Committee. (01:44:04)

**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

**ACTION:**

City Council adopted Resolution No. 14-73, to be read by title only and further reading waived; approved the continuation of the current Traffic Impact Fee of \$181 per Average Daily Trip (ADT) for new development in the City of Costa Mesa; and continued the incentive program for new developments by assessing Traffic Impact Fees on an incremental basis for the first 100 trips; and approved the annual accounting of the citywide Traffic Impact Fee Program.

**2. PROPOSED 393-UNIT MID-RISE RESIDENTIAL DEVELOPMENT, "SYMPHONY APARTMENTS" TO BE LOCATED AT 585 AND 595 ANTON BLVD.**

Staff report provided by Minoo Ashabi, Senior Planner. (01:52:56)

Discussion on the original and addendum to the program EIR and CEQA Guidelines provided by Shawna Schaffner, CEO of CAA Planning. (02:06:57)

Council Member Genis inquired about the anticipated population because it will be an important factor and the biggest issues are the recreational impact. (02:10:07)

Mayor Righeimer stated that per Ex Parte Communications, the Council Members have met with the applicant, George Sakioka individually, except for Council Member Monahan who has spoken to him via telephone. (02:11:28)

George Sakioka, applicant with Sakioka Company, thanked the Council Members and Staff for their cooperation and responsiveness. Introduced the speakers to follow that are working on the project. Noted that the proposal originally was for a 485 unit and 26 story building and has been reduced to 393 units and a 6 story building. (02:11:45)

Allen Hyden of Wilson Meany spoke about the project. (02:14:24)

David Sendten of KTG Y Group spoke about how the project integrates into the community. (02:16:02)

Mark Shatinger, Landscape Architect, spoke on the landscaping portions of the project. (02:19:02)

Public Comments:

Mary Spadoni asked that the open space be considered; and discussed the homeless; low income; and asked that Council reconsider the mitigated park fee. (02:35:15)

Jeff Cullen, Costa Mesa, spoke on parking concerns and the setback for the easement. (02:36:56)

Cindy Brenneman, Costa Mesa, commended builder on the project; concern with sidewalk setback and park fees but concluded it is a quality project. (02:39:47)

Jay Humphrey, Costa Mesa, discussed opportunity of a vacation of an easement; noted there should be more bike paths, addressed the park fees, and the increase of population. (02:41:36)

Beth Rafakes, Costa Mesa, commended the project, discussed that the park fees are needed as population increases and expressed concerns with setbacks. (02:44:45)

Robin Leffler, Costa Mesa, spoke on her concern with water conservation and the setbacks and added a sight study should to be conducted. (02:47:41)

Paul Sanford, Costa Mesa, spoke as the President of the Lakes Association which is directly across the street from the proposed project, discussed the walking area availability and density and commended the high quality of the proposed project. (02:51:07)

Council Member Leece questioned the guest parking. (02:53:20)

David Sendten pointed out the guest parking using the Power Point presentation and noted there will be guest and retail parking which is secured differently than resident parking. There are 132 spaces reserved for guests and retail and there are a total of 731 spaces required and the project has 722 spaces. (02:53:51)

Minoo Ashabi stated that the Staff Report includes the breakdown of the parking spaces. (02:54:38)

Council Member Leece asked if there are bike lanes near the area. (02:54:56)

David Sendten responded there are no dedicated bike lanes. (02:55:12)

Ernesto Munoz responded that there is a multipurpose trail designated on the Master Bike Plan. (02:55:21)

Mayor Righeimer stated he would like to address the public's comments, the project is favorable; however, the setback is close to the street. (02:56:15)

David Sendten responded that the building is placed beyond the 20 ft. setback. (02:56:56)

Mayor Righeimer asked if the building and patios could be pushed back. (02:57:14)

David Sendten responded that it will not be the best design solution. He commented that it is odd to have a 20 ft. setback of landscaping before a stoop or patio and reiterated that it is unusual to have a nothing allowed in the 20 ft. setback compared to other cities. (02:57:16)

Discussion with the applicants, architects and Council Members ensued about the setback and what is within that setback. (02:58:35)

Council Member Leece inquired about the upgrades such as water conservation plans. (03:02:30)

Shawna Schaffner responded that a water assessment was done and they are in compliance. (03:02:52)

Mayor Pro Tem Mensinger asked that the architect, if stoops were removed, everything all would be in compliance. (03:04:38)

David Sendten responded yes but added that the transition from stoop to door is very important. (03:05:01)

George Sakioka stated that they are not proposing to change the setback; but instead, asking to allow an encroachment into the setback. (03:05:22)

Mayor Pro Tem Mensinger requested drought tolerant landscaping. (03:06:35)

Mayor Pro Tem Mensinger discussed all the amenities available onsite and expressed that those amenities keeps residents onsite. (03:08:34)

Council Member Monahan spoke about the patio and stoops and added they are inviting. (03:09:12)

**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

**ACTION:**

1. City Council Adopted Resolution No. 14-74, to be read by title only and further reading waived, approving the Addendum to the Final Program Environmental Impact Report No. 1052 and Final Master Plan PA-14-11.

Mayor Righeimer spoke on the Park Mitigation Fees and explained the Quimby Act. Also that the City's park fee currently is \$13,800 and there is no park fee for an apartment since there is no subdivision map to associate with it. (03:10:41)

Discussion ensued about what the proposed park fees should be and the public space available on the project. (03:15:33)

**MOTION:** Mayor Righeimer moved the park fee to be \$13,800. (03:17:53)  
Motion died for lack of a second.

**MOVED/SECOND:** Mayor Pro Tem Mensinger/Mayor Righeimer: Mayor Pro Tem Mensinger moved that the park fee to be \$13,700 per unit. (03:18:06)

**SUBSTITUTE MOTION/SECOND:** Council Member Monahan/Council Member Genis: Council Member Monahan moved a substitute motion of a fee of \$1,500 per unit. (03:20:22)

Mayor Righeimer withdrew his original motion.

Council Member Genis withdrew the seconded motion.

**MOTION/SECOND:** Mayor Righeimer/Council Member Genis; Mayor Righeimer motioned a to Adopt Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,500 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property. (03:23:10)

Council Member Monahan stated he will not support the motion because the proposed fee is too high. He proposed a substitute motion that the park fee be \$2,500. (03:25:00)

**SUBSTITUTE MOTION/SECOND:** Council Member Monahan/Council Member Leece: Council Member Monahan moved a fee of \$2,500 per unit. (03:25:41)

Mayor Righeimer stated he will not support the motion. (03:26:01)

**SUBSTITUTE MOTION/SECOND:** Mayor Pro Tem Mensinger/Mayor Righeimer. Mayor Pro Tem Mensinger motioned to Adopt Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,000 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property. (03:26:09)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece and Council Member Monahan

Absent: None

Motion carried: 3-2

**ACTION:**

2. Adopted Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,000 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property.

City Council recessed for a break at 9:30 p.m.

City Council reconvened the meeting at 9:44 p.m.

**OLD BUSINESS (02:48:00)**

1. **SECOND READING OF ORDINANCE NO. 14-14 AMENDING CHAPTER IV OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE, ESTABLISHING A SENIOR COMMISSION THAT WILL SERVE AS AN ADVISORY COMMISSION TO THE CITY COUNCIL ON MATTERS RELATED TO THE OPERATION OF THE COSTA MESA SENIOR CENTER**

Staff report provided by Travis Karlen, Recreation Manager. (03:41:30)

Public Comments

Robin Leffler, Costa Mesa, supports a committee rather than a Commission. (03:42:46)

Council Member Leece stated that she will not support the motion because the Commission should not be paid \$100. (03:44:04)

**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:**

City Council gave second reading, to be read by title only and further reading  
waived and adopted Ordinance No. 14-14.

**NEW BUSINESS**

**1. HOST TOWN PARTICIPATION FOR THE 2015 SPECIAL OLYMPICS WORLD GAMES**

Staff report provided by Dan Baker, Public Affairs Manager. (03:44:35)

Mayor Pro Tem Mensinger stated that he attended a Special Olympics preview  
and asked if the Fairgrounds Committee has been approached for assistance.  
(03:51:54)

Dan Baker responded that it is in the works and the goal is to get all the tickets for  
free. (03:52:25)

Mayor Righeimer stated that money can be raised amongst people and  
businesses. (03:54:50)

Dan Baker stated that as soon as a Committee is launched there will be more  
opportunity to reach out for assistance. (03:53:46)

Council Member Leece asked if individuals can buy sponsorships. She pointed out  
that the School District Committees could assist and added that they will want to be  
involved. (03:53:54)

**MOVED/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 approved Staff to solicit sponsorship for the City's participation in the 2015 Special Olympic World Games.

**2. TWO MEDICAL MARIJUANA INITIATIVE PETITIONS QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, ORDERING ELECTION OR ORDERING REPORT; CONSIDERATION OF CITY MEDICAL MARIJUANA MEASURE(S)**

Staff report provided by Chris F. Neumeyer, Deputy City Attorney. (03:55:56)

Discussion ensued regarding loss of sales tax revenues; ordering a special election or adding the initiatives to the November 2016 election; litigation issues; competing measures; super majority vote for tax measures; and the Election Code versus the State Constitution;

Public Comments

Sal Tinajero, Council Member of Santa Ana, spoke on the legalization of Marijuana and Measure CC to regulate Medical Marijuana in the City of Santa Ana. (04:11:36)

Flo Martin, Costa Mesa, spoke on the issue and supports allowing Medical Marijuana dispensaries. (04:15:56)

Jeff Cullen, Costa Mesa, spoke for the Medical Marijuana initiatives; however, stated he does not want to see the City get into legal issues and incur legal fees. (04:19:26)

Harold Weitzberg, Costa Mesa, stated that he was part owner of a collective cannabis which helped patients with migraines, cancer and tumors; suggested creating an ordinance that can work for the City which will give the City full control. (04:21:02)

Sue Lester, Costa Mesa, stated she ran a Medical Marijuana collective recommended the City create an ordinance and select the 2016 option and pick a date. In the interim, work with the Police Department and other bodies who have firsthand experience with these types of businesses. (04:23:04)

Council Member Leece appreciates the time Staff and Council Member Monahan put into the previous ordinance but there should have been additional sessions held to discuss this item; she recommended more input by the residents in future discussions, and expressed her concern that Staff needs to work with the Police Department to obtain a understanding of the consequences if any one of these initiatives are voted on by the voters. (04:26:02)

**MOVED/SECOND:** Council Member Monahan/Council Member 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 accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding: An initiative to allow operation of up to eight Medical Marijuana (Cannabis) businesses in the City of Costa Mesa; and

**MOVED/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:**

2. City Council accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding: An Initiative to Allow Operation of up to Four Licensed Medical Marijuana Businesses in City of Costa Mesa.

Council Member Leece discussed how the initiatives will affect other agencies within the City and added they would all need to work together. (04:28:43)

**MOVED/SECOND:** Council Member Leece/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:**

4. City Council ordered a report pursuant to Election Code § 9212 for two qualifying medical marijuana ballot initiatives, a report for a proposed City's Medical Marijuana Ordinance, and a report on the City of Santa Ana's recently passed Medical Marijuana Ordinance.

Council Members and CEO discussed additional provisions to be added and reports from different Staff such as Police Department so costs can be discussed. (04:32:10)

**ITEMS REMOVED FROM THE CONSENT CALENDAR (04:37:21)**

**4. PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MEDIANS AND ENTRY MONUMENT SIGN (04:37:35)**

Council Member Genis stated she pulled the item because she opposed the reallocation of the budget. (04:38:10)

Discussion ensued regarding when the medians were worked on last; conservation measures; design elements; drought tolerant turf; and funding sources. (04:38:17)

**Public Comments**

Robin Leffler, Costa Mesa, suggested instead of reallocating money from the library fund, seek a grant or wait until there is money to dedicate to this project. She discussed the medians and recommended drought tolerant turf. (04:48:22)

Mrs. Drain, Costa Mesa, concerned that the library funds were used for this project and pointed out other medians in the City that need maintenance. (04:51:42)

Jay Humphrey, Costa Mesa, spoke that \$638,000 was reallocated for the project and concern with priority of projects. (04:52:46)

Cindy Brenneman, Costa Mesa, expressed her confusion on why medians are being replaced again and recommended instead, putting that money towards other areas in the City. (04:55:00)

Council Member Genis stated there was talk previously to finance the Fire Department. Concerned with excess money not being used for certain projects. (04:56:30)

Council Member Leece stated that she was disheartened and does not support that the funds were taken from the library fund and emphasized the library is a higher priority as well as the public safety, Fire Department, than the medians. (04:57:16)

Mayor Righeimer was supportive of the library funds and the money was moved because it was not being used and it will be replaced. (04:58:48)

**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 Rigeimer.

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

**ACTION:**

City Council authorized the execution of a Professional Services Agreement with Asakura Robinson Company, 445 Santa Ana Av., Newport Beach, California 92663, in an amount not-to-exceed \$68,350 for Design Services.

**7. PROPOSED 177-UNIT LIVE/WORK AND LOFT DEVELOPMENT AT 671 W. 17<sup>TH</sup> STREET (05:01:07)**

Discussion ensued with City Council Members and Gary Armstrong, Economic and Development Services Director and the Initial Study/Mitigated Negative Declaration and CEQA guidelines. (05:01:13)

Public Comments

Jay Humphrey, Costa Mesa, spoke about the noise mitigation and parking concerns. (05:09:28)

**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 Rigeimer.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved a Professional Services Agreement with PlaceWorks, Inc. (Consultant) and Westport Properties, Inc. (Applicant) in the Amount of \$86,165, to provide Environmental Consulting Services to proceed with the preparation of the Initial Study/Mitigated Declaration, provided that upon completion of all analysis no significant unavoidable impacts were determined; and authorized CEO to sign extensions or renewals of the contract

**CONTINUED PUBLIC COMMENTS (05:13:28)**

Cindy Brenneman, Costa Mesa, spoke regarding respect of Council Members; congratulated Dan Baker on promotion and thanked Council Member Leece for service on Council. (05:14:08)

Robin Leffler, Costa Mesa, thanked Council Member Leece for service and asked that the two Council Members drop the lawsuit against the Police Department. (05:16:39)

Anna Vrska, Costa Mesa, thanked Council Member Leece for service and requested legal medical marijuana invoices. (05:19:34)

**REPORT – CITY ATTORNEY – (05:21:30)**

Tom Duarte, City Attorney, provided an update on CMCEA lawsuit and noted that the trial date will be in April of 2015.

**ADJOURNMENT – To the Regular Meeting, December 2, 2014, 5:00 p.m. (05:21:44)**

The Mayor adjourned the meeting at 11:24 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk